CHARTER REVIEW COMMISSION

April 24, 1996 5:30 P.M.

Chairman Pappas called the meeting to order.

Chairman Pappas stated: I would like to welcome everyone this evening, and I will ask Commissioner Sullivan to please call the roll.

Commissioner Sullivan called the roll. There were seven Commissioners present.

PRESENT: Commissioners Dolman, Dykstra, Lopez, Pappas, Shaw, Stephen, and Sullivan.

Chairman Pappas stated: This evening we will be hearing from different representatives from Labor Union affiliated and non-affiliated. But before we begin that portion of the agenda, I would like to invite our former City Coordinator, John Snow, to come forward and share his thoughts with about the City Charter, and maybe even some of his experiences. And, maybe no. Anyway, John, thank you for coming and welcome.

Discussion with John Snow.

Mr. Snow stated: Well thank you, Toni, I am very happy to be here. I just have one or two comments, and then I am most anxious to deal with questions, since I am assuming that you want me here to talk about things that you want to talk about, not necessarily what I do. First of all, I would like to say that there is not a word in the Muirhead Report that I do not agree with. I agree with every recommendation that is in there. I think that they did a fine job, they spent a lot of time, a lot of people were involved, they got the advice of a great number of

people inside the City and outside, and I think their conclusions are not only appropriate but well thought-out and hopefully the Committee, the Commission has spent a lot of time on them. However, there are a couple that are - kind of go either or and maybe you ought to do this, and maybe you ought to do that, that I will address just to kind of warm-up the conversation. The first either or that I would like to refer to is the either have a strong mayor or a city manager. I certainly agree with that recommendation, but I would urge the Commission to consider very strongly a City manager, particularly under the conditions that the Board of Mayor and Aldermen operate on these days, and by that I am referring to the partisanship of the Board, and the term length of the Board. In my - were those two things to stay as they are, I think the City of Manchester should have a City manager. Under those conditions, I found, in my time with the City, that to maintain forward movement on anything on any significance was very, very difficult, with those two factors present at the Board. And the partisanship occasionally got into the picture, which was disappointing, because I am not sure partisanship helps us anywhere in this Country, but certainly not at the city level, where it seems to me we can get along very nicely by addressing local issues without that complicating the process. The term issue is also a problem, it seems to me. As long as you have two-year terms with everybody up for reelection, without exception, it becomes very difficult to go through the process of developing the consensus that is necessary to do things in government, which I agree with. Then, once you think that you are at that position have to deal with many instances a Board made up of totally new people who are wondering why are we here at this point, and I want to know - learn a little more about it, and I want to agree, so you kind of almost start all over again, and I think it sets back an awful lot of things that could happen for the best interest of the City, because of those kinds of issues. Also, on the - were - I might finish up by saying, were the partisanship and the term issue to be dealt with by eliminating the partisanship and extending the terms to four years, I could have a different opinion on that. Let me just address briefly, some of the points that the Muirhead work suggested that you look into. One is the sale of the distribution aspect of the Waterworks and the sale and independent establishment of an authority for the airport. I believe that looking into the airport issue is a very important one, and not necessarily for what prospects it may or may not have for the City to obtain some return on its investment there, which I do not think is going to be all that substantial if I understand the rules correctly, but for the appropriate and effective management of the airport, I think that it would be important for it to

reside in an independent authority, where they did not have to deal with, in this case, two local governments, Londonderry and Manchester. And finally, let me just comment on the School Department recommendation. I do not think that there was anything that discouraged me more than to go through the budget session with the Board of Mayor and Aldermen when that was about the only time they addressed school issues. And, it almost seemed, unless you understood the context, which - you know - not a lot of people, in my view, do, that the schools, and in particular, the teachers were the enemy. And I just think that that is a tragic position to even imply that they hold. I often comment that - and I cannot imagine - most people do not have this experience, that there are two groups that had a lot impact on my along the way - One group was my parents and family and the other group were the teachers and coaches I experienced. I just do not - I cannot imagine anybody would not have had the same experience if they were asked. And, during the budget process, simply because of the nature of the process and the fact that the schools are such a large element of the City financial question, I hate to see them in that posture, once a year during budget time. I think that if the School Board were looked upon for being responsible for their activities, operations and their financial inter-workings, they would do just that. There may be a period, an uncomfortable period of transition, perhaps, but I think that the citizens would perhaps pay more attention there, at the school level, the School Board level, when it comes around to budget time than perhaps they do today, knowing that the Aldermen have the - not only the final word - but the final word and a fair amount of detail on that budget. So, I think that that approach, ultimately would be in the best interests of not only education and school interests of this community which cannot be underestimated, but also for the sake of the School Board itself. I think it will become automatically a stronger and more effective group of people. Okay, that is really all I had to say, to kind of warm up the session, Madam Chair, and I will take it where you would like to.

Chairman Pappas stated: Oh that is great. Thank you for covering those points. Are there any Commissioners that have questions? Commissioner Dolman.

Commissioner Dolman stated: John, I just want to make sure that I understand you correctly. So you are saying that you would like to see it - the School Board be autonomous.

Mr. Snow stated: Yes.

Commissioner Dolman stated: Setting their own tax rate, and so forth.

Mr. Snow stated: Well, yes - I think the Muirhead study spells out the legal process there in terms of the Aldermen having a cut, in terms of pulling it together, and obviously there has got to be coordination there. I mean, there are capital expenditures, those kinds of things that have to be folded in, I am sure, in a coordinated fashion. But I am in favor that the recommendation that the Muirhead group made on that subject.

Commissioner Dolman stated: The other question is the term of the Aldermen. You say a four-year term. Again, would you see [sic] that every Aldermen be elected every four years or would you do it on a stagnant [sic] basis, you know, staggering it?

Mr. Snow stated: Yes, I think that staggering it could be an interesting idea. I am not aware of that occurring elsewhere, so I suppose that it is a little bit of a experimentation there, if you were to go that way. But, I think that a staggered term can be very helpful, not only in a governmental situation but in any kind of a board arrangement. So, I would say, yes, if that was something that could be worked well, I think that it would be a good idea. I also - and did not mention the at-large recommendations. I think that that is also an excellent suggestion that I would hope that you would consider to be that. My experience with the Board of Mayor and Aldermen is that they are interested certainly in the total City, and I think that if there was any impression that I came away with after my three years with the City is that the Aldermen had a very, very sincere feeling for the welfare of the City. On the other hand, they are elected by ward and must pay attention to the aspect and in fact, as I - when I oversaw the CIP process, which is the planning for capital expenditures, I was asked to develop a report that showed, by ward, how those capital expenditures were allocated over the last several years, so - That does not totally twist the process, but it is a factor that is disappointing. And, there are of course other elements of that kind of connection that I think an at-large complement on the Board, and I though Muirhead's recommendation on the size of the at-large group, relative to the total Board, was a good one.

Commissioner Dolman stated: On the at-large, just to follow-up that at-large concept. I have asked everybody, so I have to be consistent. When you say, "at-large," should it be City-wide at-large or should it be regional at-large. When I

say, "regional," I mean one for every section - geographic section of the City, one for every three wards, approximately.

Mr. Snow stated: I guess I do not have a strong feeling on that, Steve. I guess when I thought of at-large, I thought of City-wide.

Commissioner Sullivan stated: John, if you were to define what the City Coordinator's job should be, as opposed, perhaps, to what it is, but what the City Coordinator's job should be, how would you define that?

Mr. Snow stated: Well I think that the City Coordinator, in the governmental structure as it is now established, assuming you are asking the question within that context, is a position that can move forward with what I consider to be initiatives. New initiatives of the City. It has, as you know, no management responsibility, per se, and in terms of moving forward with new initiatives, whether it be looking at the ambulance contract or the issue of solid waste, or any number of other - the issue of helping with volunteer committees in the community to work on things like the Muirhead program [sic], or in-town management, or any number of those kinds initiatives that I think a City like this must have some capability to pursue, I think that the City Coordinator is a natural to do those things. And, I think that over the years that has been essentially the way that City Coordinators have operated, at least to my knowledge. And, it seemed to me that, although nobody reported to the City Coordinator, per se, I mean - it - a small reporting responsibility along the way, but nothing of any great substance - And, the job description in the Charter would indicate that the City Coordinator ran everything, in fact it runs nothing. It is an accepted position by the City department heads, I think mostly because they know it is a necessary one. And, I always found a very high level of cooperation from City department heads and acceptance of the role of leading initiatives, that their department might be a substantial part of or a relatively small part of, but did require more than one department to be in the picture in order for the initiative to be pursued, and I think that that is the kind of a role that the City Coordinator can and should take on.

Commissioner Lopez stated: In reference to the Aldermen, to the four-years - Would you also recommend that to be the School Board, too?

Mr. Snow stated: Yes. Yes. I must say I have not given a lot of thought to that,

Mike, but I say yes. I think the two-year terms make it very difficult. One of the things that struck me when a new Board was established, particularly one that had Aldermen that had not served before, was that they found themselves literally overwhelmed with the complication, particularly of the financial issues that the City faces, which are not easy - I mean, they are very, very tough ones. And to understand the financial aspect of the City is a difficult thing and although there were orientations that we carried on, there were clearly - thus - just scratching the surface and they needed a lot more detail in order for an Aldermen to really feel he understood, or she understood, her role in that function or really understood the ins and outs of, for example, a City budget, much less any other things that were going on at the time, and it takes time to do that. It takes time for anybody. I was a full-time employee and it took me a long time. I had the help of Carol Johnson, which accelerated my learning process, but - You know, working on it full-time takes a while to get it to sink in, and I think that if you are working the way the Aldermen are, essentially as volunteers, they need time to feel comfortable with the issues. So yes, I think in both cases, a four-year term is a good idea.

Commissioner Lopez stated: And what - On the City Coordinator's position, you already indicated that you worked with the department heads very good, and I know from personal experience that you have in the Parks, anyway - How did you find the City Coordinator's position of reporting to the Board or being torn apart between Mayor or Board, or - Who do you think that your boss was?

Mr. Snow stated: You know, that is an interesting question. First of all I might say that I also saw the City Coordinator as the focal point for department heads that wanted to get something done and they could not do it themselves, or just wanted somebody to ride shotgun with them through a process of change that they were moving on themselves, and that was particularly the case with Ron at Parks and Rec at one point, but I think it also can be - and I think over time that I was here - it did become - and I am virtually certain it was when John Hoben was here, the focal point for the Board of Mayor and Aldermen, as well, for information, for comments on different things that were happening, and perhaps advice along away - I thought my boss was the Board of Mayor and Aldermen, and it was an interesting experience. I did not like the partisanship aspect of it. I remember when my - I fulfilled, initially an unfilled term, and after two years faced the reappointment process - my recollection was that the republicans thought I

spent too much time with the democrats and the democrats thought I was in the back pocket of the republicans, and I am not sure whether that was success or failure, but I mean - it kind of reflects the issue, and I think that it is the kind of thing that without the partisanship could be helped. I think that it would facilitate the effectiveness of any employee of the City, quite candidly, much less the City Coordinator. I hope I answered your question. If I did not, I -

Commissioner Lopez stated: How would you, if you could offer any advice in the area of an Aldermen coming aboard, as you indicated, and then you have got to go through the whole process again - How does one combat that? Is there - is there training things that maybe we - should be set-up, or what? - Understand my question -

Mr. Snow stated: I think that any Aldermen, a new one or one that is going through - say the budget process, again, after having perhaps months where they were not doing it, should spend a lot of time with the finance people, and if they find it helpful, have the City Coordinator there as well. In my case, I enjoyed tremendously working with Kevin Clougherty - I think that the City is extraordinarily fortunate to have a man of his quality, competence and integrity in that position, and I had a financial background, so I think that he was reasonably comfortable to have me in his forum when he discussed things - But I - I would always urge, perhaps not as much as I would had I to do it again, but I would always urge a new Aldermen to sit down with the Finance Director and the City Coordinator to talk about a budget process, where responsibilities lie, how numbers get pulled together, what the numbers meant, what the impact of a proposal would be, or in the case of an initiative that the City Coordinator was pursuing almost invariably, the Finance Director would be part of that initiative, since it almost invariably had financial overtones, and to sit down and be certain that they understood where those initiatives were, why we got to where we were, and where we were heading with it. Not only for purposes of becoming well informed, but for purposes of making comments and giving direction if they felt that way. So, I would urge that the orientation which is offered, which really covers a couple of hours of time and a tremendous scope - I often tried to imagine myself in their shoes during this orientation, and I know that I would not have come away feeling comfortable that I understood what I went there to try to understand, that further follow-up was absolutely necessary, and I think that those two functions are particularly appropriate if you are looking at things that involve

the total City. Obviously other department heads are very, very helpful in their area of activity, and each and every one of them have activities which are not easy to understand or appreciate, and it takes time to do that, so I guess I would - I would start perhaps, for purposes of an overview, with the City Coordinator and the Finance Director, together, and then move from there.

Commissioner Dykstra stated: Thank you, Madam Chairman. I apologize for being late. Mr. Snow, I do not know if anybody asked you this, but - somehow I would not think, so - You had stated that the Board of Mayor and Aldermen basically are the people that you will answer to. In the Charter it even allows the Mayor to assign certain things to you solely, you know - and has that ever happened, and even it if has not, can you tell me in what instance that the Mayor alone would basically direct you to do something without the Board of Mayor and Aldermen?

Mr. Snow stated: Well, there were many instances where he asked me to be the chair, for lack of a better term, of a group that looked into any number of issues. I am not aware that he spoke to the Aldermen about it, but it seemed to me to be a natural direction for him to go in and I never had the feeling that the Aldermen objected to it. If they did, I suspect they would have told me. I think that there is a natural - that that is a natural direction to go in when you are speaking of initiatives, within the City. And, because, there is really nobody else that is an obvious direction to go - And, hopefully the City Coordinator is an individual that has the confidence of the full Board and that they have the feeling that the City Coordinator, being in the picture will bring them an objective - fair assessment - of whatever it is the issue is. I have the feeling that that was the case, when I was involved.

Commissioner Stephen stated: John, in your dealings with the Commissioners, did you find yourself having any obstacles at all? Do you think that the commission system - I know you really did not expand on that part - should be reformed in any way? That is my first question.

Mr. Snow stated: Well, I agree with the Muirhead question. I think that the commissions are an anachronism - Perhaps - The troubling element of coming down hard on it in my view is that I think having citizen involvement can be very helpful in departmental activities. Unfortunately, I think that the commission

situation in the City over the years, or for whatever reason, has become a director of its own and without the Mayor being able or - in this particular case - under the present system that we have - the Mayor being able to have direct access for purposes of direction to many of the important, most important in many ways, City departments, I think inhibits effective management of the City. And, I never personally experienced a problem, but I do not think that the role that I had necessarily would. But I do think that watching how they interfaced with the Mayor on several instances, I felt that their reaction and actions under those conditions were detrimental to what would otherwise be an effective management effort on the part of the Mayor.

Commissioner Stephen stated: My final question would be, there is a vacancy currently in that - this position - City Coordinator - And, I guess it has been that way for some time. In your opinion, based on your duties and your experience, is that in your opinion, very detrimental to the City to have a vacancy for a significant period of time? Should there be some provisions where there should not be a vacancy? Or, can you just maybe expand on that issue?

Mr. Snow stated: Well, I think that under the current organizational structure, where the Mayor operates on the basis of persuasion - that is the way that I always put it. He does not have direct management responsibility for departments, and there is no City Manager, that I think that the City loses opportunities to either move - continue to move initiatives forward - or to establish new ones as the requirements occur, without a City Coordinator, yes. On the other hand, I do not believe that the present organizational structure of the City is the appropriate one, and I am assuming that you got that from my support of the Muirhead Commission Report. But, under the current circumstances, I think that - it is a position that probably needs to be filled, yes. It is not an easy one to fill, my friends. It is a - It is an interesting role, and - so - and I am not surprised that it takes time to fill a spot like this, with the kind of a person that you would feel comfortable with - but - ahh - So, it is not surprising to me that it has taken a while, but - If the City were to reorganize along the lines of the Muirhead recommendations, then it would seem to me then it becomes academic.

Chairman Pappas stated: Further questions? Thank you very much, John. You have been very helpful.

Discussion with Connie Roy-Czyzowski.

Ms. Roy-Czyzowski stated: I am Connie Roy-Czyzowski. I have been with the City of Manchester for fifteen years in the Personnel Department. When the non-affiliated representatives were asked to speak, we toiled about what we would say, because we were not sure that we were being asked to speak personally or on behalf of our group, so we are going to do a little bit of both. On a personal note, aside - We have not polled our members as to how they felt about the Muirhead Report, but I have to say that, having been at that presentation, and having read the Report in total, that I have to agree with all of the comments that John Snow made. I think that it was a really well done, thorough report, and that it had some excellent recommendations. Who are the non-affiliated employees? Non-affiliated employees are in every department in the City. We are the department heads, the mid to high-level managers in the departments, the employees who make up all of the support departments, like info systems, finance, personnel - Everyone from programmers to the clerks. We are represented by also about a hundred school food and nutrition workers in the School District. In the last several years, our group of employees have experienced what other groups of employees in the City have experienced. Some serious low moral, lack of recognition, lack of communication, lack of training, duplication of effort in some cases, sometimes in resulting in a lot of stress - lack of commitment, perhaps attrition - Attempts to address this have occurred, and the latest one being the movement by the Department heads in the City, called the Quality Management Team. The Quality Management movement mimics in many ways the labor management movement that arose probably five or six years ago, in which both labor leaders in the City and department heads and other mid-level worked. We had hoped to address a lot of the concerns that - We did not have the funds. We wrote a grant, it was not funded, and therefore the movement sort of died. This is the same movement, it is the same language - just different people, and the same focus. This Labor Management - or this QM movement hopes to address some of the problems that I discussed. The non-affiliated employees want to see the City prosper. We want to be part of that movement. We want to support and cooperate. We feel that the City does not run well in spite of its employees, it runs well because of its employees. The issues that we feel need to be addressed are fairness and equity as it concerns all of the employees. It does not help to have certain groups of employees treated differently than others. We think that recognition of hard work needs to be

completed - Money is not the main solution, and I do not believe that we have explored all of the potential solutions. We feel that there needs to be better communication from the top down and across the department lines. Employees who feel that they are a vital part of the organization, we feel, are more productive workers. They feel that they matter and when their efforts are recognized, they care more about providing good service to the citizens of Manchester. If quality management or TQM or labor management cooperation is where we wish to head, there has to head, there has to be some serious involvement, encouragement, and cooperation from the City's leadership. It needs to be - there needs to be direction and commitment from the top. There needs to be some commitment in terms of training. Commitment sometimes is money. There needs to be City-wide management and supervisory training on all sorts of issues. The non-affiliated employees feel that they are partners of unionized employees. We work together side-by-side in our departments. We are eager to see the City's leadership join us to make the City prosper. I am going to turn this over to Jennie -

Discussion with Jennie Bieniek.

Ms. Bieniek stated: I am Jennie Bieniek. I am with the Information Systems Department, and - You really asked me to express the City employees - the non-affiliated - and actually, all employees support for the automation and the - some of the forward thinking projects that we have been doing. I apologize, I only brought one copy of this - if you want to pass it around - just to see - I know that project has a lot of boxes, just pretend all of the boxes are buildings. This is a project that is part of the automation upgrade. We are upgrading the mainframes, we are upgrading the micros, and putting in a metropolitan area network that will cover - connect all of the administrative buildings, within the City. On that project there are twenty-one buildings that we are connecting. This project should be - for the most part - implemented and completed within the next three to four months. And, the reason that I am bringing this up - with this change we are - the City is migrating over - they are putting in the latest and greatest PC's, we are upgrading to mainframes and stuff, and as Connie has mentioned, training and staff development has always been a problem, and we are putting in all of this new technology - And with technology, there has to be training. And, training - All different types of training, and City employees have this commitment, and they want to do the best job that they can, and one of the examples that I want to show

you is - is in trying to address training needs, one of the things our department has done - is - in the last three to five weeks, we have started this lunchtime video series. We have these videos that are pretty good on standard desktop, like Microsoft Office, Excel, that kind of stuff - and we have got a schedule that we are running for lunch times. And, as people come to Info Systems at such-and-such a day, we are running this for lunch and we have run twelve sessions in the last five weeks, and we are averaging ten to twelve employees per session. They bring their lunch - a lot of them this is actually their lunchtime. They are really - some of them are doing this on their own time - this is not regular City time, and the reason that I bring this us is to show that there is this commitment to a lot of - by a lot of City employees to support the direction that the City wants to go to do the best job that they can. And, one other thing that I would like to point out - that a problem we run into, is - okay with this, for example, with this project that we are doing, we are spending a considerable amount of money - And, the questions - as someone designing a system like that - that I have ask myself, is, okay - Do I want to make this connection the cheapest connection to save the taxpayers money? Do I want to make it the fastest connection so that the employee can do the work faster? Or, do I want to add a little something extra that is going to cost more money but we can do better customer service, more service to the taxpayer? And, without an over - We do not seem to have within the City an overall direction, an overall goal, something that the City is trying to accomplish, you know - as an overall - so I am making my own best judgment of what I think is appropriate, but I may be doing something that is hindering somebody else who is doing something over here, who is also making their best judgment of what is appropriate. But, since we do not have this overall plan we are all operating kind of in vacuums. And so some of the systems I make, could very well hinder what somebody else is doing. And, while we are both trying to do the best job that we can, if we had some more coordination and if the City had a plan that we could say, "Okay, if I do this, does it fit into what the City is trying to do?" Or, "Does it promote what the City is trying to do?" And, we find that is - is a hinderence. And also, and - we are also always trying to second-guess what is coming up with the next administration, what projects they want to do, so we make sure that we can accommodate them. And we have this all set-up, ready to give the final equipment list to the vendor, to sign the contract, and yes - I know these moves have been decided not to do it - but we are ready to go, and then I read in the paper that they are talking about moving health and elderly to here and there and stuff - and we are like - okay. So it just - you know - short - the

overall - the overall goal - and so - but that is where we are on the automation and City employees are excited about it, they are - feel that they are finally getting current state-of-the-art tools, and - This has been a very positive thing within the City.

Discussion with Joanne Shaffer.

Ms. Shaffer stated: My name is Joanne Shaffer, and I am from the Finance Department. I am an employee of long-standing here. I do not even know if I should mention the amount of years, because sometimes I am proud of it and sometimes I am embarrassed even to say. But in any case, as you can see, we are just ordinary people from ordinary departments in the City of Manchester, and part of the problem there - (inaudible) that most of us are not politically astute, because we do not get in the political arena to see what happens, as she was saying, on the political side of the operation. We are intent on our responsibilities and what we are going to be accomplishing, each at our own levels. And, - same thing. We were not exactly sure what you were looking for in terms of what we should say - or - speak to, so we kind of came up with a few - a generalization of things that we think are things that could improve the overall stance of the City and all of the employees that work for the City. And, we thought that if you wanted some of those topics to be expanded on that we would be glad to come back at a later date if you were going to do some type of a forum, and so forth, but we thought that you were going to be policy level, so maybe some of those little particulars that drive all of us batty - (inaudible) us on a daily basis, are not the types of things that you want to really hear about. However, as Connie mentioned, our group has a large diversity of people included in it. We basically have all of the leftovers from all of the units that are not bargaining units. So, as we have a great diversification from school food and nutrition workers to department heads, so you have - you know - there is large window in between of people who are committed and have different types of job responsibilities. Now, the individuals, by virtue of the responsible positions that they hold, we have found for the most part, are solemnly committed to their jobs. Some of us realize that in years past there were certain employee characterizations that were made because of the fact that we were considered "governmental" or "municipal" employees. I think that in the last few years of changing times, I think that all of that has ceased to exist. I think that most people are proud to be governmental employees because we seem to have surpassed in some instances what some of

the private industries are doing, which once upon-a-time we did not feel that we were doing. And, especially with the onset of this - these technological advances, the information systems, is going to be doing over the next few months and - couple of years, I am sure - because it is going to be a large implementation process. We are hoping that all of the systems, City-wide will be integrated and interfaced automatically. Right now we are working on a level that is being hampered because there are so many separate systems throughout the City. So, everybody has to wait for information - the information is not gathered as readily as it could be, but hopefully that will be addressed with this policy change that is being made. Most of us have pursued additional educational opportunities and the ability for self-improvement and career development is still a driving force for each of us, I think, in our own areas of expertise. Because, as we said, too, we are members from all of the departments in the City, so we have a wide variation of interests and responsibilities, so something that Connie is interested in on the personnel and family issues matters, she is intent on keeping abreast of all of the latest developments in those particular areas so that she can keep all of the City employees informed. Jennie, of course, is in the technological area and I am in the finance area, so money and figures, of course, are what I am interested in and all of the latest developments in those regards. And in that way, with this continuing - with these continuing developments, we hope to be competitive and provide efficiency at all levels which then works up through the hierarchy of the ladders of government and can be reflective of the City of Manchester that we are all proud of. However, there still are many failings and shortcomings that - you know - could be addressed, and - you know - are brought to the forefront now and then, and I know that it is difficult to deal with some of these issues, because there are such a large number of individuals and such a wide number of opinions. Training programs, safety and health programs need to be continued, on-going to provide information not only to new employees that come on-board, but to those of us who are here, because we do not have time to read up on health issues all of the time, so we are intent on somebody else taking care of those matters and keeping us informed as to what exactly is happening in those arenas. It is essential to keep the information networks alive because communication is a great contributor to the continuance or the change of direction, if that is what is necessary to make this a better City, not only from the management standpoint, but also to live in. Now, of course - now we come to the labor and management relationships, which basically is part of why we are here. There seems to be a big black hole in the government right now regarding the labor and management

area. There have been contracts that have not been settled for years. This is, as far as I am concerned, detrimental to the whole operation of the City, the whole standard by which it should be living, and it also has a direct effect on employee moral. Now, I realize that there are different groups here, because they are all representative of different factions of labor, and so forth, and I realize that there is a need for some type of - for some groups like that, because they have to address specific needs. However, when we talk about cost-of-living increases, or the benefits area, that is someplace - an area where we think that some of those things should be standardized, and I am going to use - just - you know - just a simple little phrase to make the point. Cost-of-living increases have not - in - have not always been given to - in the same percentages to all of the various groups in the City. You know, there have been times - when - (inaudible) three-year contracts, and you had three different groups that got different percentages each on an annual basis, and they were all connotated as cost-of-living increases. Well, if they were all cost-of-living increases, why were not the same amounts given to each group? It cost a fireman, a policeman, a teacher, an accountant, and a clerk the same amount of money for a loaf of bread. So, why the different area of percentage when you are handing out those increases? Then of course in the fringe benefit arena, some of us have recently settled our contracts and gotten a new health insurance provider. Well, instead of trying to give this group that provider, or this group that provider, why not set-up some type of cafeteria-style fringe benefit arrangement which the non-affiliated group has been talking about for years, but has always been met with a little bit of fear and hostility from anybody that we ever tried to approach with that idea. This is where we need to come into the twentieth century. Some of this more current thinking about how some of these things could be operative, it could be beneficial not only to management, but also to labor - might be helpful somewhere down the line. Now, because I am a Finance Department person, I cannot help but bring this up, but - The City sells bonds and so forth for capital projects on various occasions, and that is part of my job, is overseeing some of that particular operation. Now, when we go to Moody's to get a credit rating it - on which - the rate that we are getting for selling these bonds is going to be dependent, you need to show all different types of facts and factors regarding your City that will indicate to them that you are - that you have great credit worthiness, and - in, of course, the last few years when we have gone down there, one of the biggest failings of management is the fact that all of the labor contracts have not been settled, and that is a mark that is held against you. So, not only does it effect

employee moral, budgetary constraints, or increases at the local level, it also has a great basis for how you are perceived by those on the outside. And I brought a copy - we did a bond sale last year, October 11th of 1995, and this is Moody's Municipal Credit Report - and the sentence, we have a "double A credit rating," which we are extremely proud of, and it is due to the fact that we have shown ourselves to be very fit in all other financial areas, that we have retained that. The - one of the sentences in one of the paragraphs here reads, "The key to the City's future credit rating is management's ability to maintain its recently acquired financial flexibility in the face of fiscal challenges which include a declining tax base and the uncertainty presented by a host of unsettled labor contracts." So, anything that is left unsettled, especially for the longer durations of times that some of these contracts have been left unsettled is considered a liability in the City's regard. And so, on that note from my level, and from my job standpoint, I have to say that I think it is of extreme and utter importance that some type of standardization be developed or accepted somehow, in the years to come, to see that all of these are settled on a timely basis. - To see that all of the groups are handled in a more equitable stance.

Chairman Pappas stated: Okay. Thank you very much. That was an excellent overview and we appreciate the work you do. Are there questions? Commissioner Shaw.

Commissioner Shaw stated: In Section 8.12, Permanent Employees. It talks about sick leave. If the Charter Commission took out that section, how would you feel?

Ms. Shaffer stated: If you deleted it altogether?

Commissioner Shaw stated: Guaranteeing you - guaranteeing you certain rights to sick leave - taking it with you - accumulating it. There has been talk that having a sick leave phrase in a Charter is not correct. I am not saying that I agree with that, I would just like to know what you think - As employees.

Ms. Shaffer stated: Well, from my standpoint, when we went through our last - The last contract that we set, and we were trying to determine exactly what it was that we were going to go after - One of our suggestions was to reduce the sick leave. We tried to come up with innovative suggestions, because we knew that

the City was under budgetary constraints, and what we wanted to do, was we wanted eliminated these large accruals and put in a disability clause there, so that we would have a small amount of sick leave for the short term - However, if you were out for an extended period of time, you would revert to disability. That would eliminate the sick leave bank that is currently in existence, and of course, reduce all the accrual of all those benefits.

Commissioner Shaw stated: So you think that it should be out of the Charter - so you could - write your own?

Ms. Roy-Czyzowski stated: Um-hmm. We would be able to have a more fluid benefit plan that addressed the needs of the employees. We have a sick leave article that protects us in the short-run, but gives us absolutely no protection in the long-run. So, it would be better in a place if that were in a place that it could be changed.

Commissioner Baines stated: What would preclude the Board of Mayor and Aldermen from eliminating the sick leave benefit altogether if we take it out of the Charter?

Ms. Roy-Czyzowski stated: I guess - I would think that they would have to think about the employees in that regard. If you are going to eliminate something like that for all of the employees, I am sure that there would be a virtual uprising out there. I do not think that anybody would show up for work the next day. I think that most of us are committed to our jobs, but we know that we have a certain amount of benefit standing behind us to fall back on in the event of emergency or sick leave.

Commissioner Baines stated: But I am assuming that this was put in here to protect the non-affiliateds, because the Unions have these - this type of language.

Ms. Roy-Czyzowski stated: Um-hmm.

Commissioner Baines stated: So that protection would be lost. I just - I am just curious why you supported that.

Ms. Roy-Czyzowski stated: I think all of the benefits that we enjoy are informally

negotiated and obtained through a resolution, and that resolution is our written contract with the City and in that form, I would think that the employees would have to agree to make the changes. I do not think that it is something that the City could impose on employees without - Carol is saying that it is - I believe there -

Commissioner Dolman stated: - I think it is too -

Ms. Roy-Czyzowski stated: Well I think that an oral or written contract that you made - make with employees is not something that you can, you know - toss in the trash.

Chairman Pappas stated: Did you want Carol to add something?

Ms. Roy-Czyzowski stated: Carol, go ahead -

Clerk Johnson stated: My understanding - I am not an attorney - but my understanding is that is the exact reason why it is in the Charter, is for the protection of employees. I do not know if that - if it were - if that language were removed, that there would be any protection if the Board decided to eliminate it - it could so do it -

Commissioner Dykstra stated: They cannot do it in the Charter -

Commissioner Shaw stated: Can I ask - Just to come back to that, if I might, on his behalf - Longevity, since sick leave could not be taken away because it is an oral contract, what about longevity for City workers?

Ms. Roy-Czyzowski stated: Well, longevity is really - When I do new employee orientation, when I administer that one day program where we talk to employees about their benefits, we talk to employees whether they are non-affiliated, or unionized employees - the issue of B and L steps, base steps and longevity steps, always comes up. And, when I first came to work for the City, I said, "what is the difference between a B step and an L step?" And, the answer was B steps are merit steps, and L steps are automatic steps. And I think that in these times, there should be no automatic steps, there should be merit steps. We should have a performance evaluation system in the City where employees and managers talk

about goals. I think the employees want that as much as the management wants it. And, I am not speaking for my friends behind me here, I speak for the non-affiliated when I talk about that. I think employees want feed back from management. They do not want to know at the last minute that what they are doing is not okay, that they have not passed a probation period, or that they have not been successful in their last couple of years of employment. They want to know. They want that feedback. And, I think the B and L steps are something that, perhaps, were placed years ago with no real relevance to employees in this day and age. Would we take them out?

Commissioner Shaw stated: No, would you - I could see where might want to take them out - and I am not - I think that your point is well taken, but the fact is that you did sit down with people and make - on behalf of the City in your conversation with them, and showing them what they had coming to them - Whether it was correct - to do the - you know - to do those things or not. And then somebody steps in and says, "No. We are not going to do that any more." Now, isn't that a broken oral promise that people fought as a contract on the (inaudible)?

Ms. Roy-Czyzowski stated: There are those who say that is a broken contract.

Commissioner Shaw stated: Yes.

Ms. Roy-Czyzowski stated: If you replaced it with a system where the employees had input and wanted to be part of the change, and were part of the change - it would not be difficult to change.

Commissioner Shaw stated: Negotiate -

Ms. Roy-Czyzowski stated: Yes - Well, I do not think that any of us look at - We do not give reasons for not doing things. We want to look for reasons to do things, and to be more progressive, and when I hear people throw up barriers all around and say, "we can't, we can't, we can't," well, I think we can. But we need to make our employees part of that change. We need not tell them, "By the way, we changed this - here it is." They need to be part of the change if they are going to accept the change, and with that, I think that we could have some successes. I do not think that anybody thinks that we have a perfect system, and that we

should keep that forever and ever. But, I think that we need to replace it with something that is better for the employees.

Chairman Pappas stated: Okay. We have several other questions, but Carol Johnson wanted to make another comment.

Clerk Johnson stated: It is not that I am in disagreement with anything that they are saying is non-affiliated, and I am also in the non-affiliated, so, I guess to some extent I will speak to those issues, but - My understanding of the reasons as to why that was originally placed in the Charter was exactly that. That there is no - no physical contract with the non-affiliated, and from my perspective as a Clerk, I sat through a Personnel Committee meeting last night, and these three ladies were there. They had sat in negotiations with the Board of Mayor and Aldermen last July. There was an agreement reached in non-public session. Everybody walked away from the non-public session with a different understanding as to what was agreed upon, and that was what was stated to the Personnel Committee, who went on for forty-five minutes, till well into the night last night, regarding that specific issue. It was an issue as to whether or not, "X Y and Z" was covered as part of the discussions. Every time there has been budget discussions, and I think that former Aldermen Dolman and possibly Mayor Shaw can attest to this, I think Commissioner Lopez may even have some knowledge to it, but the affiliated - the Unions, and I do not - I am not going to speak to their issues - each of their issues are different than the non-affiliateds, and they have retirees - Some of them are tied into State systems and they - they are much different than the non-affiliated, but nonetheless they have a contract. Therefore, the Board will be told you cannot do anything unless you negotiate it in the contract. With the non-affiliated, there is no contract. So, they can go in and say, "Okay. We are going to wipe out - Freeze the longevity steps. We are going to do this - We are just going to go ahead and do it," and they submit ordinance changes or whatever, which can be done on a simple majority vote - of the Board - any of those changes to the personnel system, and the only check and balance at that point becomes the Court system, and I do not think that we want a situation where the employees are continuously forced into the Court system to get a fair process. I do not think that any of the voters would intend that, either. And, I am not sure that the answers are - I mean - I think, yes, there is - there are some people that will say an "oral contract," is a "contract." But when - the way the City conducts its business today, when I look at it and I say, yes, you need an

evaluation system, but let's put the evaluation system in before you knock out other things because you are going to have a major nightmare. You are going to have an uprising of employees that are not agreeing among themselves. You are going to have a situation with, "Well, wait a minute, here. That is not what we agreed upon." And how can they go in an change an ordinance, you know, when they do not do it for these other people that are under contract. I - Just looking at the way the City functions administratively, right now, I would see that there - could be problems there and I think that it would, if nothing else, be the - to the Commission's benefit to have legal counsel look at those issues, because those were the reasons I think that they were put in the Charter in the first place. And, I am not saying that there should not be maybe changes to that, or that so long as there was other mechanisms of protection there, but - I do not - I would not want to see it all pulled out, and then no evaluation system go in, or - you know - nothing else addressed in that process.

Chairman Pappas stated: Thank you.

Commissioner Sullivan stated: I think this may be one of our most interesting evenings. I am learning a lot here. I have got a couple of questions. Does anyone ever ask your opinion about management of - and when I say management, I mean management and labor, but - how we go about doing City business, you know - Do Aldermen ever come to you guys and say, "what do you think of if we did this or that?" And it - does - and if you have an opinion, if you have an idea or a suggestion, do you feel comfortable - or are you given a vehicle to go forward with those types of ideas and suggestions?

Ms. Shaffer stated: In my department, we basically go up the ladder with those suggestions, because the Aldermen are more apt to be dealing with my boss, Kevin Clougherty, or the Deputy Finance Director, who is Randy Sherman. So, we relay all of those things to them, and - and as to the what - the other employees in our department, and then based on whatever input they get, in some instances, if they think something is meritorious, then they will pass those ideas along.

Commissioner Sullivan stated: So, let's say it is - it is something -

Ms. Shaffer stated: But we - We, directly, are more of the "worker bees."

Commissioner Sullivan stated: Okay. And, say something is sort of a horizontal idea. You know, say all of the particular types of employees across departments in one area - let's say it is the clerks, or the - you know - one particular type - they get together and say, "Why doesn't the City do such and such?" Is there any way of bringing those forward? If it is only through department, vertical - ladder - that you can bring those ideas forward -

Ms. Roy-Czyzowski stated: Normally it is. It is not easy to get ideas expressed. There is - for instance - when the non-affiliated group discussed our benefit package, we had to go through the City Negotiator. We would have preferred more direct access to the Aldermen, to explain where we were coming from and why we were doing that, and I think that it would have - our ideas would have been more well-received and more noticed - I think that they lost something in the translation. And, we would have preferred that more direct access. There is very little opportunity. Sometimes you just throw your arms up and think, "This is a good idea, but - who do I give it to?" There - In terms of the Aldermen, sometimes I feel that - you know - that there is not a lot of discussion between the Aldermen and department heads, or the department heads with each other, or the department heads with some of the managers in their departments. The QM movement is a bit different. It started with only department heads attending, and now some of the managers in the departments are attending. Before that, I cannot think of a time where we had a department head meeting where people actually compared notes and made presentations and talked about what their departments were doing so that there would not be duplication. Often times I walk by somebody's desk and they say - they are on the phone and they say, "I don't know." And when they hang-up I say, "You didn't know what?" And they say, "Well, I did not know who - where to refer this person to." There is not a lot of cross-training between departments. We have twenty-five to twenty-eight departments, depending on what day you are counting, and there is not a lot of - there is not a lot of cross-training -

Commissioner Sullivan stated: How many?

Ms. Roy-Czyzowski stated: There is not a lot of cross-training between departments, so one department may not know the effort that another department is making. When I visit departments and talk about issues - if I have an employee who has a problem, and I go visit the department, talk to the folks in

the department - I am - when I look around them, I am sometimes very amazed at what is going on. It is like, "We knew nothing about this. Wow. Can we join you? Can we partner in this? Can we do something together?" And, so there is very little -

Commissioner Sullivan stated: Has - two more questions.

Chairman Pappas stated: Okay.

Commissioner Sullivan stated: Is there any type of City-wide employee communication vehicle?

Ms. Roy-Czyzowski stated: One of the ideas of the QM network is that they want to do a newsletter. We have many newsletters. Many departments do their own newsletters. CIP was doing a newsletter. Info Systems [tape ends] - newsletter, I saw one come out of the library. And they dealt with issues that their departments wanted to share with other departments. I was approached by one of the department heads who is on the QM Committee, last week, who said, "We need somebody to coordinate this. We want to do a newsletter. We want to focus employees. We want to talk about what each department is doing. We want to share this information." So, there is a need - There is an interest. There is an effort that is just beginning.

Commissioner Sullivan stated: And, the last one, I guess, is - Is there any type of - and I am not sure which department it would be, but - a personnel effort or anything to go out and reach out to the employees to encourage independent initiative, or to find out what initiatives are out there?

Ms. Roy-Czyzowski stated: Our Personnel Department has one Director, one professional staff, one para-professional staff, and three secretaries, who are firefighters. We put out fires.

Commissioner Sullivan stated: That is fair enough. Thank you.

Chairman Pappas stated: Commissioner Stephen.

Commissioner Stephen stated: Thank you. Maybe this could be directed to

Connie. You mention merit, the issue about merit. One of the statutes under R.S.A. 49-C, one of the sections provides for a merit plan and an administrative code which would have to take effect after - nine months after the Mayor's first service - after the Charter was adopted, if we were to look at adopting that provision. That merit plan, under the State statute applies to situations where promotions can only be made based on - and I am going to read from the statute, "[B]ased upon an applicant's relative knowledge, skills, abilities, and experience." Do you - From the non-affiliated employees that you have spoken to, do you think that that would be a very beneficial thing for the City of Manchester?

Ms. Roy-Czyzowski stated: I cannot think of a situation where you would want to do anything else. Except if you created a position where somebody were training up to a position. We have had situations where we have seen people who - we are grooming for certain positions - and so we have created training opportunities. But, that sounds like what most departments are doing, want to do - ahh - should be doing -

Commissioner Stephen stated: Okay. I guess that was my second question. I was going to ask you, are promotions in the City of Manchester, in the departments - all of them, really - made based upon merit? Or, are some promotions made based upon other things?

Ms. Roy-Czyzowski stated: I would have to say that some of the promotions are going toward the latter.

Commissioner Stephen stated: Oh, well - That is a serious problem, then. That is a very serious problem.

Ms. Roy-Czyzowski stated: - but, how do you - It may be a problem, but - I mean - what one person may say a promotion is based on merit, and in another person's opinion it may not be - So - There are situations where, in - I do exit interviews for most of the people who leave the City's employment, and one of the complaints is, "No one knew I was there. No one every patted me on the back. A relative of mine died, no one said anything, and when promotions came up, I did not even get considered. The - This person who did that for that person got considered." And, that - That is a sour note. I hate for people to leave on a sour note, and - ahh - It happens.

Ms. Bieniek stated: One of the problems that City employees do face though - Those people who excel, those people who do - work very hard - have very few avenues for promotion. There is very - There is very little upward mobility capability within the City for somebody who wants to put in the initiative, do the extra schooling, and even when their immediate supervisor or department head feels that they should be promoted or upgraded within the City - right - a lot of times it seems - it depends on who you are whether it is considered and it is - a department head cannot - it is tough for a department head to set-up a thing - it is like, "Okay. This is where we would like you to be. If you do this, this, this and this, I can give you this promotion or this area of responsibility." That is not normally available to most people, and it is not something - there is not a place for people to work up to. So, what I feel a lot - is - are some of our younger, more aggressive, ambitious people get their two years of work experience here and then they are gone, because we do not have anything to offer them.

Commissioner Stephen stated: Thank you. My question has been answered.

Chairman Pappas stated: Alright. We have a question from this side. Commissioner Dolman.

Commissioner Dolman stated: When you talk about training earlier, was any money allocated or asked for during the budget process for training?

Ms. Bieniek stated: In - okay - training? Okay, I have been with the Information Systems Department for fifteen years. Training has always been - getting training money has been an issue, and a problem that is frequently the first thing that gets the red line accross when they are trying to cut budgets -

Commissioner Dolman stated: But you are putting a whole new system in this year? Was it requested as part of your budget process with the new system coming in?

Ms. Bieniek stated: Okay. The new system, the training - The budget that is starting in July, money was requested for training, yes. I was not completely part of the whole budget process. I am not sure how much. And, then, I think when we do finally get our budget there is going to be some shifting.

Commissioner Dolman stated: Okay. Did other departments - in their budget process, ask for training money for their employees. Like, for example Health - If they are going to be switched over to the system -

Ms. Bieniek stated: That training would be the responsibility of whatever training funds Information Systems manages to get from their budget. There may be some larger departments like Police and Fire who have some stand-alone systems of their own, that they would have some specific training for those. But, for the City-wide systems, like the financial systems, the payroll systems, and the desktop applications that are now coming in - all the word processing, the spreadsheet - and we are all - I mean - we are all - I mean they have got the latest greatest Windows, and all of these types of things - And you are talking about some of the employees who have been here for a long time, where these systems did not exist before they worked here. So it - It really is part of the responsibility of the City to provide this training and there is never sufficient - enough money for training.

Ms. Roy-Czyzowksi stated: Most employees who train, do it through tuition reimbursement where the City pays seventy-five percent of an approved course. And, ahh, I cannot think of a time where I went on anything that was paid completely - by the City - it was always through tuition reimbursement, where I have put in twenty-five percent of the dollars that were needed to train. I - one of the projects that I have on my list is to take a look at where people are spending their tuition reimbursement funds, because I see some duplication. I see areas where a number of employees are going off and taking a day of career track training or some other training that is coming through the City on, for instance, how to supervise. We might have - you know - five or ten people going to that. We could bring that training to the City. And the City, who does fund the tuition reimbursement accounts, could actually save money by brining that training here and offering it to more people. The only training that I have seen that - that was paid for by the City for a large group of people was the TQM training that happened in March that cost Two Thousand Dollars and that trained over fifty employees. So, that was a real good use of that money for those employees. It was well expended.

Chairman Pappas stated: We have - Oh, go ahead.

Ms. Bieniek stated: I just wanted to add one more thing. Right now the Fire Department and Information Systems are cooperating on a project. They needed some training. They had some training issues. We are tenants in their building - we share the building - so together, with funds from both departments, we are putting together a training lab so that we can conduct in-house training more effectively, and - as one of the several avenues we are trying to approach this training issue to make it more efficient.

Chairman Pappas stated: We have several questions here, but Carol Johnson wanted a follow-up comment.

Clerk Johnson stated: Just in response to Commissioner Dolman's question. Information - I have been sitting through the Finance Committee meetings, so I thought I would throw this in. They did, in fact, request training money. When Information Systems came in to make their presentation to the Board, that was the first thing that began the attack process on the budget is - basically - is, "What is this for? What is this encompassing?" And, "Does it really cost that much?", and "What kinds of training are we trying do to here?" And, that was the first item in the budget that the questions arose on, and probably the majority of the discussion was on how much money was really needed for training. So - Just as a follow-up.

Chairman Pappas stated: Thank you. Commissioner Lopez, and then Commissioner Dykstra.

Commissioner Lopez stated: I will tell you - As a worker, and a Union man, I know what you go through. But, I wanted to ask you - on the QM - with all of the other things that you have talked about, a lot of it is policy-making decisions that has to be addressed. But, I am concerned in one area of all of this. Is there a mandatory, is there a training officer for all of these things that you have implied here? Does the City have a training officer where you just throw something to him?

Ms. Roy-Czyzowksi stated: We had a Safety and Training Officer in the Personnel Department at one time, and that position was deleted from the Personnel Department compliment.

Commissioner Lopez stated: I am talking about total - wide - City, for an example, in the - in other organizations, major corporations have a training division for all of these things. Anything that comes up, throw it there -

Ms. Roy-Czyzowksi stated: Right.

Commissioner Dolman stated: - whether you group all people - Nothing?

Ms. Roy-Czyzowksi stated: The training has been few and far between. As much as we can do. We beg, borrow and steal tapes, and materials - and that sort of thing. We have done some in the Personnel Department. We have gone out to departments and attempted some training. I know other departments, for instance the Health Department, has attempted training to different City departments in issues like infectious disease control and that sort of thing.

Commissioner Lopez stated: Okay.

Ms. Roy-Czyzowksi stated: Ahh, Info Systems has done theirs. But, there is no overall coordinated effort. No.

Commissioner Lopez stated: And, I guess my last question is this - Under the QM, do you have the authority to tell the employees they are going to train? Or, is it just - whether they want to.

Ms. Roy-Czyzowksi stated: That would be a separate issue. I think that employees are - There is a real pent-up desire to go through training with the City. Not only on the part of employees, but managers as well. There is so much information that needs to be shared that has not been able to be shared - I do not think that we would have to - a tough job of convincing people to go to training programs. And, I do not think that people would abuse that, either. I think people would go when it was needed - We are hoping, we are looking at - in the Personnel Department - of doing some supervisory training and pulling together a program in the fall, but again - We work with so little money that you do not have a great deal of options in terms of what you do.

Commissioner Dykstra stated: I am going to kind of address this to Connie, and probably all of you - I am going to jump back into moral again, because I think

that is so important. We touch on [it] a little lightly - and I think that sometimes it is a tough thing to bring up when you talk about politics, but I am certainly not afraid to mention it. Right now, I - Things have been mentioned that you feel that you are treated differently than others, and there is low moral - And because of that, and probably because of the contracts not being negotiated - not being completed - and - you are - you talked about things of - the cost-of-living, I mean - basically, that you are not treated equally as others, and that certainly would create a low moral. Do you feel that the fact that in many cases when there is a person that is so qualified, that because they are politically connected - which happens often, I would think - get the job? Do you think certainly is something that would really create even a lower moral? Or add to the moral?

Ms. Roy-Czyzowksi stated: That certainly does add to the moral problem.

Commissioner Dykstra stated: - that certainly does. Is there any - Just a couple of questions, Madam Chairman. Is there anything that - as - I was going to say Senator Stephen - as John Stephen had mentioned, that - you know - there are R.S.A.'s that do mention - you know - people should be really hired for their, for what they know - their knowledge and their quality of the - you know - the education, whatever - to do the job. Do you feel this is something that can be done, that even though it is addressed in State law, that can be put within the Charter that could help this situation, and make it better for people, so that only the qualified - I know that it is kind of a dream, probably, but to try to make it better - and to try to really get the most qualified? Because, not only is that fair, but that is also in the best interest of the people, because the City is going to be getting the better qualified people. Anyone can answer that - I just -

Ms. Bieniek stated: Well, one comment I would like to make - and this is a problem that we run into in my office where we are a very technical office and we have to have people who are qualified. I mean - because they have - either know what - their stuff - Or, they do not, is - the City has - they go in and out of having this thing where they want City employees - they want City of Manchester residents hired, and if we try to hire somebody who is - when we go to hire somebody who does not live in Manchester, we have to jump through hoops sometimes it seems to justify - while we are trying to get the most qualified person we can find, and lately, with the job rates that - where pay is becoming harder and harder to find that qualified person. If they do not live in Manchester,

we have to justify why we are hiring this person as opposed to - and telling - saying that we hiring them because they are the best qualified person that we can find to do this particular job is not always the answer - the correct answer to that question. That is not what they are looking.

Commissioner Dykstra stated: Okay. But, for the - You are just basically mentioning your department, but there are other departments - that basically - would not be the same - I mean, you have to - you have to know how - I mean you are not going to say - even if it is a computer - you are going to have to get a person who, you know, understands what they are doing. But, there are other departments, basically, that do not need those kind of qualifications, where politics probably could intercede -

Ms. Roy-Czyzowksi stated: And it - And it does.

Commissioner Dykstra stated: - a little more so. And it does, yes I am sure - I have been there. Yes. Yes, I am sure that it does.

Ms. Roy-Czyzowksi stated: I have had people call and say, "Well, I applied for that job, but I know that it is promised." And sometimes I do not even want to ask.

Commissioner Dykstra stated: But there is no way that you feel that something could be made a little bit better to help us try to do something to correct that?

Ms. Roy-Czyzowksi stated: I think that a conflict of interest policy needs to be implemented.

Commissioner Dykstra stated: Oh, that is good.

Ms. Roy-Czyzowksi stated: I am glad you brought it up, because it was on my list to eventually bring up. I think that a conflict of interest policy absolutely has to happen.

Commissioner Dykstra stated: Okay. I thank you very much.

Chairman Pappas stated: Further comment.

Ms. Shaffer stated: One other comment in that regard, too, is right now we have a Personnel Department that - existing under the same statute of ordinances, I think, that it has been under since development of the personnel classification system. Maybe a Human Resources Director and a Human Resources Department would be more in order in that regard, to get all of [the] employee-related issues in-line. And then, also in that regard, in the Charter, usually when ever anybody - A department is given a budget, right? The department is given exclusive responsibility, I think - I am not sure exactly what the wording is, over personnel issues. However, then he has to go to the Personnel Department to request an upgrade or a reclassification for a certain person. Maybe if some of those segments were eliminated and that was done to give the department head more autonomy in making those decisions, it would establish some incentive for the people in the individual departments to work a little bit harder and to strive for excellence, if they knew that there was a little bit of bait hanging there at the end.

Commissioner Dykstra stated: I appreciate it, really. Thank you for your help there.

Commissioner Sullivan stated: Just to follow-up on one of the questions that Commissioner Dykstra had asked. Who is promising the jobs? Is it Aldermen? Is it Commissioners? Where is the political pressure coming from?

Ms. Roy-Czyzowksi stated: I think that it comes from both, and it does not come to the Personnel Department, it goes direct to the department head.

Chairman Pappas stated: Further questions? There being none, we really appreciate your coming here this evening. It has been very enlightening for us. You picked some good topics. I would like to ask Mike Roche if he would like to come forward. Good evening, Mike.

Discussion with Mike Roche.

Mr. Roche stated: Good evening Madam Chairman and members of the Charter Commission. It is with great pleasure that I be allowed to speak before you this evening. I come as the representative from the Manchester Waterworks, it is the Steelworkers' Union that I have represented since 1982 in the public sector, and I have also in the private sector - I am president of the Union for Public Service

Company in Nashua, since 1989, since we were amalgamated. And, in addition to my role tonight, representing the Waterworks, I speak with most of the Unions under the Coalition of Organized Public Employee Umbrella, which we formed in 1985, with the exception of the Manchester Education Association, Ellen will be speaking for her group after I do. I have probably - I added a few things on the list, based on hearing things from the three non-affiliated employees. And, I have to - We agree - or I agree - with about ninety percent of what they said. You know, many of the points were - are very true - but when - And I will start off with, you know, lack of contracts. You know, they speak of lack of contracts, but technically, they are not under contract. But - they - I know - were speaking for all City employees. And, just to talk about moral, or low moral - I sit about three feet away from a non-affiliated employee who received a six percent raise in 1991, another two and a half percent last July, and he has another two and a half percent coming up this July, in addition to a base step, so the difference is probably about thirteen to fourteen percent. So it is - you know - a problem, not only with my group, but I can speak for AFSCME, who takes in eight city departments, they have gone since January, 1990 - the school support staff, as well as the police support staff. And we represent about six hundred City employees, one fourth of the work force and we have all - you know - that long - length of time. Starting with the present system, the unions feel that there should be no change in the commission type of system, and the Mayor should retain his or her present powers. And, just with - with a strong mayor, you have - you are creating more of a dictatorship, and if I can make a parallel with the State of New Hampshire - with the State you have the Governor who has to go through the five member Executive Council - and we feel that it should remain the same, where - you know - the twelve Aldermen are very important, and they should play a role. Under the current system, even with the - and people who think he has very weak and limited powers, under the current system, under enforcement, the Mayor has - should see that - you know - all your commissions are approved and that there are no vacancies or holdovers, which are - are many, and some of those Commissioners testified two weeks before you to that effect. In addition to that, very key positions in the City go unfilled, such as the City Coordinator. It has been ten months since Mr. Snow has left. Prior to - between John Hoben and Mr. Labelczyk, they went about fourteen months - In 1992, when Paul Martineau retired after twenty years of service, it took twenty months to appoint a third assessor, which is - you know - these are key positions. We are talking very high pay grades in our City pay system, and under the Charter, the Mayor is

responsible, and it says "he shall," and nothing says that "he may." That is the key word for - you do not have to be an attorney to figure out what - you know - difference between may and shall. So, we feel that the present system should be kept. And also, with the commission system, even though some have seven members and others have five, you have more - you allow for greater citizen input - You have, you know, diverse groups and opinions and generally all are to the betterment of government to include, you know - efficiency - The unions also discussed, and it was brought up by Mr. Snow earlier, but - we think it would - that the term should be lengthened to four years, that would be suitable, and also, we had on our agenda to discuss staggered elections so that there would not be - and it is - you know - it is possible even though most elections you are looking at probably two or three Aldermen that change seats, but there - you know - it is highly possible that some year it could be eight or nine, and that - we feel that there should be staggered elections. We also believe that it would not hurt to have non-partisan elections; where you have - I mean - you hear so much and anyone who watches Channel 40 will see that there is a lot of politics involved. And with the non-partisan election, you have a greater turn out in your primaries. You have, you know, it would probably double or triple the turnout. And we think - you know - people labeling, whether you are a libertarian or democrat or republican or independent, it should not matter - everyone should be trying to improve City government and to make things and provide a service for - you know - a reasonable cost. A retirement system? We feel that it should, as opposed to what the Mayor testified on March 3rd, it should remain the way it is and not have that negotiated by the various unions, which - the State Retirement System, there is fourteen hundred members - there is only two plans that cover the school, police and fire, and that is for fourteen hundred employees. With approximately a thousand employees in a contributory retirement system, you could conceivably have eight or nine separate plans, and we feel that they way that it is now, that it is fairer - you know - you have defined benefits, and department heads or other groups that have more political clout and have much larger packs, will not have a better retirement plan. It will be done on a fair - in a fair way. Conflict of interest. Okay? A very good point. This has been getting a lot of play. As I testified two weeks ago, wearing a different hat, being on the Retirement Board, I stated that in August 1990, the Retirement Board did adopt a very comprehensive conflict of interest and disclosure and I feel, as a union person, the same way. And, I also, in the last two and a half years, and this is a non-partisan issue with a former republican Ward Four Aldermen, put together - and asked that the Board of

Mayor and Aldermen come up with a conflict of interest and disclosure, and twice it has been sent to the Committee on Administration, and it will probably be there until the civic center is built. So, we feel that it is very important, and for many obvious reasons. Okay? Enforcement. A very important part of the Charter or any contract or any document is enforcement. And, whether this Committee - it has been fourteen years since the last one in 1982 - and whether you meet every two years and whether you have three lawyers or nine lawyers, or whatever the make-up, it is not worth any more than the paper it is printed on unless and until there is enforcement and it comes into - you know - situations where you have - you know - interpretation. And, this is not a hypothetical case, but I am going to give a true example of what has taken place, and under the Charter - under - you know - Section, let's see 2.05, section "E," under "Law Enforcement," and we are talking about the Mayor's responsibilities in that position. Okay. It is up to the Mayor whether - you know - whether it is Mayor Wieczorek or whomever in the future, but they have - if there is a question with the City Charter, okay, in this case two years ago, the question was over consolidation - was the Tax Collectors and the Finance Department, and also at the same time was the Highway and Traffic Department, so the Mayor could not - he needed the highest paid City official at the time to interpret the City Charter. The highest paid City employee, Elmer Burke, rendered a decision that you could not consolidate departments. So, the Mayor then - it was not the opinion he wanted, so he went to his own legal counsel in Portsmouth, New Hampshire. That is fine - taking business out of City - so - what makes worse, makes matters worse - without have a conflict of interest - you know - a proposal - okay, when it came to a vote, months later, by the full Board of Mayor and Aldermen, it was tie vote. Meaning - and the full Board was there - there was only six people that voted to approve paying the bill, okay? And he voted to break a tie. And that is a real conflict of interest. And it cost the taxpayers approximately Thirty-Eight Thousand Dollars from what they had to pay the lawyers from the Tax Collector's Office, which was in excess of - it was seventeen thousand Two Hundred Dollars - I know Traffic was a thousand dollars, and his attorney, Loughlin, was over Twelve Thousand Dollars, and - that should not be. And, that could be addressed in the City Charter in that he was - he directly benefited by his vote, and it was not the majority of the Aldermen. And it would have been if there was one Aldermen missing, but where there was a full Board, he only had half of the Board. So, we feel that interpretation and enforcement is crucial and when you are paying your lawyer Seventy-Three Thousand Dollars a year, you should adhere to their advice. Political balance on

every Board. The Unions feel that in addition to the basic service groups, which cover your Highway, Parks and Rec, everyone but your special service, which are the Waterworks and Airport, that it should be uniform - that all - the Airport Authority that one of your Commissioners serves on should have - and the Manchester Waterworks - who both have seven Commissioners, should have - should be a political balance. And in the case of the Manchester Waterworks where we - which is unlike all other Boards and Commissions, we service the six surrounding towns, which make up approximately one-fourth of our revenue. Towns probably - you should probably look into the towns probably having a voice, if not one, maybe two voices on the Board of Water Commissions, that probably would not be a bad idea. Commissioners and department heads - I think that term limit should be lowered from six years to ahh - you know - some of the department heads, their appointments are six years. The unions feel that that is a long time, especially with the current system of the Aldermen being elected every two years. And, with the political uncertainty, it is possible you could have, you know - three different Aldermen from a ward never - three in a row never get to nominate or vote for, up or against any department head, and that should not be. But if the - if the terms of the Aldermen are not increased, at the very least, the Commissions and the department heads should be decreased. Political campaign contributions and expenditures. Another very good topic. The unions feel that the - the campaign contributions, the way it is now - the - many of your testimonials, your little private parties, fund-raisers, whatever you want to call them - when they raise money to run against their opposition - many of those are after the filing period. And because of that, they do not have to disclose. We feel that the solution to that would that - to require the City Clerk's Office to post all expenditures, to have no limits as to the filing period or times of disclosure, and even the ones that file late - should have to - you know - those amounts should be shown, and that should be public information and the people should not have to dig through, you know, three foot volumes in the City Clerk's Office. That should be all disclosed. The unions also feel, and this will probably surprise a lot of people, but, the unions feel that the Mayor's pay, because of the position, should be increased, and it is not - you know - it is the position and because of that we feel that it will attract a wider field of people, not necessarily people that have - you know - businesses that are left to run by other people [tape ends] - will bring - probably will increase the quality of the people, so we feel that that should take place. We also, because we want openness in City government, we feel that all meetings should be - they should have - all of your public meetings should have

written minutes in addition to - all the minutes should be taped. Should be audio-taped, and probably kept for one or two years. And this is, we are talking an expenditure of ahh - you can buy a very good tape player for Seventy or Eighty Dollars, so it is not - it should not be a money situation here. Executive sessions, we feel - and more or less what - it is something that Connie Roy [Czyzowski] stated earlier, but when it comes to contract negotiations, a lot of times in executive session, the department heads and the Chief Negotiator get to explain their positions and the unions are always out on the stairs with the reporters and other people waiting to find out what took place. Many times they have to stall getting approved because they have questions that can be only answered by union officials, and we feel we should have a voice in executive session, not necessarily with the department heads and with the Chief Negotiator, but we should go in there to be able to explain our position or the technicalities of what we negotiate in good faith. Department heads - I already stated that. City-wide, Connie Roy [Czyzowski] - you are talking about QM that just came about in the last three or four months. In the last five years, we had an effort of ten or eleven individuals - half of them were from the Unions we had a couple division - department heads, and there were also three Aldermen, that we filed for - through the Federal Mediation and Conciliation Office in Boston, Massachusetts, three times for a grant in the amount of Eighty Thousand Dollars. The closest we came was three years ago, when they granted thirteen and we were number - seventeenth - and they had over a Million Dollars to give out - there is approximately a hundred cities and towns that apply for this throughout the United States. This has worked very well in Burlington, Vermont, and other towns and cities across the U.S. We feel that if the City - they should be able to come up with - we could not get the money through the grant, it was going to be - what we were told - a matching thing with the City, but now that they have found that extra money, seeing the civic center - they got Three Hundred Fifty-Seven Thousand - and I heard the Mayor yesterday, they have another - they earmarked another Three Sixty-Two this December, so you are looking at about Eight Hundred Thousand - We feel that we could - they could take ten percent of that, and actually do something serious and have a full-time facilitator, and pay them a reasonable price and to help - ahh - not just resolve contracts, but sit down with the various willing unions to discuss health care and cost - the rising cost - and other problems that face the workers and the people that keep Manchester moving in the right direction, the people that really do the work behind the scenes. We feel that that would be money well spend, and for Eighty Thousand Dollars,

which is only about three cents on the tax rate, would be a small price to pay. Speaking about the - not speaking about but - okay - keep hearing about a declining tax base. I can tell you that the Manchester Waterworks that has a fee - that does not take any tax dollars, and supplies over twenty-seven thousand customers, the Manchester Waterworks has only had two rate increases in the last sixteen and a half years. Okay, 1982, and again, in 1989. Okay - Which is unheard of for any utility, probably throughout the country. The Water Commission set aside, last December, Ninety Thousand Dollars in a contingency for raises, but - it is just - and people earlier, from the non-affiliated, and I thank them for - you know - a job well done, but it does create problems with moral and things that are - becoming really not fair and equitable, when you see - when you know you do not affect the tax rate, when you know your revenues are increasing, obviously, if you can go - you know - seven or eight years without raising your prices, and very few businesses can do that, and you do not have to be a gas owner to know that, but there are many, many businesses that have to increase - and the cost-of-living during that time is eighteen percent - and water rates have remained the same, gas has gone up twenty percent in the last four months, but we will not discuss that - Okay, the other thing. Newsletter. Earlier they were talking about a newsletter. The Personnel Department, when it had more manpower in the late '70's, had what they called a "Personnel Pointers," and this was a City-wide publication that Wilbur Jenkins and his staff took care of for - I want to say it existed - I know of at least five years - I am - I have been around, I will be completing my twenty-fourth year on May 20th, but - I remember seeing that in the late '70's. The Manchester Waterworks started its own, about a year ago, but it is just for the Manchester Waterworks. The unions feel - the issue of privatization - that - you know - it was sore subject a couple of years ago, with eighty-one people from Public Building Services losing their jobs - the low people on the totem pole - that the City, or the elected officials should have to show the actual savings in advance of something - you know - like in black and white - and we heard of the Seven Hundred Thousand Dollar savings with the school custodians, yet the various - you know - citizen action groups, CBM and unions and what have you, people in the private sector have never been able to see that savings - or have it documented in an - in an adequate fashion. So, we feel that, before you use the "P" word, that they should have to prove - you know - where the savings will lie. And, actually, that is about it, and I would open up to any questions. And, I want to thank you for your time and patience.

Commissioner Sullivan stated: Two questions, Mike. Do you think that the department heads should be given the authority to promote as opposed to having to go to the - your Commissions - to obtain approval?

Mr. Roche stated: No, I do not. Good question. The original Charter in '82, there was a big uprising by the Commissioners two years later. Actually, I testified in this room on July 5th, 1984. Originally, they took - the first Charter took away the powers of the Commissions, and I testified - there were a lot of Commissioners here, and actually, the Chambers here as well, and - they went with the department heads, by no surprise - but they - but they had some - you know - prepared statements, but anyway, no. The answer to your question, definitely not. I feel - you know - more involvement - it is just like you need the Mayor and Aldermen, otherwise, one person with too much power - you have a dictatorship, and you are better - your chances are better with six or eight people making a decision, than with one - especially when it is the wrong one - and that is the problem. You run that risk.

Commissioner Sullivan stated: Second question. This is a follow-up to something that was asked earlier, when Commissioner Dykstra asked about political influence on obtaining - people obtaining jobs in the City. Do you - have you seen that? And, if you have seen it, do you see pressure coming from the Aldermen or the Commissioners, or who do you see it coming from?

Mr. Roche stated: I have seen it for - since 1971. It comes from all directions - from all - from elected officials, Commissions - yes. All of the above. Numerous, numerous times.

Commissioner Stephen stated: First I want to say, Mike, that I want to thank you for sending the copy of the Retirement Board's Ethics Code to us. I know Commissioners Dolman and Dykstra and myself are going to really scrutinize that and look at it. Thank you.

Mr. Roche stated: You are welcome. You are welcome, my pleasure.

Commissioner Stephen stated: The other thing - I wanted to ask you - I think that it is a follow-up on Commissioner Sullivan's question, and it has to do with the same question that I think I asked Connie earlier, is about the merit plan

provisions of [R.S.A.] 49-C. Are you familiar with that provision?

Mr. Roche stated: No, I am not.

Commissioner Stephen stated: How, generally - how does the union feel about a provision where all promotions are required to be by merit?

Mr. Roche stated: The unions - I can - This will be the general consensus, is unions will be opposed to that. Only because it would be especially - And, it is probably like this in every city, large city, probably in the country - or in the world - but, because of the politics, and because of the - you know - friendships, and the cronyism, and that, it would not be done in a fair manner - an equitable manner - and there are some people who are, you know, have more ability, because they are not - they are not little puppets, and the friends - it would never, never be done. And, there are some people, and I am not going to mention any names, but - Some people would have to rent their office space and pay their department to go work for them. They would not receive any pay. You know - things - I mean, that is an exaggeration, but some people - and it has nothing to do with seeing - you know - on the front page, department head standing there with his son, it does not have anything to do with nepotism, but - there are a lot of things where - It would never work. It would never work. And, it is unfortunate. There are a lot of people that go - that give a hundred and - point one percent - and probably will never get rewarded, but - because of the problems that I see in City government, that I do not see changing with this Commission or the next Commission, that that would be a tough nut.

Commissioner Stephen stated: In 1991, when it was passed through the Legislature, they must have thought that it was a very important provision, and one thing - in - and I understand that you may think it may not work, but, do you think - My follow-up question would be, do you think that there are any other provisions, like conflict of interest - some type of a personal advisory board, or appeals board, that they have, like in the City of Concord?

Mr. Roche stated: Oh definitely. Definitely.

Commissioner Stephen stated: - That might be able to keep that provision intact, with - you know - the proviso that, yes, there may be some fall backs, or something?

Mr. Roche stated: Yes. I would have to look at it, Commissioner Stephen. Without being familiar with that - you know - the second part of that, yes, definitely. There are parts of it, I am sure, that would work.

Commissioner Dykstra stated: Yes, do you feel that possibly, like when it comes to different Commissions - and - say, the Aldermen, do you believe that if we cut-back or reduce the - supported term limits? Do you support term limits? I do not remember if you had said that.

Mr. Roche stated: Oh, yes I did. Yes, well -

Commissioner Dykstra stated: Okay. Alright - do you - Excuse me. Do you feel that if we do that, that it would cut down the power of these Commissioners and these Aldermen, because possibly when they are in politics for such a long time, they become more powerful. And, do you feel that the term limits certainly could probably alleviate some of the problems in the appointments for cronyism, and political favoritism?

Mr. Roche stated: Most definitely.

Commissioner Dykstra stated: Okay.

Mr. Roche stated: And I - you know - two weeks ago I testified - I am for term limits, okay? For people that are appointed, and one of the Commissioners sat here and said, "Well he is elected by the Aldermen," but you are looking - he could be elected by five or six people. I do not see that as an election. Election - what I meant, and I said - I said ten years, I thought would be reasonable - Okay. If you cannot do - you know - accomplish your mission in that time - if you are appointed. Now, obviously, if you are elected - okay? I do not believe in term limits for elected officials. The people that vote you will determine - That is your report card. That is your score card -

Commissioner Dykstra stated: So, okay. So, Aldermen, excuse me. So you feel that Aldermen can run forever and be there forever. - And you feel they should run?

Mr. Roche stated: But now, okay, I will tell you - I would probably think

differently if it was not for - Now that they have Channel 40 - You have to remember that up until several years ago, you did not have Channel 40, and not everyone - reading the Union Leader, I mean you are going to get - you know - and John does an excellent job, but you are going to get -

Commissioner Dykstra stated: Well, I do not know. I am going to question that.

Commissioner Lopez stated: I do not know how you put into the City Charter, in reference to addressing the Board of Mayor and Aldermen, buy why hasn't the union addressed that in their contract, as far as being able to address the Board of Mayor and Aldermen?

Mr. Roche stated: Actually, I know that I have tried. I cannot speak for the other - you know - eight or nine groups. I have tried, but - When you try something new, okay - I mean - you are really spinning your wheels. I mean, talk about wasted time. It is hard enough trying to negotiate and get a reasonable wage increase and insurance, and you know - your - probably your more important items, but ahh - no - that is next to impossible.

Commissioner Lopez stated: I think it is very good that they do, because I know that we do, in my profession.

Mr. Roche stated: We have tried. It has been tried. Good.

Commissioner Sullivan stated: Outside of the contractual area, is there any time at all that any of the Aldermen go and talk to your employees - you know - your group of employees, ask for their input, ask for their advice? Does that happen at all?

Mr. Roche stated: No. Not to my knowledge, not in the twenty-four years that I have been there. I - you know - I do not want to be redundant, but two weeks ago I stated - the nineteen years that I was on the Retirement Board, there was only one Aldermen that went to a Retirement Board meeting, and I have only seen one Aldermen at the Manchester Waterworks at a regular water meeting. I saw another one a year later, who was just there to speak on behalf of a position - it was a political deal - but, I am saying, to actually see the inter-workings and actually, this happened to be the same Aldermen, who no longer serves on this

Board, but that it is - and twenty-four at the Waterworks and nineteen on the Retirement Board, so their involvement is nil.

Chairman Pappas stated: Okay, thank you. Further questions.

Mr. Roche stated: I have just one last thing, if I may.

Chairman Pappas stated: Sure.

Mr. Roche stated: I did forget one very important thing, and I will be jumped all over if I do not bring it up. The appointments, as of the last change - it is - there is a labor appointment on every Board and Commission, the ones with five and seven commissions. What the Labor Unions would like to see, and we think that it is only fair that the individual that is appointed, we would like the - to submit a list - okay, at the very least, to the Mayor for the Aldermen to select a member who holds a valid license - ahh - membership, and a list of probably three or five names. You know, ideally, we would like to see - have the Unions make that appointment, but that is probably - you know - asking for pie in the sky, but at the very least, we feel that - you know - twenty percent of the vote, or in the case of seven person department, that only represents about fourteen percent, we are not - it is not asking for much if we submit a list of three or several names and have them - the majority of the Aldermen, make that appointment. We would like to see that. And, I am sorry I cut you off.

Commissioner Stephen stated: As the present system right now, Mike, how is - how is that appointment done, then?

Mr. Roche stated: Okay, the appointment is done - the names come in from the Mayor and the Aldermen do a - select it. But, I have no idea where the names come from, and again, it goes back to enforcement. I know that the employees have to submit - you know - on a yearly basis, to show a valid drivers license - to do their job - if it is a requirement of the their job classification. I am not too sure if the Commissioners have to, on a yearly basis, or every five years - depending upon how long they are there, because there are no term limits, ahh - if they have to show whether they still possess a valid membership. I mean - you know - that is question, it comes into - you know - enforcement. You know, rules are rules, but - Who is around when you people - when you have done your fine job and

you are looking back and watching Channel 40, and they are saying, "Well, geez. That is in violation." Who is going to be around to enforce this? That - you know - that is a big question.

Discussion with Arthur Beaudry.

Mr. Beaudry stated: Madam Chairman, members of the Committee, for the record, my name is Arthur Beaudry. I am the president of the Manchester Central Labor Council - basically encompasses all members who are affiliated with the AFL-CIO, public and private sector, including the building trades. I am here tonight to speak a little bit on - actually, I have three issues that I would like to have brought up, and one is to add the prevailing wage into the City Charter. And, what I handed out is basically a copy of Massachusetts - prevailing wage agreement with the Labor Trades Unions. And, what it is, is just to get on an even playing field. Umm, you have contractors that come into the City and they bid on a job, and they go ahead and turn around and have their employees as subcontractors, and they do not give them any health care provisions, they do not pay Workers' Compensation benefits, umm - they have no Social Security, and that is how they can come in, underbid the local Union contractors. Now, what the Union contractors would like to see is an even playing field where there would be a prevailing wage given by a sub - any contractor or subcontractor that works for the contractor, have the bona fide apprentice program, and we can set one up - there is - the State of New Hampshire Apprentice Council, which - in the Massachusetts one it states M.G.L., Chapter 23, and we have the State of New Hampshire Apprentice Council. And, basically, that is one of the main concerns of the building trades - to try to get some fair and equitable agreement so that we can come in and bid on jobs where public monies is being used for construction in the City. The second thing that I would like to bring up is the Commission. The Labor representatives on each Commission, we feel should be appointed by the various labor committees that they represent. Who else would know them better than the people they have working for - and it is our bone of contention that the Mayor makes that appointment, and the Commission would be more apt to look at the Mayor or the person appointing him their issues, more than the person - the people that they are representing, and it would take the pressure off of that Commissioner, if it was appointed by the labor organization that we - which they represent. And then, as far as some of the groups out there - I do not know if you are aware of - but the labor - the Commission is a step in their - under the

contract for grievance procedures. I know in the fire service, that is the second step of the grievance procedure, is the Commission, and there was a comment also as far as who appoints. It depends on what Commission you are on. If you are on the Police Commission, I believe the Mayor appoints. If you are on the Fire Commission, the Aldermen appoint or vice versa, and - what happens, if you do not allow the members to do the appointing, is they can - with holdover status - if you give a list of three or five names, and the Mayor or whoever is going to make that appointment does not like the list of names, he does not have to make the appointment. He can leave either the seat vacant, if the person leaves that seat, or he can hold the person over for as long as he wants, or as long as he is in office. So that - that is a problem with submitting a list of names, instead of having the organization make the actual appointment. And then there is - we feel that there should be a strong code of ethics for elected and appointed officials. And we had spoke earlier, as far as various code of ethics, the Retirement Board for the State of New Hampshire has a very lengthy Code of Ethics, which if you would like see that - I have access to that - I can get that for you. And - those are the issues that I would like to bring up, and I will answer any questions at this time.

Commissioner Lopez stated: Does the Union - do you know all of the Union card holders, the Commissioners that are in the City now?

Mr. Beaudry stated: I personally would not. I do not know them personally, no. But how - what we would have to do is go out and solicit people that would be interested in a certain commission and make sure they are - verify that they would have a card.

Commissioner Lopez stated: Well, that is not my question. The reason I asked that question is for the simple reason that I am a Union cardholder. And, I am on the Commission, and I can assure you of one thing - and with all due respect, no Union official in this City has ever contacted me.

Mr. Beaudry stated: I believe Mark McKenzie has spoken to you on various issues.

Commissioner Lopez stated: Yes. Okay.

Commissioner Dykstra stated: So then, evidently, what we were looking at is probably trying to make things - what was the word I was trying to use - Basically, having it all the same. Okay, I am relieved - Thank you.

Commissioner Lopez stated: Uniform -

Commissioner Dykstra stated: So that the Mayor would basically make all of the appointments. Right now, in some cases, we have the Mayor making them - sometimes we have the Aldermen. So, they want some continuity - you know - to basically put it in a uniform way. So, you are saying then, basically, that ahh - would you support that part of it, but only the labor part should be done by the Labor Committee? What would your opinion be on that?

Mr. Beaudry stated: It is my opinion that the Labor - However you want to set-up, I am not here to speak in favor or against the Commission, per se, but as far as the Labor Commissioner, which on - on various departments go from five to seven - that position would be nominated and appointed by the various labor group that they represent.

Commissioner Dykstra stated: So the others would not make any difference to you one way or another?

Mr. Beaudry stated: The others would not make any difference.

Commissioner Dykstra stated: Okay. Alright. Thank you, very much.

Chairman Pappas stated: Alright. Further questions? If not, Ellen, would you like to add something?

Discussion with Ellen Healy.

Ms. Healy stated: Yes. Thank you very much for inviting me this evening. I have heard mentioned tonight, about an autonomous School Board and about a previous report that was issued, and I would just like you all to know that the MEA has not taken any position with regard to an autonomous School Board. However, we do have major concerns with regard to the School District. And, the primary concern that we have is that the School District has very little

management control over its employees. We need to find a way to - so that all employees are under the guidelines of the School District and the building principals. For example, this winter, we have Public Building Services coming into the buildings to provide maintenance, or - you know - service the buildings. We have a staff of janitors who are employed by another department. We have the plowing done by a third department. If everyone was employed - was under the District, under the School District's employment, you could better coordinate the services of the School Department and the School District. It would be a lot easier, there would be better accountability for what is done and what is not done, and I think it would save a lot of problems that have incurred [sic] throughout the school - in the various schools in Manchester. We would also like to see a City budget finalized by March 15th to - to help the School District finalize their budget and determine the needs - the employment needs of the District and the schools, the various schools. Earlier, one of the non-affiliated mentioned insurance policies. This is a concern that we have as well. However, right now, in our contract, the City of Manchester pays ninety percent of a Blue Choice plan. What we would like to see - Blue Cross Blue Shield offers three different types of insurance plans. They offer a Blue Choice, they offer an indemnity plan, and they offer a - an HMO plan. We would like to see all of those offered to our employees and the employees picking up the difference, should they choose a different plan outside of the one that is offered by the City of Manchester. It would in no way cost the City any more money. It would just involve another choice for them. In fact, if you kept it all with the Blue Cross Blue Shield company, it would simply be a matter of a computer, and it would be very simple to do. I cannot understand why no one - why everyone refuses to even address this issue, but it seems rather simple, especially if it is something that would involve no money for the City taxpayer. And, I think that basically is our major concern - is - you know - hiring - is the hiring, greater control over the School District employees. That is very important to all of us.

Chairman Pappas stated: Okay. Are there questions? Alright. Well, thank you very much. I think that you have enlightened us this evening, and this information will help us in our deliberations.

Discussion with Brian Mitchell.

Mr. Mitchell stated: I am Brian Mitchell. I work at the Highway Department - for

the past twenty-one years, and I am president of AFSME in Manchester and I represent seven City departments as well as the Manchester Housing Authority. Earlier this evening, the non-affiliated employees spoke about - you know - the sick leave article in the Charter, and I do not know what number it is - I just wanted to point out that the Aldermen, two years ago, changed the ordinance regarding the supplemental pay for Workers' Compensation. And, now the non-affiliated do not have the supplemental pay, and the Union employees do - you know - as a result of being in it - in our contract, so I guess - kind of a - in answer to your question earlier, that they could go without sick leave benefits if it was taken away - you know - if it was changed in the ordinance. A couple of other things that I wanted to talk about was privatization. I think privatization went - when people privatize, they have to do it for the right reasons. The reasons are you have to do the job better, and I think that - you know - and I am not going to sit here and be the judge of how - you know - Service Master is doing, and WWF or Wilson Five are doing, that is not my position. My position is to - to say that - I think that the City should look - that if they are going to privatize any more departments as Michael Roche said earlier, is that they really have to look and make the department that is doing it accountable and make sure that they are going to save money, and they are going to do the job better. I think Boston has done this - that they have passed an ordinance or a law that they have to - before they can privatize, you have to be accountable. You have to be held accountable for your actions. Basically, what it comes down to, talking about Executive Sessions during contract negotiations, I think it is an excellent idea, because I have had - I have had to sit down on various nights and call thirteen people and explain to them - and I have had some Aldermen ask me if certain people were still president of the Local, and I said, "No, he is not the president anymore." I said, "He works for the Union now. He has not been president of the Local for the past ten years." And, these people are making decisions on my - my life and my employees lives, and deciding on contracts and I think that the - the Aldermen, so that they can make the better judgment, they should hear both sides of the story. I am not asking to sit in here and listen to what David Hodgkin is saying. I would like to be, and I am sure all of the other Union presidents would like to be able to just come in here and say - you know - do it once, let me just do it once, you know - let me get it off my chest once, tell you why I want to stay with this insurance plan, or why I think that we deserve - you know - this percent raise, or we should keep this language [tape ends]. There has to be something done, and I do not know if it is the charge of this Commission, but the current R.S.A. in

Concord is broken. There is no closure to the system. You go to - you know - like, when you reach impasse, you go to mediation. From mediation, if you are still at impasse, you go to fact finding. If you cannot come to an agreement on fact finding, you go back to mediation. You spin your tires - you are stuck - it like a car stuck in the mud, you just keep sitting there and spinning and spinning your tires. There is no closure to the collective bargaining system. One year, my Union spent - and the City spent - because it is a fifty-fifty split of the bill - I spent Seventy-Two Hundred Dollars one year, just for fact finders, mediators and - you know - the City paid that. Yes, if the City has Seventy-Two Hundred Dollars that they want to throw away, that is fine, but I have better use of my Union funds that I could spend with [sic], and I am sure that the City could - you know - Seventy-Two Hundred Dollars does not sound like a lot of money for a Hundred and Twenty-Five, Hundred and Thirty Million Dollar budget, but to a local that has - you know - four hundred members - you know - Seventy-Two Hundred Dollars in one year is a lot of money. And, the only people that are benefiting from this are the fact finders and mediators, who make anywhere between Six and Seven Hundred Dollars a day. If you want the City to grow and prosper, you really have to have fair and equitable wages in the City. And, you have twenty-five hundred City employees and you have another twenty-five hundred public sector employees, they shop in the City, they buy their cars, they try to buy their homes in the City, and it - and if - anything that this Committee can do to try, to at least bring their wage scales up, to a fair and equitable wage, instead of trying to bring in low wage jobs all of the time, people will not be able to buy cars, will not be able to buy homes, and the City will never prosper.

Chairman Pappas stated: I wanted to clarify which members were not present -

Clerk Johnson stated: I just wanted to note for the Commission's information that the representatives that came before you this evening did not include representatives from the Public Safety sector, for whatever reason, those Union representatives did not appear before the Commission this evening, and I am not sure - My understanding is they had all be sent out letters, I am not sure why - But, I know that Fire was not represented, nor Police, or police supervisors.

Commissioner Shaw stated: Well very little of the testimony tonight had anything to do with what we can do in the Charter -

Chairman Pappas stated: Yes, it - I mean, we wish that -

Commissioner Shaw stated: That is - that is a - somehow there is a direction that needs to be addressed, as to - What is it that you would specifically change? I - Mike Roche said, "Like to keep the present system." Commissioners and the whole bit. Have not had a contract for six years, and I wondered why anybody who could not get a contract within six years would want to keep the present system. You know, maybe we should have gone to a City manager form of government, or some - you know - So, I think that we should try in the beginning of our program here to direct people down - down a path as to what their testimony is about, versus ramble.

Commissioner Sullivan stated: I disagree.

Commissioner Stephen stated: I would like to comment. I respectfully disagree, I think that what they are discussing here tonight are very important concerns for the City, and that the people that are ultimately going to vote on this Charter. There are things, Bob, that we can discuss, and modify or amend and add to a Charter. Especially a merit situation that we discussed is one thing. There are some other things that were mentioned. Conflict of interest issues. I think that these issues are things that we have go to discuss. So, I respectfully disagree.

Commissioner Sullivan stated: I will try not to ramble, Bob. I disagree with you. I think that, as Commissioners, we have an obligation to see how the City runs from top to bottom. And, whether some of these things are things that we cannot do anything about, I think that it is important for us to know where there are problem areas, and maybe there are things we can do - and maybe we can't - I mean - I learned a lot tonight from the City employee representatives. I think that it is a disgrace, in many cases, how we treat our City employees, and -

Commissioner Shaw stated: Okay. Could you just make believe, for a moment - What would you put into a Charter that would address - their concerns, which are - they are corrected. They have some egregious problem - But, how would you write a constitution of a City, that would - in that one area? Just - just a thought.

Commissioner Sullivan stated: No, that - A couple of things, Bob. One is on the idea of the sick leave policy. I mean, I, for one, am in favor of not having the

specifics of the sick leave in the Charter. However, I would not want to replace that unless we had a substitute provision that would say something to the effect of, for example, with the unaffiliated employees, that their benefits will at least be as good as the employees with Contracts.

Commissioner Dolman stated: Well, they would not lose previous benefits -

Commissioner Sullivan stated: Well, no. But - you know - but that - there are those types of things - Also, for example, I think is the - you know - some things that Johnny mentioned in terms of having an appeals process to go to if there are problems in terms of personnel. I do not know that we are going to want to do anything about mandating a Human Resources Director in the City Charter. We may not want to - You know, that is probably something that we would not want to do. However, perhaps in our report we might want to recommend to the Board of Mayor and Aldermen that they think about doing that, even though it is not something we put in the Charter. I do not think that there is anything wrong with us saying, "In addition to these Charter provisions - By the way, some other serious things have come up in the course of our discussions with various sectors of the City, and we think that it is important for the Aldermen to look at these things." I do not - There is nothing wrong with our doing that, either.

Commissioner Shaw stated: I am totally amazed that the Aldermen are not aware of the concerns of the people that spoke to us today. They have made a conscious decision to be unfair. It is a conscious decision - and it is a conscious decision over six years to be unfair. And I do not know how you write into a Charter - I would like to see that to. I mean, go back to the Preamble where it is the requirement of the representatives of this City to be fair. But - Not going to happen -

Commissioner Dykstra stated: Yes, Bob - If I could just address Bob, why couldn't we address something like that in a conflict? I mean, if you have elected officials who are influencing certain people to hire certain people, I mean, wouldn't that be something that could be addressed within a conflict? It certainly is a - And, I am not saying to put them in jail, although, maybe, you know - I mean, I am just saying, that that could probably be addressed in a conflict. Why not?

Commissioner Shaw stated: Well, I would not be in Manchester, New Hampshire, today except for nepotism. Except for nepotism. My aunt worked for Woolworth's, and I was hired as a stock boy in Woolworth's as a child, and from that beginning, you see, I moved on to other things? Don't you see? Everybody dislikes nepotism. Everybody dislikes it, but what is wrong with nepotism if the person is qualified to do the job?

Commissioner Dykstra stated: But that - But that still does not - It is just the - you have to look at the appearance. And that is something that is very important. If the people out there feel that there is something going wrong, and the City is - the government is showing that there is an appearance of wrongdoing, whether it is or not, is not in the best interests of the City. There is a lot of them -

Commissioner Shaw stated: But it is saying a person is denied promotion, because his name is Sullivan -

Commissioner Dykstra stated: No. No. I do not think a Shaw should be denied, either.

Commissioner Stephen stated: I just wanted to add to them - One issue was brought up about moral problems. If you have so many departments with so many City employees, and if you such an egregious problem - or an apparent problem with moral - and we can, as a group here, that has been elected by the citizens to formulate a new Charter, if we do, and if we can come up with a Charter that could increase the moral, make it better - I mean, don't you think that we have accomplished something? And, we have accomplished something for the benefit of the citizens?

Commissioner Shaw stated: But, in Manchester, New Hampshire, the average, everyday citizen, ninety-eight thousand of them - if there are a hundred thousand in this City, probably fifty-five thousand are jealous of people who work for the government. You see, that is the dilemma. You cannot take away jealousy. Go to the gas pumps and talk to the people in their cars when they rail against the teachers who had off because of a snow storm, or a mailman who has higher pay than they have, or a firefighter who works every other day, you see? It is the nature of government - alright, and you cannot not with your ethics things and the rest of it - you cannot legislate morality. If you could, the present Speaker of the

House of Massachusetts would not be named Finegan.

On motion of Commissioner Dykstra, duly seconded by Commissioner Sullivan, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan

CHARTER REVIEW COMMISSION

May 1, 1996 5:30 P.M.

Commissioner Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were seven Commissioners present. Commissioner Dolman and Commissioner Shaw arrived late.

PRESENT: Commissioners Dolman, Dykstra, Lopez, Pappas, Shaw, Stephen and Sullivan.

Minutes of the April 10, 16 and 17,1996, meetings were distributed to members for consideration at the next meeting.

Chairman Pappas stated: Okay, where did we leave off last week when we were working with our Charter?

Commissioner Sullivan stated: We were at Article III, Departments, Boards, Commissions and City Officers, and we had gotten to the point of talking about - I think that we had gotten to the Charter Committee consolidation of City Departments. We had talked about, and concerted by a two-thirds vote, but we - I think that Commissioner Dolman said that he was not quite sure about that yet. I think that Commissioner Lopez was still thinking about it. So, it was one of those, "probably," but not a "definite," which we may revisit. And, I think from there - I think that was it actually. Maybe we were at a better delineation of the responsibilities of departments.

Commissioner Lopez stated: I did - I had - Went back to one of my notes on [Section] 3.01, and about the two-thirds, that is what you were speaking about

Kathy, and on consolidation of departments. I was thinking, and I wanted to throw it out to the rest of the members, if the consolidation by two-thirds vote could not be - not during the budget process, though.

Chairman Pappas stated: Well, that is a good idea.

Commissioner Lopez stated: So the Drafting Committee should take a look at it. In other words, if you have the budget process, you could not consolidate at that time. You would have to consolidate during the non-budget process.

Chairman Pappas stated: Do you think that we want to consider that, Drafting Committee?

Commissioner Sullivan stated: Yes.

Commissioner Stephen stated: Well, can you explain to me what the reason for that would be?

Commissioner Sullivan stated: Well, maybe we could consider it. I think that there is - It sort of has a good point, and then I think about it, and there may be a bad point. But, I think that the good point is, is that no one - that you do not leap into something out of budget considerations as opposed to thoughtful reorganization as part of a long-range plan that is good for the City. Whereas, if you are in a budget situation, and money is tight, you might just do this - sort of a knee-jerk consolidation for purposes of saving money without looking at the long-range consequences. So I think that that is the good part. Of course the bad part is, is that maybe during a budget crunch you have got to have the flexibility to perhaps do something like that if it is a very bad budget crunch. I do not know. I can see both sides of it. I think that we should consider it and then see -

Commissioner Lopez stated: Right.

Mr. Groulx stated: I have just - and I cannot remember where I have seen it, and I have seen it several times, there are charters that ask for a reorganization plan in advance of a vote - I mean a formal one - a real actual, nuts and bolts type reorganization plan, before you bring it to the Council to consolidate departments.

Or, in the administrative code, sometimes, just to get the ball rolling. Sometimes after the charter, they will ask for a reorganization plan, right after authorization of a new charter. So you can get one - all department are - get spelled out in the administrative code.

Commissioner Sullivan stated: Could we get a copy of some of those provisions for the Drafting Committee.

Mr. Groulx stated: I will definitely try to find them.

Commissioner Stephen stated: Are those in the charters, or are they in -

Mr. Groulx stated: Well that - the simple part of the Charter would read that you are requesting that the chief executive officer submit a plan of organization - organizational plan.

Commissioner Stephen stated: Okay.

Chairman Pappas stated: Alright. Good evening Commissioner Shaw and Commissioner Dolman. We have picked up where we left off last week. Okay. We are - Do you want to move on? So the Drafting Committee will take - John Groulx will bring that information to the Drafting Committee, and then we can reconsider it at a later time.

Commissioner Stephen stated: I would like to add one thing, though, on [Section] 3.01. When we discussed this in the Drafting Committee, I want to make sure that - I cannot find it right now, maybe John can, but the City of Concord has a provision that you showed me last time, that specifically delineates the departments that can be consolidated, and I know that we discussed that at our last meeting, and we may want to refer to that section in the Concord Charter, because I think that they put in all of the departments that are prohibited from being consolidated by Statute.

Chairman Pappas stated: That is a good point.

Commissioner Dolman stated: John, just for example, when the Mayor

(inaudible) consolidation of the Traffic Committee. That was created by State statute. That was created by State statute on behalf of, I think by - (inaudible) at that point in time. What would prevent the Manchester delegation and asking for a repeal of a certain State statute. If we, or at some other point some Aldermen, or, you know, some future Board of Mayor and Aldermen feel that the Traffic Committee should go back where it was originally, with the Highway Department.

Commissioner Stephen stated: I do not think that anything would. But the Charter would specify - I mean, if the Charter would take precedence, I would guess, over the State statute, if - if the Charter was enacted prior to the repeal. If the Charter said, "you cannot consolidate," certain departments.

Commissioner Dolman stated: I am not sure - What I am trying to say, is that, I am not sure that I want to put the word, "can't." I think I might say that, you know, by State statute you can't - Pursuant, unless you want to - you know - repeal that statute.

Commissioner Sullivan stated: Do we have a copy of that statute on the traffic?

Commissioner Dykstra stated: Tom Lolicata does.

Commissioner Sullivan stated: John, could you get us a copy of that traffic statute? Because, I have heard that referred to before, and I have got my - the Court decision from the Catudal case, but it would be nice to see that. To see exactly what it says. Thank you.

Commissioner Dolman stated: Could I amend that also, because maybe we should get a copy of the Court decision, because it was not only the Traffic, wasn't it the Tax Collector also?

Commissioner Sullivan stated: We have that. I have got that. Mike gave me a copy. Do you want me to get a copy to you?

It was concurred that Commissioner Sullivan would send all of the members a copy.

Chairman Pappas stated: Alright, fine. Do you want to work our way through each one of these departments?

Commissioner Dolman stated: Well, I would just like to go right to [Section] 3.13, which is Department of Building Services.

Chairman Pappas stated: Rather than take them in order?

Commissioner Dolman stated: Well, unless we are going to do something with these departments?

Chairman Pappas stated: I do not know. I am just - I just want to be sure that we are not.

Commissioner Dolman stated: Wasn't it mentioned at the last meeting, Madam Chair, that we might state in some kind of other form - another letter - stating that we think that maybe that is something a future Board of Aldermen should (inaudible) if they want to, and we are going to maybe walk away from that and not get involved in that at this point in time?

Chairman Pappas stated: Get involved with what?

Commissioner Dolman stated: Well, we might - we might make a recommendation that in some future date, like Syl Dupuis said when he - that is when I asked him that question - should we be doing these, listing the departments and listing the consolidations in the Charter, and he says that maybe it shouldn't be - and I think - I think you said that also at one point in time, should these - should these departments be listed in here? Maybe at some point in time they should be in a separate document, and saying, "Hey, do you want to amend?" You know, I am not saying that I agree with that, I am just saying -

Commissioner Sullivan stated: Yes, I think though that if we are going to give any authority - if we think that there should be any possibility of consolidation, Steve, we have got to provide for that in this Charter, because otherwise you cannot do it. You cannot - you cannot - right now, under this Charter, you cannot consolidate any department that is established under the Charter. And, I am not

saying that we want to necessarily do it, but if we are going to give any authority to the Aldermen, it has to be done through - We would have to give them the authority to do it.

Commissioner Dolman stated: I do not want to talk to Commissioner Cook, and I am not saying that I agree with him, but if I remember correctly, it was Commissioner Cook who said that he would like to see us take out -

Commissioner Sullivan stated: All of the departments, right -

Commissioner Dolman stated: All of the departments, okay? And that is all I am saying.

Commissioner Sullivan stated: Right, right. Oh, okay. Okay.

Commissioner Dolman stated: So maybe we should be discussing at this point in time, and the only reason I skipped to [Section] 3.13, was the department head of that department himself said that his job description has changed - And, that he does not feel he should be the head of Public Building Service, that he should have been - you know - head of General Services, or whatever you want to call him. So, that is the only reason why I skipped right to [Section] 3.13.

Commissioner Lopez stated: I just - It all depends, as far as I am concerned, how the Drafting Committee comes back and addresses the two-thirds, and what provisions and also, as you - Whether or not there is going to have to be some provisions to where the Aldermen, before they vote on it, like John has indicated, without repetitious - as to whether I would ever vote to go along with that, you know - And, so I have to wait for the Drafting Committee, and with the Madam Chairman, we can just eliminate all of the departments right now and wait until the Drafting Committee comes back, as far as I am concerned.

Chairman Pappas stated: Okay. Bob -

Commissioner Shaw stated: I do not think that we need to eliminate departments in the Charter. I think that we just have to go to [Section] 3.01, the very last sentence, "In exercising this power, the Board of Mayor and Aldermen

may not abolish any department established by this Charter nor transfer from a Department the primary responsibilities vested by Charter in that department." Eliminate that sentence, and you would not have to do anymore. Would not have to change a word in Section - Article III at all. Wouldn't that be neat?

Commissioner Dolman stated: Then I would like to go right to [Section] 3.14 and eliminate the Department of Public Buildings.

Commissioner Shaw stated: Why?

Commissioner Dolman stated: There is no necessary - There is no need of that when you have no more - You have a privatization of the public buildings. Mr. Houle does not do that anymore, if he ever did in the first place, and ahh - I think maybe that responsibility, I mean - that is a perfect place - and he has come up before this Charter and said himself that his job description has changed -

Commissioner Shaw stated: But he wants to change (inaudible) in the department -

Commissioner Dykstra stated: He is buying oil now, isn't he?

Commissioner Dolman stated: That is right. He said he is -

Commissioner Dykstra stated: Yes, I asked him. Yes, he is into the purchasing.

Commissioner Dolman stated: He is the purchasing, so maybe he should be in - you know - this department should be eliminated if there is no department.

Chairman Pappas stated: How do the rest of you feel about that?

Commissioner Shaw stated: - (Inaudible) Special Service Department -

Commissioner Dykstra stated: Well an election eliminating (inaudible) -

Commissioner Shaw stated: There are no problems in the City. I read the (inaudible) - Mayor - (inaudible) and he has solved just about all of the - There

should be a strong mayor form of government.

Commissioner Lopez stated: Now, just as administrative - I am losing words, because the set-up is, here -

Commissioner Dolman stated: I agree. I think (inaudible) - Mike, what I am saying is - Mike, what I said was if (inaudible) Mr. Houle (inaudible) of this Charter Commissioner, and I questioned him and somebody else questioned him about his job responsibilities, he stated that - he does not feel that he was [sic] Department of Public Buildings anymore, because of privatization -

Commissioner Lopez stated: Right -

Commissioner Dolman stated: But he is now doing a general service type of thing, buying oil, maybe purchasing -

Commissioner Dykstra stated: And vehicles, too. Did he say vehicles, too?

Commissioner Dolman stated: Yes, I think he said vehicles (inaudible) - And, I would rather see this department, since there is no Department of Public Buildings anymore, custodians are all privatized - I mean - all that is left in that building is three people.

Commissioner Dykstra stated: I think that what else they do, too, is ahh - I remember someone from one of the departments had told me that they had a problem with - like a lock - and they waited like two weeks before - and Dick - you know - his department was responsible for probably maintaining things, that - they needed someone that they would have to go through him, or something. What had happened, the story goes, is that they never sent anyone down, they had to go to Bob's Locksmith and pay a fortune. But that is just a - So, I think that he is into that, probably, and I do not even know how well it is working. (Inaudible) - if there is a maintenance problem he calls, but do we need him for that? I don't know.

Commissioner Dolman stated: Well, to answer that Leona, this whole privatization issue is a farce, because in the old days, at least, I can tell you from

my hand in the school - my situation at school - before when you had - you know - the janitors, they cleaned things, they did a lot of other duties besides just being a custodian. An example, I have rug into my room and it has been in there for twenty years, and every once in a while the edge would come up. I would call the custodian, he would come in - hammer it down with a couple of nails, and so forth. Now, when it comes up, they have got to - This custodian is not a custodian. He is a janitor. He does not do carpets. They have to send to a carpet service who comes in and will not hammer it down. So the answer to your question, yes. Okay? Everything is privatized now, so if you need your - if you need your pencil sharpener fixed, you have to hire someone to come down or buy a new pencil sharpener at the school. You do not have - the custodian will not come in and fool around with it, you know, and see if he can fix it up for you. They don't do that. All they do is clean.

Commissioner Shaw stated: I think that the Chair is going to have to step in once in a while on the discussion that we are having, and try to point out those things that we should be talking about that should be in the Charter and those things that should be at an Aldermanic meeting on Public Building Services. I mean, that - It is the Chair's responsibility to see that we go down a certain path, and when you get into carpets - whatever you call those machines, that I didn't even know they made any more, then I think that we have gone too far afield. I apologize to each and every one of you, but I am - you know - it is not quite my minute, but I might have to put my hand up and make a parliamentary inquiry as to - you know - what direction are we heading?

Chairman Pappas stated: Well, I think we want to keep this open to everyone's ideas, Bob. And, if -

Commissioner Shaw stated: That is not an idea, Madam Chairman -

Chairman Pappas stated: If Steve, if one of our Commissioners wants to use an example to illustrate a point -

Commissioner Dolman stated: I agree with Commissioner Shaw. I was just trying to illustrate the fact that I think this department should be eliminated in the Charter. There is no department.

Chairman Pappas stated: Right. That - He is illustrating a point that he wants to eliminate this department, and I think that he can use whatever language he likes.

Commissioner Shaw stated: But it is not for us to determine that.

Commissioner Sullivan stated: I guess the bigger decision that I think that we have to make from an overall picture here is, are we going to take the tact of listing departments in the Charter or not? If we are going to do that, then I think that there are some other issues such as appointment of department heads, terms of department heads, and those things that we need to talk about. If we are not going to list departments in the Charter, then - a lot of that - there are a lot - there are things that we do not have talk about, so maybe the bigger issue we need to decide first is philosophically should we or should we not list some or all of the departments - I mean, I suppose we could do it by saying that there are certain basic services the City should provide, and then give the Board of Mayor and Aldermen discretion or the authority to do it as they wish, and come in with some system or alternatively, say, we will keep the departments we have now unless there is a two-thirds vote, like we talked about, to come up with some other system, but, however we answer that first question, I think impacts where we go in terms of what we have to discuss. By the same token, there are certain things under the Departments, Board and City Officers section of the Charter where I think that we probably need to keep things like the Tax Collector, the City Clerk, an Assessor of some sort, because those are all things that are required by State statute. So, I do not know where I go with this, but that is just sort of my general question.

Chairman Pappas stated: Well, I think that that is a good way to lay it out, so we - You know, we have a couple of choices here, and we can decide which way to go. Mike.

Commissioner Lopez stated: I would like to ask the rest of us to just bypass this whole issue on the departments until the Drafting Committee comes back, because without repeating everything, I think that it is the only way to go. I am not ready to say, "take out this department," until I know what the final authority is going to be.

Chairman Pappas stated: Alright, that is a good point. Bob.

Commissioner Shaw stated: Well I do not think that the Drafting Committee should come back and tell us whether we should have departments or not. I think that Katherine's position is the correct one. Do you want departments, or don't you? And, then some of us would say, "Well, we don't want department." And then the people who want departments would argue why we should have them. And, I think that what she said, that by having departments in the Charter then we can decide whether they should have commissioners and how the head should be done. If we do not list departments at all, then all of those issues go away, because you cannot have heads if you do not have departments.

Chairman Pappas stated: That is true. So, we have choices to make here. John.

Commissioner Stephen stated: I guess - I am getting back to what Bob had said earlier. That last sentence - If for example, if we - if you did not include the Building Department that last sentence would allow the Board of Mayor and Aldermen to do it on their own, right? They could just establish it.

Chairman Pappas stated: Yes.

Commissioner Stephen stated: We are not saying that - that this can never be established -

Commissioner Dykstra stated: Yes but, how much do we want to get involved in this?

Commissioner Stephen stated: But I - I mean, I think that the two-thirds issue is what we discussed earlier, and that is something that I thought most of us - you know - were either debating or agreed upon. I thought the two-thirds was good provision, and this way it would leave most of the decision up to the Board of Aldermen - Mayor and Aldermen, and that is what I think, Bob, that we want to do. We do not have the - I do not think that we have the know how to say, "let's abolish this," "let's abolish that." I think that the Board of Mayor and Aldermen has the know how. They were elected and they should - they should be able to

do those types of things.

Chairman Pappas stated: So you have a sense that you think the two-thirds is probably the way we are heading here. Steve.

Commissioner Dolman stated: I agree. I think - I agree with Commissioner Shaw that we eliminate that section, that it says that line. That leaves it up to the Aldermen to do. As long as we protect it - I think we agreed on that last line, as long as we protect the departments with a two-thirds vote, right - I have no problem with that.

Chairman Pappas stated: Okay.

Commissioner Dolman stated: Okay - The only reason I mention that one department again is because that Chairman himself, that whole department mentioned it himself -

Chairman Pappas stated: I know, yes.

Commissioner Dolman stated: That is the only reason that I mention that one. I think we should leave it up to the Aldermen, as long we protect it with a two-thirds vote.

Chairman Pappas stated: Okay.

Commissioner Dolman stated: I have no problem with that.

Commissioner Sullivan stated: And - Let me ask you this. I mean, I - That is one department I agree with you, that we could get rid of it. I am just wondering if there is any consensus on anyone's part that we at least - I mean, in the case of that one department, do people want to get rid of it from the Charter, or do you just want to leave it up to the Mayor and Aldermens' discretion?

Commissioner Shaw stated: I want to get rid of the Finance Department.

Chairman Pappas stated: Well we have not gotten there yet.

Commissioner Dykstra stated: I would rather leave it up to the Aldermen.

Commissioner Shaw stated: Are we debating?

Chairman Pappas stated: Alright. Let's not all talk at once. How many - Do you want me to do a straw poll here, or you are not ready for that? - Throw it out?

Commissioner Sullivan stated: I think so, yes.

Chairman Pappas stated: How many people would like to get rid of that department altogether? We have two, and the rest do not feel sure about it.

Commissioner Sullivan stated: Okay.

Chairman Pappas stated: Alright. So, let's eliminate that idea. So the Drafting Committee will go back with the two-thirds notion and the elimination of the line, and then this will go to the Mayor and Board of Aldermen. Bob.

Commissioner Shaw stated: And then they, the Drafting Committee, should look at each one of these within that Section, making sure that they are relevant to -

Chairman Pappas stated: Right.

Commissioner Shaw stated: - you know. And then we should go into whether terms - Now, if you stayed within this question should be, is "What kind of terms do we want for Commissioners?"

Chairman Pappas stated: Right.

Commissioner Shaw stated: And, "What kind of terms do we want for -"

Chairman Pappas stated: For our, all - department heads. John.

Commissioner Stephen stated: I just wanted to ask Bob - You said the Drafting Committee should not get it.

Commissioner Shaw stated: I am reading my notes.

Commissioner Stephen stated: Bob, this is my minute. You said the Drafting Committee wants to go back to see what is relevant (inaudible) - Because, I am on that Committee. Can you explain what you mean by that? As far as -

Commissioner Shaw stated: Well let's just say that we - I have not read all of Section III. Say there was something there that went against the very grain - you know - of our original - "You shall have a Finance Director," making it mandatory when you have already given the Aldermen the right to eliminate the department. Do you see?

Commissioner Stephen stated: Okay, so something contained in the body of each department -

Commissioner Shaw stated: Yes.

Commissioner Stephen stated: - provisions of each department.

Commissioner Shaw stated: "There shall be a Department of Fire Protection." Well, you cannot have that if you also give them the rights - you know - that was my point, to eliminate Fire Departments.

Chairman Pappas stated: So there is no conflict in the language.

Commissioner Shaw stated: Yes, that is the word, yes -

Commissioner Stephen stated: Alright. Thank you.

Chairman Pappas stated: Alright. Is that agreeable with everyone?

Commissioner Lopez stated: I am not - I am not agreeing on anything until I see the language of the drafting of that particular -

Chairman Pappas stated: Right. But, I think that is what Bob Shaw meant, that - That you go through each department to be sure everything is uniform.

Mr. Groulx stated: If it might be of some help, there is a Charter that I particularly like that is a strong mayor Charter that reflects a lot of the questions that have come up through the meetings, that I have heard. You will - It is from Amesbury, Massachusetts, which is much smaller than us, but it is a city government, but you will have to disregard the fact that they have called it a town, because they did not want that connotation. They went to a city government, but they refuse to call themselves a City. But, in spite of that, they have provisions regarding the way they established their departments, there is a - I believe - I would have to re-read it again. I wish I had it with me - Where it says that they are - that the mayor, or whomever you desire to put forth, that organizational plan, after the charter is written and it becomes a - by two-thirds vote - by a - it becomes the administrative code by which departments are then established. But there are also provisions where they - they set up the City Clerk's Office, and the City auditor, etcetera. I could get you a copy of the whole Charter, and it - It is kind of winded, but it will help you see something that is reasonably good.

Commissioner Sullivan stated: Great.

Commissioner Shaw stated: I do not even know if we are going a strong mayor yet. Do you know that?

Chairman Pappas stated: Not necessarily, no. We do not know that yet. Alright, do you want to work on terms and -

Commissioner Lopez stated: Where are we at?

Chairman Pappas stated: For the Commissioners and the department heads?

Commissioner Dolman stated: That would be Section 3.19.

Chairman Pappas stated: Is that where we are?

Commissioner Sullivan stated: Just before we get that - In [Section] 3.08 though there is - the appointments of Commissioners, and I had a couple of things that have been brought up here on - The first one was, should Commissioners be appointed by the Mayor with approval by the Aldermen? If the Mayor does not fill

a Commission position, should the Aldermen be able to bring a nominee forward for approval? And three, should the Commissioners be elected? That was an idea that somebody had at a meeting - at a public hearing.

Commissioner Shaw stated: Well the third one should be forgotten. I do not think that we should elect Commissioners. I think that we have had a lot of discussion about [Section] 3.08, and I think that the first two thoughts there are pretty good. The Mayor should appoint, the Aldermen should approve, and if the Mayor does not fill it, we should have a time certain that he has to fill a position, and if he does not fill it the Aldermen should be granted the right to fill it. Which would make the Mayor do his job. It is like, you know -

Chairman Pappas stated: Does everyone agree -

Commissioner Shaw stated: I like those two ideas, any ways.

Chairman Pappas stated: - Everyone agree with that? You would like the Mayor to appoint the Commissioners -

Commissioner Shaw stated: With the approval of the Aldermen.

Chairman Pappas stated: - with the approval of the Board - of Aldermen -

Commissioner Shaw stated: Yes. And, if the Mayor does not fill a position, and does not propose a - There is a dilemma there. The Mayor proposes somebody for a position - the Aldermen will not accept it. That does not give them the right to fill it. As long as the Mayor has made a nomination.

Chairman Pappas stated: Alright. Sounds like a strong mayor to me. Steve -

Commissioner Dolman stated: Are we going to put any kind of qualifications on the appointment of Commissioners besides that they are friends of the Mayor, okay, and so forth - I mean, what qualifications does a Commissioner have to be elected - appointed? In other words, appoint a Commissioner. Besides that maybe he contributed to the winning Mayor's campaign?

Chairman Pappas stated: That is an excellent point. Leona.

Commissioner Dykstra stated: I do not know why we would even have to do that, because what qualifications do we have to run as Aldermen? There is no qualification set up to be - to run as Aldermen, as you know.

Commissioner Shaw stated: That is different.

Commissioner Dykstra stated: You know - I know what you are saying, and it is great to have a job description for everything, but when you are actually elected, there really is nothing. And, I would think an Aldermen would even be above a Commissioner. I mean - That is just something I am throwing out, you know?

Commissioner Sullivan stated: Just a couple of points, and this not coming from me. I talked to Brad Cook earlier, when he told me he could not be here until later, and I went over a few of these things with him, figuring that they would come up, and Brad - So, this is Brad's thought, was that the professional expertise depends on the Commission. For example, with the Health Department, it makes sense to try to get a nurse or doctor, etcetera. Perhaps on some of the other Commissions, depending on which ones, that - some professional expertise for one or two might make sense.

Chairman Pappas stated: I think that - That is an excellent point. I think that some of them do need job descriptions. And, some already have them, actually.

Commissioner Dykstra stated: Well - Do you know what I am saying? That is just an example, is what I am saying. I can see for some, but not all.

Commissioner Lopez stated: I would agree on some, but believe me, I do not think that you want to eliminate the lay person of serving on a Commission (inaudible) - just from common sense on some of those Commissions and then having all professionals on it.

Chairman Pappas stated: Yes. Good point. Bob.

Commissioner Shaw stated: I think in the Health Department, I can see where

expertise is important. But in Parks, Airport, and the others, I think that the Mayor's friend should get the job if the Aldermen wish to confirm them. - If the Aldermen wish to confirm them.

Chairman Pappas stated: Well yes, that is true -

Commissioner Shaw stated: And that is the key to it -

Chairman Pappas stated: The key to it is to get that Aldermanic vote.

Commissioner Shaw stated: - the Aldermanic vote. But, on Health, I think that the Mayor should be required to appoint people with expertise in a particular area versus -

Commissioner Lopez stated: Also, on the job thing - I do not know if you mentioned it, Kathy, is holdovers - at the same time.

Commissioner Sullivan stated: Oh, that is right too.

Commissioner Lopez stated: Holdovers after ninety days should automatically be reappointed -

Commissioner Shaw stated: No. He is done.

Commissioner Lopez stated: Well, that is your opinion. My opinion is -

Chairman Pappas stated: If the Mayor wants to do his job, he has ninety days to do it. What about term limits, or do we address that in another section?

Commissioner Stephen stated: [Section] 3.11.

Chairman Pappas stated: [Section] 3.11, okay.

Commissioner Sullivan stated: Actually, before - The only other thing before we get to that, was on the partisan labor representation. I think it is in [Section] 3.09. 3.09 is partisan and Labor Representation. And again, speaking for

Commissioner Cook, and also Commissioner Baines gave me his proxy - so I am feeling so powerful - Commissioner Cook said on partisan, he thinks we - on Commissions - there should be at least one from each major party, but not required. You know, something like two or parity or something, but at least have one from each party. He also suggested that we do not need Labor Representation on the Commissions. So that was Commissioner Cook.

Commissioner Dykstra stated: We do not need labor?

Commissioner Sullivan stated: No.

Chairman Pappas stated: Will - Does this somehow tie-in with non-partisan and partisan elections?

Commissioner Sullivan stated: That is a good point.

Chairman Pappas stated: I mean, maybe we should postpone this decision until we decide what we want to do about that.

Commissioner Shaw stated: You know what is interesting about the Labor Representation is the connotation that it is somebody who belongs to a Union - you know - in this vicinity. It would be much better if we met by Labor, somebody who actually works within that department. You know, in Germany, employees of the company serve on the Board of Directors. And it is an interesting concept where people who are directly affected by it - in fact, Chrysler has adopted, if I am not mistaken, they have representation of the Union on the Board of Chrysler Corporation. I would think - if I had a choice on that - that is what I would want it to mean, that the employee of that department, the laborers of that department - which could be - and by that, I mean, the secretaries, or you know - whoever works in that particular department -

Chairman Pappas stated: Would also serve on the Commissions?

Commissioner Shaw stated: - could. One of them could be. In other words, he could not serve on Parks because he was in the Labor Union. I mean, the Germans, the Chryslers, and other companies have adopted that, and I think that

that is fairer representation.

Commissioner Dykstra stated: I just want a clarification. So, right now, you basically have to hold a Union card? Is that what you are saying?

Commissioner Shaw stated: Well - I am opposed to it - You have to work for the department.

Commissioner Dykstra stated: Oh, so that is what you are saying. I am just clarifying - So, you are saying that if you are person who just works at a job, an employee, that would be labor, other than holding a Union card.

Commissioner Shaw stated: No - Labor in that department.

Commissioner Dykstra stated: Okay, but you do not have to hold a Union card?

Chairman Pappas stated: Right. It could be non-affiliated -

Commissioner Dykstra stated: And you have to now, I guess -

Commissioner Lopez stated: Right. You have to have one.

Commissioner Dykstra stated: Okay. Alright. I just wanted to verify that. Thank you.

Commissioner Lopez stated: Well, it is a touchy situation with me, and I do not know what the answer is and hopefully we can come up with some - Maybe your answer is the best, have somebody in the department -

Chairman Pappas stated: If you can find someone.

Commissioner Lopez stated: Of in - that is right - You know - That is a lot of pressure putting on somebody that is on the Department as it is, as a worker, being - working in that department, and also going to sit with the Commission, and then everybody is going to be after that one lay person, like he is Superman.

Commissioner Dykstra stated: Yes. That looks like more like a conflict, doesn't it?

Commissioner Lopez stated: Well, even though I am a card holder - I have indicated that nobody in Labor has ever contacted me. So you know, I do not know if it is necessary - I believe that you should have Labor on there - As to what purpose, to make sure that the Labor people are getting their fair share - shake, basically, on grievances and stuff like that, that go before the Commissions. But, I do not know what the answer is.

Commissioner Sullivan stated: I find myself in - perhaps in agreement with Commissioner Shaw, although I have to think about it - Because this is the first time I have thought about this, but - One of the things that has bothered me the most, through our whole process, and what I am hearing, is the apparent lack of both horizontal and vertical communication in the City in that the Aldermen and the people in the departments and the department heads, and the people over in this department - No one is talking to each other. And, maybe by having an employee on a Commission, then at least we start the process of communication. I mean, I have thought about this a lot since our last meeting, and I have said, "How do you get people to talk?" That seems to be one of the biggest problems that we have. And when you have communication you have openness, and I think you get rid of suspicion and divisiveness, which is, I think, one of - the biggest problem that we have in city government today. And, so, I think maybe that is something that we should consider. As I say, this is the first time I have thought about it and, you know, I - I would like to know what other people think about it. It is not a bad idea.

Commissioner Shaw stated: Well, if you had, like Mike Roche, at the Waterworks. He could not hurt being on their Board of Commissioners. He could not hurt them. He would only be one of six or seven votes. But you would give a sense of fairness to the whole process that the employees side of concerns are brought to the other Commissioners, you know, and it does not come just from the department head that everything is "hunky dory." You know, and I think that sometimes - I heard that in Chrysler, having the representative has been a major benefit to the company itself.

Chairman Pappas stated: I have to agree with Kathy. I think that that is an intriguing idea, and I am wondering - John Groulx, are there any charters that do? That have Commissions? There probably are not very many with Commissions to begin with.

Mr. Groulx stated: I am waiting on - Sioux Falls has a similar system as us. Lawrence has Commissions, but I have not gotten anything back from there yet. But if I cannot get Sioux Falls, I will track somebody else down.

Chairman Pappas stated: Alright, okay. It is a great idea. Further comment? Mike.

Commissioner Lopez stated: Say like - Just one other comment. Like in the Letter Carriers Union, we had that type of system that Bob is talking about. The Union representative goes to all of the management meetings. So - And, it worked pretty good.

Commissioner Dolman stated: I have discussed the idea of geography before, and I know it is not going to sell, but what I would like to - make a suggestion, maybe in the language, is - If there is already some kind of representation from one ward on a Commission, that - I mean - I am sure that the Mayor can find another friend from another ward, okay? Well, it might be hard for this Mayor to find so many - I'm sorry - I have got to joke, I cannot help it. But, I am serious, I think maybe we should find - I think, like having three people from one ward on one Commission, as we do on the Police Commission, as we do on the Board of Registrars, at one point in time - we don't anymore, makes it kind of difficult. You do not get a fair representation for the whole City. I am not saying that you have to keep geography in mind, but if there is already somebody there from a ward, the Mayor should look for - someone else to make an appointment from. I mean, it could be the next ward, I am not saying - okay - but I think you try to spread out the -

Commissioner Shaw stated: Well I think - He made an interesting way to solve that problem, is that each ward can only have one representative on that - on a Commission. - So there are five people on the Parks Department, alright? One being labor, and then the other four - if one of them is from Ward One, then

nobody else from Ward One should be chosen. It should be another ward - Would that -

Chairman Pappas stated: So you support the geographic aspect -

Commissioner Shaw stated: But not - Yes, I like that.

Commissioner Dolman stated: Only if it is not - The condition that it be more than one for one ward.

Chairman Pappas stated: How does everyone else feel about that. John -

Commissioner Stephen stated: I think Commissioner Shaw's proposal is excellent - I mean -

Commissioner Shaw stated: No. Dolman said that.

Commissioner Stephen stated: - that - Well, also Dolman. That takes care of the situation of writing in - oh - we have to have five from this ward or one from this ward. Excellent. I agree with that. No one - You cannot have more than one from any given ward.

Commissioner Shaw stated: On a Commission -

Commissioner Stephen stated: Yes.

Chairman Pappas stated: Everyone else feel that way?

Commissioner Lopez stated: On - on every - on any - on all Commissions? So, if one is serving under Parks, that means that nobody in that ward can serve on the police, is that what you are saying?

Chairman Pappas stated: Well, no -

Commissioner Shaw stated: Except for the labor -

Commissioner Sullivan stated: No.

Commissioner Dolman stated: No, no - No. No, I do not think we are saying that.

Chairman Pappas stated: Each Commission. Each commission.

Commissioner Sullivan stated: Each Commission.

Commissioner Lopez stated: Each Commission. Okay, fine.

Commissioner Dykstra stated: I would like to touch on something. What if we do - like we are doing something with the ethics thing, can we put something in there that says, like, "Unless otherwise stated by the Charter," or something? Because, like, you know, through the Charter, if we ever do something with the Ethics Commission we have got a certain set-up for it, so - John, I do not think that we would want something in here that is - might affect that, or -

Commissioner Stephen stated: Well, the drafting at the end would clear that up. That is no problem.

Commissioner Dykstra stated: Okay. Alright. So that if there is something in the Charter, what we are saying is not going to -

Chairman Pappas stated: Okay, so -

Commissioner Stephen stated: No problem. We will make sure it is consistent.

Commissioner Dykstra stated: Yes, okay. Alright.

Chairman Pappas stated: So, just to see where we are - We have come up with two things - two ideas for the Drafting Committee. The first one being the labor person, being an employee of the City. And the second being the geographic stipulation - For the Drafting Committee.

Commissioner Stephen stated: I would like to add one more - With regard to

the labor issue, I know that we had a discussion about labor being able to pick their own representative -

Chairman Pappas stated: Right.

Commissioner Stephen stated: And, I think that is something that we need to discuss if we are going to be discussing whether labor is going to have a representation at all.

Commissioner Dolman stated: That is a good point.

Chairman Pappas stated: Well, that was brought home several times by those people.

Commissioner Stephen stated: Yes, and I thought it was a very good point that they raised. What do the other Commissioners think?

Chairman Pappas stated: So, you would like the person that is chosen from - the City worker that is chosen, also be somehow involved with the Labor Union, that they choose the person?

Commissioner Stephen stated: Well we are getting - They at least have some decision making. They partake in the decision making process in some manner.

Commissioner Shaw stated: That denies access to serve on a Commission to people who are non-affiliated.

Chairman Pappas stated: Right.

Commissioner Shaw stated: You see - I do not see - That becomes unfair. Unfair, then. If the Mayor wishes to appoint - You have got to get it through the Aldermen, you understand - If he can get a certain employee to serve on the Commission, that employee might be so pro-management - you know - and anti-Union, but that is the Aldermens decision.

Commissioner Stephen stated: But I thought that we were talking only about

somebody who holds a valid Union membership.

Commissioner Shaw stated: I was not.

Chairman Pappas stated: No. I do not think we were.

Commissioner Lopez stated: I was.

Commissioner Shaw stated: You might have been, but I never was -

Chairman Pappas stated: We were talking - We were talking -

Commissioner Shaw stated: And that would be Drafting that decide that. I favor somebody called an employee, okay? And it is not that I do not favor the Union's being the one chosen, but -

Commissioner Stephen stated: Okay, so if I understand it right, you are saying take out the provision that requires Union representation. In its place, put employee representation.

Commissioner Shaw stated: Labor -

Chairman Pappas stated: Employee or labor.

Commissioner Shaw stated: Labor, being a person who works -

Commissioner Lopez stated: But, I thought we - Maybe I was mistaken, but he had to be a Union employee.

Chairman Pappas stated: No.

Commissioner Lopez stated: How are we going to get the Union involved in the process if we are going to take a non-union member, and I - we see it all of the time, they have no concern for the Union whatsoever, and they are not speaking for the Union.

Commissioner Sullivan stated: Yes, you know - And, I say this - although not a Union member. My grandfather was a janitor in the City of Manchester, and my husband is a Teamster, so - I guess, I look at this person not as being there to represent the "Union's interest," but to represent all of the employees in that department. And, if I am correct, you have got a situation, a City the way it is now, because the Union's are more trade-oriented, in terms of how they are organized, you might have a department, where, for example, a clerk or clerical worker may not be in that Union, or you may have - I do not know if there are any City departments where we have two Unions representing various City employees -

Commissioner Shaw stated: There are.

Commissioner Sullivan stated: In which case, how do you - You know what I am saying? I just - I think that that becomes a problem. So, I look at this person as really somebody who should - They are there for two reasons. One is to represent the employee as a whole viewpoint, and also to serve as a Commission on - of this department, which is, you know, the department's viewpoint as well.

Commissioner Lopez stated: I do not know the answer to this, but I do know the answer in my craft - Okay - Whether you are a Union member or not, you are obligated under the Labor Laws to represent a non-Union member, in my craft. Now, I do not know if that is true in the City, whether - whether the Union - pay dues - Union member, and a non-Union - that the Union representation of that Union still has to represent that employee if he works for that department.

Commissioner Sullivan stated: Yes, but that - This is not going to be the negotiations, the contract negotiations, which - you know - I understand what you are saying, if you are having those negotiations that all of the employees get the benefit, but this is - This is more to do with overall policy and procedures, and yes that effects the employees, but - I do not know. You know what I would like to do - and it is - I wish that Mayor Shaw had thought about this last week. I would really like to talk to some of the Union guys and see what they think, in terms of how they would feel about this.

Chairman Pappas stated: That is a good idea.

Commissioner Dykstra stated: I do not think they would like it -

Commissioner Sullivan stated: Because - Well, they might not, but then again they may, depending upon how it is presented to them, because there - It - The good news, I guess, is, we now have employee representation, which they should like. Not necessarily from their Union, but we now have an employee of the department represented - which I would think they would be really happy about. On the other hand, you do not have the - it is not necessarily a card holder, which they probably would not like - But - So, there is a trade-off there. Which is more important, having the employee representation or having the actual Union representation. I do not know, and maybe we can think a little bit more about what Johnny had said, which Commissioner Shaw had - was not in favor of, but, maybe we solve that problem by do [sic] having some input - You know, having perhaps a couple of - three, or four or five - names submitted to the Mayor by the employees and have them pick somebody from that list, something like that. So, it is not - they are not appointed by the Mayor - one person is not appointed by the Mayor, but he picks one from some group, maybe. I don't know. But, we can think about that. I just, as I said, it is a new idea we are talking about tonight. I think that there is a lot of merit to it, and I think that maybe we have got to work out some of the kinks in it.

Commissioner Dykstra stated: Yes. What about the Commissioners that are serving on these Commissions now that are card holders. I mean, they just are no longer going to qualify. Is that correct?

Commissioner Sullivan stated: Well, they can still be appointed as Commissioners though. Just citizen Commissioners.

Chairman Pappas stated: As citizens.

Commissioner Dykstra stated: As a citizen. Okay, but - okay. Then that probably - you know - it would probably eliminate some of those. The other thing is, if the person that works in the department - employee - is on a Commission, I mean, Commissions recommend upgrades or promotions, or whatever. Wouldn't

that be kind of a conflict for an employee? I think I would like a labor person from outside of the department. I think it would probably be fairer. That is my opinion. That is just my opinion. I mean, there is promotions that Commissioners discuss, and this guy works in that department, and you know - he makes the guy pretty powerful within his peers, there. I don't know. Do you know what I mean?

Commissioner Lopez stated: Find somebody to do that -

Commissioner Shaw stated: Maybe it is possible the Commissions are not doing the right job.

Commissioner Lopez stated: Oh come on. How can you say that?

Commissioner Shaw stated: It might be possible.

Commissioner Dykstra stated: I have no problem that they are. I think the labor part is fine with me, I don't care -

Commissioner Shaw stated: I mean, you know, recommending who should be chief might be their biggest responsibility.

Commissioner Dykstra stated: I do not want to fool around with the labor -

Commissioner Dolman stated: Maybe once - What we are having to come down to it - I think it is really what we are coming down to, right now, is, what is the role of the Commission? That is what we have got to be - I mean, that is really what we are coming down to. Because if the role of the Commission is to vote on upgrades on so forth like that, then you might be right, Leona, there might be a definite conflict. Okay? But if the role of the Commissions is only advisory - in the role - and it is voting on who the department head is or the upgrades, and the department head is doing that, it has been suggested by many people at the public hearings, that there is no problem with an employee being on there as an advisory thing - and it would open communication methods.

Commissioner Lopez stated: You have to know the whole picture, first.

Chairman Pappas stated: Can someone in this group describe what the Commissions do? Do they each have - do they have the same policy for each Commission, in terms of their job description and their duties?

Commissioner Dolman stated: I do not think so.

Commissioner Lopez stated: No. Well, I know the Parks and Recreation - we have certain duties as far as the Commission is concerned, and handling the grievances that come before us on a few cases, representing the Commission or the City in the - in all type of functions, making policies and directions and planning is all part of the Commission's duties. There is a complete layout of all of the duties of the Parks Commission.

Chairman Pappas stated: Do you vote on pay raises?

Commissioner Lopez stated: We don't - Vote on pay raises, promotion - promotions and hiring we do. Because that was changed. Now, you have got to remember that is - I do not even know if you have that change, because that is a change that was in the Charter before. And, maybe I have got it here, which I do - Even after the last Charter, it was sent in - on December 9th of 1985, the question was polled to the voters at a municipal election held November 5th, 1985, proposing an amendment to the above noted. In accordance with R.S.A. 49-B, the question was adopted, the vote being 9,569 in favor and 5,188 opposed, and accordingly, Section 3.20 of the Charter, [Section] 3.20 of the Charter, B is amended by inserting a sentence at the end of the present section which reads as follows, "In the basic and special service department, department heads authority for hiring and promotions within the department, shall be subject to the confirmation of the Board, Commission or authority.

Commissioner Dykstra stated: I remember when I was an Aldermen, maybe Steve can remember this, when I sat on Personnel, many times there would be a job, you know, that would come up and we would all say, "well, is this recommended by say, Frank Thomas, or whoever is the head," or do the Commissioners vote - Many times the Commissioners had voted for that, you know, so I mean, that is my only concern, is the fact that I think that there might be a conflict there.

Commissioner Sullivan stated: You know - One of the things that I found interesting last week was unlike the times when we asked the questions of the department heads, when we asked the City employees, "Is there political influence in hiring practices?" They all said yes. And, that, you know, someone said that a job is "taken" for someone, or reserved for someone. Perhaps if we go back to the system of having the department head be responsible for the hiring, or the promotions we get away from that. I don't know. I do not know the answer to that question. By the same token, when I asked Mike Roche that question, who said there was political influence in hiring, I asked him if the department heads should not have the authority to - Should the department heads have the authority to promote without approval by the Commissions and he said no. So, I do not know. You know, I am not sure what the answer to the that is.

Chairman Pappas stated: May I insert the idea that the conflict of interest might solve this problem -

Commissioner Sullivan stated: That is true.

Chairman Pappas stated: That maybe, the folks that are working on the conflict of interest part of this Charter, maybe they can address this problem.

Commissioner Dolman stated: I will be honest with you. We did work on it last night, and I think - My fear was, and I was trying to get Commissioner Stephens attention, if - and I like Commissioner Shaw's idea, something that I did not think about before, but I thing it really does open up the links of communication, but I think that it is going to be in conflict with some of the things that we might have put in that - in our ethics thing last night. I don't know. Do you agree, John?

Commissioner Stephen stated: I agree. And, I - I mean, my feeling before hand was that it would be a conflict and it would mean that, you know, I was thinking that somebody from a particular department may not have an open mind, and I would want open-mindedness on a Commission, but seeing - hearing from Commissioner Shaw, I don't know. I may change my mind on that. That is why, when we said we were going to - when we put this provision together, we are not - we are giving it to the Commission, and I am going to give it to Toni tonight, to

go over it. And, if there are changes that we want to make, we will make them. But I think - I want to think about that, Steve. I mean, I like the idea that Commissioner Shaw brought up.

Chairman Pappas stated: Okay.

Commissioner Dolman stated: I think we need to look at the - again, my main thing is, if it - if the role of the Commission changed, this is no problem.

Chairman Pappas stated: Yes. Did you - Did that Committee wish to report this evening?

Commissioner Stephen stated: Yes. We have got a report for you.

Chairman Pappas stated: Then I think that we need to hold this conversation, or end it, and allow that to happen.

Commissioner Lopez stated: Can I - I would like to add, because of the frame of mind that Kathy is thinking along, I have been on the - I have been on the Parks Commission now for thirteen years, and I have seen people get promoted and hired, and one of the toughest decisions that the Commission had to do, was to select an individual to be the department head. I can openly, and say this everybody here, I do not remember a time that we interfered with a decision of the department head who he was going to promote, or who he would hire, but we have sat on many personnel issues and gave our opinion, and he made his recommendation. So I - I can truly say that.

Commissioner Shaw stated: I am not sure what role the Commissioners have in hiring anyway. It says in Section 3.02, exclusive personnel responsibility. The department head shall have exclusive responsibility for hiring, promotion and discipline. The fact that you give -

Commissioner Lopez stated: I will give you the change you do not have, Bob, so that you can read it.

Chairman Pappas stated: There is an amendment.

Commissioner Shaw stated: Oh, the amendment? And who did it give the power to?

Commissioner Sullivan stated: The Commissioners.

Commissioner Shaw stated: Well, then we should rescind that.

Chairman Pappas stated: Yes, I was not aware of that, either.

Commissioner Dykstra stated: Bob, I have to ask you something. I thought - maybe you could clarify it - When we were voting on things in personnel, didn't promotions come before the Personnel Committee?

Commissioner Shaw stated: After the department head made his recommendation.

Commissioner Dykstra stated: But if we did not - if we did not put it in an ordinance to give the increase, then they would not get the promotion. Wasn't that correct? Didn't the Aldermen have the last say? Steve, is that the way it worked? Didn't they come before - of course, that is what I am trying to say - if -

Commissioner Dolman stated: No. Commissioner Dykstra, to answer that question -

Commissioner Shaw stated: Comes before the Aldermen -

Commissioner Dolman stated: - Watching Channel 40 about a month ago, there - wasn't there a fight on the Aldermanic Board, let's - the Mayor and Aldermen Wihby, the Mayor wanting to stop certain promotions and certain filling of positions, and (inaudible) was (inaudible) - should have the right - the power as the Mayor, he should have the right to stop or fill, and then Commissioner - Aldermen Wihby said, "No, everything is (inaudible) the Personnel Committee," and they said - they argued about whether that should be continued, and Aldermen Wihby came back with the idea and said, "If you don't want the Aldermen to have this power, that if the position is already in the budget, and it has been budgeted for, then allow the department head to do his job, and do [sic]

the position."

Commissioner Dykstra stated: Right. But, it if is not budgeted for, I mean - any department head could promote you and then it comes to us in Personnel, and many times I have done it - we (inaudible) fund it - and then the job was gone.

Chairman Pappas stated: Right. Yes. The power of the purse strings.

Commissioner Dolman stated: And the reason came up again (inaudible) because part of the problem was that the budget constraints that are on there right now, is that they might be running into a shortfall, and they are wondering if they can afford to do - filling positions in the budget.

Commissioner Stephen stated: I just wanted to make a suggestion. I guess we - we have discussed this at length, but - you know, I am just writing down some notes here, and I think that what Steve Dolman mentioned was probably the best idea. And, if we - what we - I think that what we should do is, we have got to find out, are we going to keep Commissions or not? That is like the basic question, and if we all think that we should keep them, fine. Then we go to the next thing. What type of authority should they have? Should it be advisory, or should it be the same authority that is in the Charter? If that is the case, then what should the make-up be?

Chairman Pappas stated: I think that we took a straw poll at our last meeting. We decided we wanted to keep Commissions, but we can do it again, if you like. How many of us are in favor of keeping the system in some form? - the Commission system in some form. So, I think we agree on that.

Commissioner Dykstra stated: Yes, we should keep them - We can just control them - (inaudible).

Commissioner Sullivan stated: I am for advisory.

Commissioner Stephen stated: So, okay - So, now that -

Commissioner Sullivan stated: I do not think that they should have all of the

authority that they have now.

Commissioner Dykstra stated: Which we have to define.

Commissioner Stephen stated: And, so I think we need - That is an important vote, Kathy. And, maybe that is something that we should make sure - you know - that everyone is here -

Commissioner Sullivan stated: Yes.

Commissioner Stephen stated: It is a very important point in this City, and everyone has been mentioning this at the hearings, and I am - I am prepared to vote on it, but I think that we should have everyone here.

Chairman Pappas stated: And, I think that we also have to remember politically, how will this - Will the citizens vote for this? I mean, we cannot make too many changes.

Commissioner Stephen stated: - Exactly.

Commissioner Lopez stated: Just one other point. You know, it is very difficult, you know - And, all due respect, John - We could say yes to some things, and then you come over here and it effects it -

Commissioner Sullivan stated: Right.

Commissioner Lopez stated: You know - I think that we need to see the whole picture before we start voting on what we have. We have to cross-reference a lot of things, so I would not want to take a vote and say, "Yes. This is good," and then - look down the line, you know?

Chairman Pappas stated: Nothing is set in stone. I think that we agreed to that last week. We may change our minds ten times. Alright, let us - because of the time, hear a report from our Ethics Committee.

Mr. Groulx stated: May I make one free comment?

Commissioner Sullivan stated: Go ahead, John.

Mr. Groulx stated: There really is not a community that does not - See, Commissions and committees, if you - they are roughly the same. They are the same, except that you call a Commission - The Commissions here have more authority, and therefore they become a "commission." There is not a community that I know of that does not use committees, advisory committees to enhance the information gathering of the department and to lend experience, to lend the layman's opinion, to lend the public's opinion - Committees are appointed in numerous communities to do just that. It is just a question of authority.

Chairman Pappas stated: Exactly. You have fifteen minutes or less, but we can start.

Commissioner Stephen stated: Well actually, we do not need all the time. All we have really wanted to do tonight, and it is the consensus - We finalized what we thought would be a code that we can present to this Commission, to look at and review and determine if that is something that, you know, we all agree to. It has provisions that I think that all of us are going to like. And, I think we feel that way. But, what we want to do is give the Commissioners at least a week to review the Code. It is a pretty encompassing Code, and it is an amalgamation of maybe sixteen different cities and towns codes across the country. So, it would be better to give everyone a week to look at it, and at the next meeting, we can put this on the agenda, if that is okay with you, Madam Chair - That is our recommendation, and I am proposing - I am able to give you tonight a copy of the actual Code that we have generated.

Chairman Pappas stated: Alright. We really appreciate the work that you have done. And, I think that is a good idea. We will look it over this week and bring it up at our next meeting?

Commissioner Stephen stated: Can we make sure that I - I was going to give this to John Groulx to make sure that he gets copies - that he gets copies made right away to have these sent out to the Commissioners.

Commissioner Dykstra stated: Can I just say one quick thing? When we opened

this, I think that we all kind of agreed that, even though this is what we like, that there might be something that happens within discussion that - I mean - it is not cast in concrete for us, too that -

Commissioner Stephen stated: Nope. I have a laptop and we can change anything -

Commissioner Dykstra stated: That - you know - that when we get input from you, I might say, "Well, oh gee. Well you are right. I think maybe that should happen." So this is what we think is okay, but through the course of discussion, could change, you know? That is what I wanted to say.

Discussion ensued regarding the next week's meetings.

Chairman Pappas stated: Next Wednesday, at five-thirty at City Hall. Now, our - My question now is, would you like to meet on Tuesday, as we have? Kathy.

Commissioner Sullivan stated: Yes. I think we - Given the pace, and you know - I understand what Mike is saying about not making final decisions, but I think we really need to kind of really try to push to get through some of these things - So that the Drafting Committee has got some guidance as to which direction to go in, and we are not making too much - We are not proceeding too quickly, so I think that we have got to start pushing. Is there access - Do we have access to a computer? The reason I ask this is, I think, Johnny, that it would make sense - it is just I am doing a mechanical thing here - that maybe we should - if you can get a disk to John of the Ethics things, so that the burden is not all on you, and then I think in the same token, when we start putting together the Charter, on the computer, on our computer system - If he has got it on, your stuff on disk, then he can just put it in without having to redo it, so maybe just get a disk done. I am getting so computer literate that it is scary.

Commissioner Stephen stated: Yes. I can -

Commissioner Sullivan stated: And I will try to do the same thing on this thing I have too, because that might help with the work eventually.

Chairman Pappas stated: Does the Drafting Committee feel that it has enough to work with at this point, or isn't it worth it yet? To get together for next week, before next week?

Commissioner Stephen stated: Can I make a suggestion?

Commissioner Sullivan stated: The problem is our Chairman is not here tonight, Mr. Baines, and he is going to be out for a couple of days.

Commissioner Stephen stated: Is he going to be here next week?

Commissioner Sullivan stated: I believe so.

Commissioner Dykstra stated: Are we having a meeting on Tuesday? Can we -

Chairman Pappas stated: I just want to -

Commissioner Stephen stated: My suggestion would be that we spend some time on this Ethics thing, and I know that it is something that we have discussed at length - and Bob is looking at me, like - the meeting on Ethics, it could go quick, but I mean it is going to take some time to look at these things, and maybe we might just want to spend Tuesday just looking at it.

Chairman Pappas stated: Well, I think that we should set every Tuesday night from now on, period.

Commissioner Stephen stated: And I agree with Kathy, I think that we have got to get moving.

Chairman Pappas stated: Alright, Tuesday night at five-thirty. We will discuss the Ethics Committee at our office, yes.

Commissioner Dykstra stated: At the Annex, and this going to - we are going to discuss the Ethics? Are we going to do the Commission, too, in one of those?

Chairman Pappas stated: If we have time we will do that as well. Bob Shaw.

Commissioner Dykstra stated: Ethics and Commission maybe, might be good.

Commissioner Shaw stated: I would like to ask Commissioner Stephen a question. At what point, on this Ethics thing, will you become discouraged. I mean, I have read in the paper the Legislatures have terrible conflicts of interest that they have not -

Commissioner Stephen stated: Filing the disclosure forms -

Commissioner Shaw stated: And the, the State of New Hampshire who has been held up as a model on Ethics, and forms, and the whole bit, almost all of their people have failed to file them?

Commissioner Stephen stated: See, the problem, Bob, is there is not enough teeth into that law. And, right now, we are hopefully putting the teeth into it by having an advisory commission that can recommend to the Board of Aldermen, and now it will be in their hands, to do what is - you know - to do what is either necessary to make sure that they are enforcing Charter. That is really what we are asking to make sure that the Charter is enforced, and that people that are working for the City as City officials act appropriately.

Commissioner Shaw stated: But, do you - I have a further question of you, then. Have you heard from anybody, or do you have a sense, that the City is operating, you know, unethically, to this point? Well, I can tell you one thing -

Commissioner Stephen stated: I have a case I wanted to share with you on State v. Grandmaison, that I want you to look at, if you have a chance.

Commissioner Shaw stated: Is that a New Hampshire - a Manchester?

Chairman Pappas stated: No, it is Nashua.

Commissioner Stephen stated: That is a Nashua case. I never suggested that there was a serious problem here in this City, because, but that - that is ongoing. We are talking about preventing, and the appearance, and all other things.

Chairman Pappas stated: Alright, I would like to end our meeting so that we can take a brief recess before the public meeting. Steve Dolman.

Commissioner Dolman stated: It was a serious problem that happened in Manchester. - Just happened recently. When the Airport Commissioner, who was head of General Services for the State of New Hampshire - interjects in the Building Department and stops the payment of fees, I think that is a major problem. And the Mayor is involved in that and the Board of Aldermen know nothing about that. I think that is a major problem.

Chairman Pappas stated: Alright, let's sum it up, please.

Commissioner Lopez stated: I will move to recess.

Chairman Pappas stated: Thank you. We are in recess.

Chairman Pappas called the meeting back to order stating: Ladies and Gentlemen. I would like to welcome you all this evening and we will begin with a pledge to the Flag.

The Pledge of Allegiance was said.

Chairman Pappas stated: Please remain standing for a moment of silent prayer. Thank you. The Commissioners had a business meeting earlier this evening when we took our roll, but I think that it would be good if we introduced ourselves, and I will start down on this end - Commissioner Lopez, Commissioner Stephen, I am Commissioner Pappas, Commissioner Dykstra, Commissioner Sullivan, Commissioner Shaw, and Commissioner Dolman are with us this evening. The purpose of tonight's meeting is to allow all of you an opportunity to discuss your feelings and your ideas about our Charter. I would like you, when it is your turn to speak, to please come up to this microphone and state your name and your address. We are looking forward tonight to hearing from you about certain items in the Charter, most of them dealing with finance and the miscellaneous provisions, which would include the fiscal year, the budget process, the delivery of the of services, the procurements, special assessments, borrowing procedures,

transition provisions, savings clause, violations of the Charter, an Ethics Code, initiative and referendum proceedings, and public records. There are some of you here this evening who may wish to discuss other items and, particularly since this is going to be our last public hearing before our preliminary draft, and we will welcome those suggestions as well, but if you could address some of these issues, we would be very grateful. And, I will begin now, by asking our first speaker to come up to the microphone, and that is Mr. Russell Tanguay - And, I guess he is not here.

Discussion with Linda Garrish.

Ms. Garrish stated: Good evening. My name is Linda Garrish. I live at 7 Irwin Drive. You have asked for commentary on the financial processes in the City of Manchester as outlined and governed by the City Charter. My most pressing concern, in that regard, is the present budget process, which pretty much excludes the public participation and input. By the time the public gets to comment on the budget, it is essentially a done deal. The Board of Mayor and Aldermen need, I feel, to present to the people a vision and a plan for Manchester which has goals that will guide budget development, and then opportunity should be in place for public input, prior to budget presentation by either the Mayor or the Aldermen when there are alternative plans. Public hearings I think also would be better served if they allowed for question and answer periods for actual dialogue between the public and the Board of Mayor and Aldermen. At this point we give input, but the budget is pretty much done. Very rarely is there a significant change in the budget based on commentary at public hearing. That commentary and that input needs to take place prior to the budget being developed, and then there needs to be commentary on that final budget. So, I really feel that I am emphasizing what citizens for a better Manchester have already said, that government needs to be more participative, and therefore it is more responsive to its citizens needs, to citizen input, and therefore, in fact, more accountable. I would like to say as well that the State of the City address gives, really truly does not serve as the City's vision. That becomes an assumption that it is a vision for the City, but it is one person's view, and it is often very political, and it does not truly reflect the vision for the people. The vision for the people should be part of what the people feel. I would also like to - I think that it is kind of a sad commentary that more people ran for Charter Commission than in fact I believe

have testified at your public hearings this far. I may be wrong, because I have not been able to attend many of the public hearings. I think therefore, that there is a greater need, perhaps by this Commission, but definitely by the media systems to publicize with ample notice - more ample notice - and with greater emphasis, these hearing opportunities. I also think, as I commented earlier, that restricting the topic may be valuable for you and perhaps should - it is valuable for the public to give specific commentary, but there should also be a more general commentary, for those - who - people who are excluded from attending, because they cannot make that particular date. As well, early meetings at five-thirty are very, very difficult for public, especially for families, to plan to attend to hear, what is going on in your deliberations, especially if it is not being videoed and taped by Channel 40. At the first public hearing I mentioned, I put forth to you principles and a position paper the Citizens for a Better Manchester had put together. I just want to emphasize that the principles that we mentioned, democracy, accountability, efficiency, and enhancing quality of life, which are very interrelated, are very, very important and we feel are essential to guiding your process, and that we hope you will reflect back on them, and that citizen voice and future vision is really essential in shaping and reshaping public policy. One last thing that I would like to emphasize in terms of a more general commentary, is that the - you have heard comments from Labor, I hope that you can look at the fact that a very pivotal and integral and important, essential component of this community's economic stability, as you look at financial processes and so forth, is the worker - Is the citizen in this community that works, and that you take and listen and hear and put into place in the Charter, whatever it takes, to strengthen the economic stability of the worker, and that Citizens for a Better Manchester did put forth some strategies in our position paper in that regard. I also think that with regard to commentary on public records, that all public Commissions and Boards need to have very much, more accurate minutes and note taking on the proceedings, that there have been - that that is your accountability to the public. These meetings can be attended by the public. So many meetings occur where the public does not attend, does not hear about and cannot attend, and the - and what we get is a general summary of what happened, and they become very often, inaccurate. So that people who testify are not being referred to accurately as to what testimony they have given. So that is my commentary. Thank you very much.

Commissioner Shaw stated: Keeping in mind how the State government, not the people that run it, but the State - We have designed a State government and a federal government, and then in the Charter itself, and this is where we have a conflict all of the time, what was meant in the Preamble to the City Charter, when we resolve for ourselves and our children that it be a representative government. I mean - what - when you - you bring forward all of the time this open meeting, citizen input in the budget, but in the Preamble of our Constitution - City - we chose representative form of government.

Ms. Garrish stated: That is a piece of democracy. We are still a democracy. This country is a democracy. A piece of democracy as representative government, of which voting is a part of. But democracy means that that representative government has to be responsive and accountable. Responsible and accountable - The outcry today, with the apathy and the anger and the frustration, is that the public does not have enough opportunity to participate, to have input, to get feedback, to have their needs reflected on. That is what I am talking about, participative government, when the people can have more opportunity. I have commented on representative government and elected responsibility before, and I think that our position paper reflects on that as well, Commissioner Shaw.

Commissioner Shaw stated: Further question. But through the process that we have for elections, don't you think that we have chosen for ourselves people - through our elective process - to represent a certain segment of the population?

Ms. Garrish stated: If it - If all, or the majority of eligible voters I might say that might be true. But that is not true.

Commissioner Dykstra stated: Thank you. Linda, you had mentioned about the budget process - it is something I have been through - and some of us here - You mentioned that you felt it was important to have input prior to the, you know, earlier than what you had -

Ms. Garrish stated: During its development.

Commissioner Dykstra stated: Right. Okay. Right now, even when the budget

is presented to the public, you know that the Aldermen, the Board of Mayor and Aldermen can make changes and basically listen to the public and make those amendments or changes to the budget, and the question that I want to ask to you, do you really think, although I support the early input - any input, do you think it would make any changes that they - if you have earlier input, would still make any changes to your elected officials if they had a certain way they were going?

Ms. Garrish stated: Well, I think what we do not have when we have a budget being developed and prepared and deliberated upon is a vision. We have - what we have is a bottom line. And that is what we have had for many years now. We get a bottom line, we say this is what you have to function, and it in no way has any shape in terms of a vision for where the City is going. That is what the public can bring forth and that is when it needs to happen, during the deliberation, rather than saying this is your bottom line. This all gets developed, some conferences with department heads which rightfully should be there, and then we get a number and a figure. But really we do not go around that bottom line. The bottom line is someone else's figure, it is not ours.

Commissioner Dykstra stated: Okay. Thank you.

Commissioner Dolman stated: I just have a statement. I tend to agree with you Linda. Maybe if the public was a little - was able to hear what the ramifications of some of the budgets might be, for example, if you are going to throw out a figure, like - for example, a three percent cut - the public should know what that three percent cut will mean to services to them. So they have - So that when come to a public hearing are not - be able to speak, whether those services - they want those services cut or not. And, I think that is what you are trying to say, am I correct?

Ms. Garrish stated: Yes. And, if I can make one more comment. What happens at the budget - within the budget process now, and at the public hearing, is that it is very contentious. You know, it is very - people are angry, people are frustrated. They are reactive. I am talking about a government that is not only more participative but more proactive. That by being proactive we are all working towards something and what we end up is - we get thrown something and then we want to tear it apart. We are not satisfied with it, we are not happy with it

when it is presented to us, and we are not happy with the outcome.

Commissioner Dolman stated: How do we get more people to get involved? Look at the turn-out tonight. You know - I am concerned that we need more people. I agree with you and I think we need more people to come out and speak, the general public and so forth, and how do we get them to come out and speak?

Ms. Garrish stated: I think that, in terms of - if I can just put aside this Commission for one moment - In terms of the whole process for City government, I think change takes time. And I think letting people - people feeling that they can participate, that they have a say beyond their vote for an elected representative, and then we will get more people out voting, they will feel more empowered and they will feel more a part of it and that your more - government is more responsive. But I think that as far as this Commission, perhaps it might be worthwhile to look at going to different groups, whether they are organized groups that are out there already, church groups, labor groups, community groups, service groups, professional groups - There are a number of groups that reflect broad, diverse portions of our community where you could conceivably get input on this subject. I think that getting people out to hearings means getting it out - people really knowing. I think that too few people know when these hearings are taking place. The notice is short, and I think that it needs to be played up bigger in the media, in all forms of the media.

Chairman Pappas stated: Thank you.

Commissioner Stephen stated: Linda, you realize that in July we have to publish a preliminary report.

Ms. Garrish stated: Yes, I do.

Commissioner Stephen stated: I would just hope that you would come back, after reading that, and maybe talk to some of the citizens of the community about that to have them come forward and give us their opinions.

Ms. Garrish stated: I would do my very best to do so.

Discussion with Russell Tanguay.

Mr. Tanguay stated: I am used to this - I am kind of small. Anyway, in the words of Will Rogers, who I really enjoy reading - a lot of his work, is that when he addressed Congress and the Senate, he came out with, whenever a joke was told, to Congress, to make it a law. You know? And, then when they try to pass a law, it is a big joke. I would think that in Charter revision, we have got to look at the small person, the small people - basically. We have to protect ourselves. We are a metropolitan area, a City - what had - the good old days are kind of gone. We need to protect ourselves. We have elected officials, and we have appointed officials. And, the old saying around Manchester, basically, is, you know, when a person is appointed, he is one of the Mayor's people, so why bother to go to him about complaining about a budget with the Mayor or this - that would have you. When you look at some of these appointees, or what have you, and probably put them on an election-type ballot, this way here the common person may have an opportunity to get there - or somebody out there with a little expertise. I am very familiar with, you know, the Charters, and Constitution and by-laws and things like this. I have worked with them over the years. But, like is say, the biggest problem that we are facing is that - you talk about unionizations and things like this within our areas, unions are - were - at one time the most powerful thing in the United States and now they are coming back. I am very involved with the federal government, my wife is a federal employee, and the unions are really doing a job as far as correcting a lot of mismanagement is concerned. Because a person who represents a union is the type of person who represents - his is a toy - between the lower echelon and the upper echelon. If there is a complaint in the lower part, they bring it to the top. The top carries all of it then you talk about other means of getting it done. And vice versa, if top management has a problem he brings it to that steward, that Union rep, or what have you and corrections are made. Now, the biggest thing the unions are vastly, vastly notorious for is suing. And, like I say, when reviewing this Charter, or what have you, let's look at departments. Each and every one of them. Should they be in the Charter or shouldn't they be? I think for protection, our own protection is that - look at these departments. If they are part of the Charter, it is our protection against any outside interference. Example - If you decide to say, "Well the Police Department is not going to be part of the Charter." Does that mean now, that if they go on strike that some other industry can move in and take over and

put their own policemen on the streets, or what have you? I mean, it is a far fetched type of situation, but it could exist. We have had it in the fire departments throughout the United States, where it did happen. Like I say, in reviewing these things, I caution everybody to - You know, like I say, you are going to publish a report in June, you say - or July -

Chairman Pappas stated: July.

Mr. Tanguay stated: And I will be glad to read it, and maybe I will have something to say then.

Discussion with Ray Pinard.

Mr. Pinard stated: I am Ray Pinard. Good evening. [My address is] 723 Coolidge Avenue, Manchester. I would like to take this opportunity to provide a synopsis of comments that I delivered to you on March 27th. The decisions reached by the Charter Commission should focus on providing the organizational structure that will employ the most effective and efficient methods of governance given the challenges that face us today and in the foreseeable future. The City of Manchester must ensure that it employs methods of governance in an organizational structure that will best serve the citizens of Manchester. To achieve meaningful and significant improvements to the City Charter, any proposed changes must address fundamental issues and not merely symptoms of problems. I support a strong mayor or city manager form of government along with raising the pay of the chosen position to market levels. I believe that strong leadership is the most important ingredient to growth in any organization. Along with the expectation of strong leadership, I favor granting greater control to the mayor or city manager over his department managers and daily operations. I favor that the mayor or city manager shall have the authority to hire, contract with, and terminate for cause the managers that report to them. I support abolishing the commission structure currently in place. I am not convinced that the current structure adds value to the management process or to the services rendered to the citizens of Manchester. I support moving to four-year terms for the Mayor and Aldermen, along with some at-large positions for Aldermen. I do not support term limits. We already have term limits, it is called go out and vote. I favor retaining the partisan election format that we currently employ. One last note that I had not

addressed in my prepared remarks was concerning the financial structure. I think that that is really a daily management issue that unless somebody is deeply involved in following the goings-on on a day-to-day basis of the City, and really gets deep into the budget process and follows it very closely, it is difficult for the average citizen to comment intelligently, I think, on particular aspects. But that is what we elect a strong mayor for, with our Aldermen, or that we would hire a city manager to do. That is one of their major functional areas that they have responsibility for, and if, over time it is proven that they are not exercising their responsibilities properly, then it is either they are voted out of office or we hire a new city manager. So, I think it is very tough for the average citizen, in any event, to comment on finance and procurement, and anything that concerns day-to-day management of city government. I will say, concerning the financial state of the City, that there are things that have to be addressed, and if it has to be through tax increases, sooner or later we have to bite the bullet. The current contract stalemate with various labor groups in the City does not portray us in the proper light that I think we wish to be seen by our sister cities and towns. And also, concerning the infrastructure, an example that comes to mind is I think we have some world-class potholes in Manchester this year. And I - I mean I have seen the same ones for four weeks, now. So you wonder where either the City employees are, or if - is it a real thing that there isn't money to address these issues? I mean, it really makes us look foolish. I would be happy to answer any questions.

Commissioner Sullivan stated: Why do you favor partisan elections?

Mr. Pinard stated: I like to know where people stand, and I think that non-partisan elections would allow people to take positions that they can walk the fence on, so to say, and not really declare which side of the fence that they really support. And as you know, the average citizen does not follow politics that closely, and I think it would just open the door further for a lot of cloudiness in elections.

Commissioner Sullivan stated: Just to follow-up on that, though - What does being a democrat or being a republican though have to do - or libertarian - have to do with filling the potholes, or deciding whether a middle school should be built, and that type of thing? Is it - Does a partisan really mean - should it really mean

that much at the local level?

Mr. Pinard stated: I think the partisanship means more in what was addressed previously, is into the vision issue of where somebody - what direction they want to take the City in the long-term, more than on a current basis. I do not think a democrat or a republican would have a varied position on whether or not we should fill a pothole. But I think that it has something to do with the long-term vision that they wish to establish for the City.

Commissioner Sullivan stated: Or whether there is any vision.

Mr. Pinard stated: True.

Commissioner Lopez stated: How could he explain to me, people like Sylvio Dupuis, Dick Stanton, that were at the leadership - and the philosophy of a strong mayor on electing, be it a democrat or a republican, and not have the capability of - and I am not insinuating anything - but not have the capability of leadership or vision to foresee anything? What do you do in that case?

Mr. Pinard stated: Well, I have often times wondered that same issue. How can we elect, for example, John Sununu as governor and send Tom McIntyre to Washington? And it is - you know - there have been those differences in same elections. I do not - I think that goes to people are not that well informed about what their true positions are, and often times vote on gut feel or what their neighbor or family is going to do - Or an ethnic background, as you know, that is very popular in this area. There are different types of democrats, if you will. They can be social-conservative and a fiscal-liberal or a fiscal-liberal and a social-conservative. It goes - The same thing with a republican. There can be a mix. But, I think that the partisanship issue, to me, it is an important issue. I do not know if I answered your question, but -

Commissioner Lopez stated: Fine. Maybe, to follow-up on Commissioner Sullivan, if I heard right, it is pretty hard to hear back here, but - Non-partisan election versus partisan election. Why do you think that we have a big turn-out, more so in non-partisan elections in the School Board, and in this Charter Commission, versus party election.

Mr. Pinard stated: I am not aware of that situation, so I cannot comment on that, really.

Discussion with Lloyd Basinow.

Mr. Basinow stated: For the record, my name is Lloyd Basinow. 503 Amherst Street. Before proceeding on the remarks that I wanted to address the Commission on, there were a couple of points that were made and I would like to address them. The first one was a reference by Commissioner Shaw to the Preamble that exists in the present Charter. It might interest the Commission to know that the Preamble is the only part of the present City Charter that was not written by the City Charter Commission. It was actually written by a young high-school girl from Central High, and I thought perhaps that might give you some insight as to how the younger generation of the City, some thirteen years ago, envisioned how representative government should suit their needs and the Commission thought that the Preamble was well written, and therefore voted unanimously to include it. I would like to think that the Preamble really sets the tone of the entire Charter. Sometimes it does not, but it is part of the City Charter, and it might also interest the Commission to know that once the City Charter was adopted, like any charter from any city, it is no longer restricted strictly to the city or town, that it, in fact, it becomes part of State law. Commissioner Dolman made reference to how do we get people out to these meetings and so forth? And, I believe Chairman you said that we were coming to the end of these public hearings because of the time element. Back some ten days ago, I sent a letter into the Commission, which for some reason, the City Clerk's Office has not forwarded to this Commission and the Chairman said that she would check in to find out what has become of that communication. It addressed a number of issues, autonomous School Board, and certain other issues. I am not going to get into those particular items now, because I pretty well stated my position in this letter to the Commission for its consideration. However, Commissioner Dolman, one of the things that I did say in that particular communication as I originally said when I addressed this Commission before, people do not come out to these meetings. If they do come out, they come out to listen, but most people don't like to stand up and talk. It is important to this Commission, and I want to emphasize it, hopefully for the last time, please, if it is at all possible while you still have time, please get out a survey to a

representative number of voters in this City. Ask enough questions as to how they feel and give them an opportunity on the questionnaire to write their comments, because people have ideas and comments that they might put in writing, but they will never come to this meeting and stand up - And you will have a good basis in which to make some final judgments as to what the people want and what percentage of the people, based on the survey, would be interested in the particular item, whether it be an autonomous school, whether they want the Police Commission to be appointed by the Governor, elected at-large, or appointed as it is now by the Board of Mayor and Aldermen. There are so many questions that could asked to the people to get their input, even though they are not here tonight, and they probably would not come to the next dozen meetings if you had them. So much for that. As a former Commissioner, I was instrumental in putting Section 8.05 into the City Charter. It was our feelings that the City Charter should not be allowed to go on for year after year, when we know that times change and there is a need for updating of the City Charter. So, we agreed that, and the first sentence reads, "In not less than at least once in every ten years," I believe is the way that the first sentence reads, "that the Board of Mayor and Aldermen shall appoint a Charter Review Committee." In the ninth year, I wrote at least two letters to the Board of Mayor and Aldermen pointing out that they were coming close to the time when this Committee should be appointed. It was ignored. I, on several occasions, approached the Mayor before the ten year period had expired, and for two - over two years after it had expired. And, this Commission now exists because they finally got around - because of whatever pressures existed - and finally said, "Maybe we should have a Charter Commission to look at the Charter." I would like to see that section changed so that it becomes mandatory. That - Inconsistent with applicable State law, that "there shall be," that, "the Board of Mayor and Aldermen shall order the City Clerk to place the Charter Commission question upon the ballot." And, that there should be a Charter Commission elected at least once every ten years, to review the City Charter. If we leave it up to the Board of Mayor and Aldermen without the mandatory - we have already seen what has happened. Which brings us along to the other question, one of the questions Chairman, that you stated, enforcement of the City Charter. City Charter is only as good as its provisions, and those provisions are only as good as their enforcement. We need a provision in the City Charter where a citizen, who finds that the Charter is not being followed, can go to Superior Court, at their own expense, initially, and ask

for a summary judgment, which would force the City officials to abide by that section of the City Charter. And, if the citizen prevails, then the City must reimburse the fair and equitable costs of bringing that action. I went to Superior Court for the enforcement of the mandatory ten-year appointment of a Committee and was told that it was going to cost me Two Hundred and Sixty Dollars. Well, I may be a good citizen, but I could not see taking Two Hundred and Sixty Dollars out of my pocket to try to get the Board of Mayor and Aldermen by a Court order to appoint a Charter Committee. So therefore, there is only one way to have a bite. When the City fathers, or any City official, appointed or elected, fails to abide by the - its Charter provision, and they are given notice, and thirty days later they still have not acted to correct it, then that citizen should be able to go to Court and not have to do it at their own expense. So I would like to see a provision in there. Another item that bothers me is the fact that too often we see people who have become, for one reason or another, disenchanted with their elected or appointed position and they decide to go on to higher office, or at least seek it. They are doing it at our taxpayers expense, especially if they are full-time employees. I believe that any person who wants to seek higher office, then they should immediately resign their present office in the City and let somebody come in that can devote full time and give the taxpayer their money's worth. Another concern that I have, if the Commission is willing to give me another minute - We wrote in past Charter, and by the way, this ten year period was not the only violation of the Board of Mayor and Aldermen and we had the Mayor trying to break the City Charter, by doing things that were not allowed by the City Charter, and in fact, were not allowed by State law. Who was, under those conditions, going to take legal action at their expense? That is why I say, it is more far reaching than just this one item. The former Charter Commission, we wrote a provision in there which was challenged in Superior Court and never appealed, at that time Mr. McDonough challenged, because he was an employee and had been elected to the school, to the Board of Mayor and Aldermen, and our provision said that you could not hold the - be on the School Department and be an elected official at the same time, he challenged it, and because of the way we wrote it, the Superior Court went with him and the City Solicitor's Office never appealed it. It could have been re-written. Now, the reason I bring this around is, because there was definitely a conflict of interest. There must be a provision in the City Charter that anybody who receives compensation and benefits from the City, either as a full-time or part-time City employee, they can serve on a Board

or Commission, but must automatically exclude themselves from voting on anything which effects their benefits and wages and compensation, because of the fact that there would be a conflict of interest. There is a legal way to get around - what we tried to accomplish on the last Commission, to insure that we do not have stuffed Commissions and Boards by City workers. I hope you will look into this, have your attorney find out exactly what went astray in the wording of the last Charter, that we had it overturned, and correct that. I think it is important. I would answer any questions.

Commissioner Stephen stated: I have a few questions. Lloyd, serving on the last Charter Commission, you had experience with - in terms of deliberation and working with the other Commissioners, can you tell me why it was that you did not put in provisions so that when a certain section of this Charter is not enforced that there shall be certain steps taken? What - Why?

Mr. Basinow stated: Well, there is of course the separation clause in there that if any section of the Charter is questioned and fails, will not effect any other. Hindsight is a wonderful thing, Commissioner. There are many things that we could have done then, many things we probably should have done there, at that time. You have to also realize that the Commission at that time was elected and chosen a little differently. Automatically, the Board of Mayor and Aldermen appointed certain members and they - let's say, I think it was something like three, and six were elected at-large, and I must very honestly tell you there were so many games played upon that Commission, for political reasons - Plus, the comment made, "we don't want to put this into the Charter, or that into the Charter," because we may lose the whole Charter. So, we came out with a very "wishy-washy" Charter, to say the least. Far better than the one that had previously existed for almost a hundred and fifty years, but it could have been a damn sight better.

Commissioner Stephen stated: Commissioners Dolman, Dykstra and myself have put together some provisions for an Ethics Code, which we have submitted this evening to the Commission. One of the things that we are discussing is a section that is entitled, "Enforcement of the Charter," and it would state that, "No City official shall knowingly fail to enforce any provision of the City Charter or ordinance," and the City officials include board members, commission members,

Aldermen and Mayor. Now, there is a provision for an Ethics Advisory Board, to - on its own, even, with independent discretion, to investigate or submit an advisory opinion to the Board of Aldermen to - if a certain provision is not being enforced, for the Board of Mayor and Aldermen to act in a majority vote for either some type of remedy. What do you think about those provisions?

Mr. Basinow stated: Well the first question that immediately came to my mind as you were talking is, "this Board," is fine, and I have made similar recommendations in the past. However, who is to select this Board? How does it come into being? Because it can be manipulated like any other board or commission.

Commissioner Stephen stated: Okay, but would you just agree - Would - Do you think that the general policy of having that type of check and balance is a good idea for the City of Manchester?

Mr. Basinow stated: Oh, most definitely. I think, however, you had best look more carefully - It is nice to have general wording, and "knowingly," the word, "knowingly," what does that really entail? Did a person know that they were violating? The only way that a person would know they are violating is if they have been previously told, officially, in writing by somebody, "I believe you are in violation," and there should be an opinion sought from the City Solicitor's Office. To make an outright accusation with nothing behind it, leaves things wide open to a lot of recrimination.

Chairman Pappas stated: Further question?

Commissioner Stephen stated: Let me give you an example. If someone knowingly fails to - or just fails to appoint a City Coordinator when the Charter says, "You shall appoint a City Coordinator," is that sufficient.

Mr. Basinow stated: Well in that particular case we are right back to what I was originally saying - the mandating of the Charter Review Committee. That is - And, they were put on official notice, it was not like they were blind to the thing, and they went ahead - Without some enforcement procedure, and the only way you can have it is through a court of law. There is your strength.

Discussion with Richard A. Gustafson.

Dr. Gustafson stated: Madam Chairman and members of the Commission, my name is Dick Gustafson. I reside at 61 Carnegie Street, here in the City of Manchester, and I am speaking tonight in my role as Chairman of the Board of the Greater Manchester Chamber of Commerce. First, as you know, we have followed the deliberations of the Commission with great interest over these last several months. We would like to commend each of you, individually and collectively for the work that you have done, for the openness of the process that you have had of all of the different folks you have had come to testify before you, and those that you have sought out for particular testimony or questions which were on your mind. I am also pleased to see that you have found useful the Task Force report on City government that was prepared by a citizens group as a result of the Manchester agenda work done back in June of 1993. It is my role tonight, really, to re-emphasize the Board of Directors of the Chamber of Commerce with respect to their feelings about major changes that we feel ought to be considered for inclusion in a new Charter document. First, we support strong leadership in the form of a mayor or a city manager. We think that is important for the proper administration of this very special enterprise called the City of Manchester. We believe that the Commissions as we have known them should be abolished. We do feel however that advisory groups of various sorts might be appropriate, but not certainly to be involved in operational or personnel matters with respect to City departments or organizations. We favor the four-year terms for Mayor and elected Aldermen. We believe that we ought to have non-partisan elections, and we have heard a good deal about that already this evening, and it is our understanding that virtually all of the other cities in our State have non-partisan elections for their city governments. And, we would ask you to consider, finally, the expansion of the Board of Aldermen to include a number of at-large members to give a broader view of the City and its future. On a personal note, I would just like to refer for a moment to an editorial in last Friday's Union Leader and I am sure that you have read it, entitled "Manchester's Future." And one of the concerns raised by the editorial writer was, and I quote, "It is important that we recognize our politicians cannot provide the civic leadership needed to guide Manchester's future. By the nature of politics, politicians focus on immediate concerns such as this years budget crisis, etc., etc." It would be our hope that this is not true. And that, in fact, if we elect a Mayor and Board of Aldermen, that

we can look to them for leadership in the City in terms of where it is going, both on a short-term as well as a long-term basis, and perhaps the review of the Charter gives us an opportunity to put in place certain features of our structure of government that may make that possibility more likely to happen. Again, we think that this Commission and its work over the past several months has heard from many and realized the real call for change in our City Charter, some fundamental change, and we have every confidence that in your work, and that the strength of your convictions will bring forward a report which we will have an opportunity to read later in the summer, and will bring forward to all of the voters an opportunity this fall to vote on a new City Charter. Thank you for your attention. I will give to the secretary a synopsis of my testimony for the record, and I would stand any questions should you have any.

Commissioner Dykstra stated: Yes, Mr. Gustafson, you mentioned you supported abolishing Commissions.

Dr. Gustafson stated: Yes.

Commissioner Dykstra stated: Would you support retaining Commissions if they were put in an advisory manner? If they were only advisory, and not the way they stand now?

Dr. Gustafson stated: Yes. I think that citizen groups that work with departments or organizations, or subsets of government, whatever they might be, to have citizen advisory groups is helpful to bounce ideas off of, to go to for ideas and thoughts and reviews, but when they are involved in the operational matters or personnel matters, it seems to us that that is inappropriate.

Commissioner Shaw stated: Dr. Gustafson, the testimony we have listened to for quite some time now does not jive with the report the Muirhead people produced. What was the difference between a system that is open where people can come before us and testify, and your method to create the Muirhead Report that shows so many deficiencies in our government? Where do you think this problem arose, the difference between the two?

Dr. Gustafson stated: Well I would say that the Muirhead Report is not my

report.

Commissioner Shaw stated: It is the Chamber's report, isn't it?

Dr. Gustafson stated: Pardon?

Commissioner Shaw stated: Chamber of Commerce report?

Dr. Gustafson stated: Oh no, it is not.

Commissioner Shaw stated: Who's report was it?

Dr. Gustafson stated: This was a group appointed, as I understand it, by the Mayor - a broad base of citizens. We obviously supported the work of that Commission, and urged it to do the work, but we were not involved as a Chamber of Commerce either as individuals directly or as a Board.

Commissioner Shaw stated: Well, in your - beginning of your testimony, you referred to that Report.

Dr. Gustafson stated: Yes I did.

Commissioner Shaw stated: The Task Force.

Dr. Gustafson stated: That is right. Well, I think that my point there, Mr. Shaw, was that it seemed to us that the Chamber, that the Committee - that group, gathered a great deal of information about what is going on in other cities, for instance, they made a host of recommendations, they made a number of suggestions and I think that the background work that they did provided at least some good input to this Commission as it went through its deliberations.

Commissioner Shaw stated: Well, yes. But that is part of, you know, we took that testimony from the Muirhead Task Force.

Dr. Gustafson stated: Yes.

Commissioner Shaw stated: But then people came before us, and I do not sense - now, the Commissioners would probably disagree with me on this - but I do not sense that the report and what we have heard from department heads and Commissioners, like Howard Keegan and other people, that the two jive. You know, I don't - So, I do not understand your coming before us today and reemphasizing a report that might be defective.

Dr. Gustafson stated: I am not reemphasizing the report. I want to make that clear.

Commissioner Shaw stated: Alright.

Dr. Gustafson stated: I am not commending every part of that report. The Chamber Board reviewed the report, as I think other individuals and groups in the City must have, or might have, and there were certain elements in that report as a Board that we felt we could support and I reiterated those this evening. We are not endorsing all aspects of that particular report.

Commissioner Stephen stated: Dr. Gustafson, I want to say that I have reviewed that report and although I may not agree with some things, I thought it was very helpful to look at. I want to ask you a question about geographic representation. We have discussed on this Commission the possibility of at-large Aldermen serving in a geographic capacity. For example, maybe four at-large Aldermen from each end of town - south, west, north, east side of town. What - How would you feel about that, when you talked about at-large members?

Dr. Gustafson stated: I think that it is an improvement, personally. From my - I think that from our perspective, if I could try to speak for the Board on this matter, typically at-large means "from the whole," typically. That one elected at-large is elected by the entire community and not by a subset of the community. But that is just a personal observation.

Commissioner Stephen stated: Just a follow-up to that. Do you feel that if the at-large membership was from the City as a whole, though, that there may be some problem with the, politically speaking, with the Mayor in terms of political power? I mean, somebody may get more votes than the Mayor and you have a

situation like that.

Dr. Gustafson stated: I guess you could. I mean, I think that we are looking at a form of government here where we expect people to work together, and if there is someone who is elected at-large, and is popular in all aspects of the City because of his or her position on certain issues or vision for the City, so be it.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Commissioner Lopez.

Commissioner Lopez stated: On the Aldermen at-large, to follow-up a little bit on that. For right now we have twelve people. Are, you are going fourteen people, fifteen people - let's say for the sake of argument - and you cannot get twelve of them to agree, you cannot get nine of them to agree, and the expertise that we do have within the City Charter that provides within the City Charter, as it is now, for City Coordinator, if he was aboard, he would provide that expertise to those twelve Aldermen, as has been done in the past. The professionalism that that individual is - we have had testimony along the line of the democrats thought I was giving too much to the republicans, the republicans thought I was giving too much to the democrats - and very hard for a City Coordinator to operate. Do you think that the City of Manchester needs a City Coordinator if you go to a strong mayor as you indicate in the Muirhead Report?

Dr. Gustafson stated: Personally?

Commissioner Lopez stated: Yes.

Dr. Gustafson stated: I think that if we have a strong mayor form of government in the City, if that is what is proposed, that we do need a deputy, or what it - might be called a coordinator, or someone who is a professional in urban planning, city government, those types of matters that may lend the expertise to which you refer, not only to the Mayor but also to the Board of Aldermen, and even to the public at times, regarding certain matters that come before the City and the things that we have to decide upon.

Commissioner Dolman stated: Just a comment. There is a fear when you run an Aldermen at-large city-wide, besides what John said, you know, about getting a bigger vote than the Mayor. Isn't there also the fear that possibly that more than one Aldermen could come from more than one ward, for example, at-large, you could end up with four from a certain ward? Example - I have no problem with the Muirhead Report. It has been very helpful. My problem with the Muirhead Report was that if you look at the make-up of that report, that you had sixteen members and twelve of those sixteen members came from Ward One or Two, and half of them were lawyers. I mean, that does not feel - That, to me, does not seem like it is a broad based representation of the City. Okay? That bothers me. And, so that is why I proposed, originally, regionally at-large, so I think that you can get a more broad based representation.

Dr. Gustafson stated: Well, as I mentioned before, Commissioner Dolman, I think that is an improvement. But, from my perspective, the operational definition of at-large as ordinarily used, is the entire community.

Commissioner Sullivan stated: Yes, this is more of a comment than a question. If you look at the composition of this Board, which was at-large, I do not know if we have more than one person from any ward.

Commissioner Dolman stated: Well, we have a very good - If you look at the make-up of this Board, we have a very good representation of the City - We have a certain percentage of female, male - former elected officials - Elected officials and so forth. I think that it is a great representation.

Commissioner Sullivan stated: What, but - What it may tell us is maybe we should just go to all at-large.

Dr. Gustafson stated: One word - I think a populous, when given the opportunity vote will look for good people who are serious about what they are doing, are committed to the issues and tasks at hand, and will vote accordingly. I think that we often do not give enough credit to the intelligence and the integrity, the honesty, and the seriousness of the voting public.

Commissioner Dolman stated: Does the Chamber have any stand on - because

this meeting is supposed to deal with financial issues - does the Chamber have any stand in dealing with the possible financial conflict when the Finance Department, which is our treasury, okay - there are - it is our Chief Financial Officer, who also does our own (inaudible) audits, okay? Is there a possible - do you guys have - do you people feel that there is any kind of possible conflict with a - one department who is your treasurer, also doing auditing?

Dr. Gustafson stated: We have not looked at that as a Chamber Board. I have personal feelings, but not as a Chamber Board.

Commissioner Dolman stated: Yes, well I am interested in personal feelings. That is what we are here for -

Dr. Gustafson stated: Well, I think the whole concept, once again, of audit, is independent cross-check verification of records, of budgets, of controls, of receivables, and payables and those types of things, and you need - It needs to be somebody else. I mean it needs to be independent, and even when you have internal audit within a large organization, ordinarily that internal audit function is separate from the day-to-day financial operation of that organization.

Commissioner Dolman stated: Should the financial - When you do an internal - Should the financial institution, or the financial department be hiring the audits, or should it be hired by someone like the Board of Directors?

Dr. Gustafson stated: Board of Directors typically will hire an audit firm based upon a bid process per specifications, typically -

Commissioner Dolman stated: Because (inaudible) possible conflict of interest, if a financial department - when you are an auditor hired, you are working for that person, and that could be a possible conflict, correct?

Dr. Gustafson stated: Of course.

Commissioner Dolman stated: That is why a Board of Directors -

Dr. Gustafson stated: Of course.

Discussion with Matt Lapoint.

Mr. Lapoint stated: Good evening. My name is Matthew Lapoint. I live at 300 River Road, Manchester. I would like to also reiterate what was said, thank the Commissioners for your time, your efforts, and I agree that the make-up of the Commission clearly, I think, shows that the voters of the City know how to pick good people, and I have more confidence in the voters, having seen this Commission and its work. That being said, I would like to respectfully disagree with one of the earlier speakers here, who was speaking about trying to open up City government to more input from the public. I believe that the public has sufficient input into city government, already, in the way that they elect their officials, I agree that we have to look at city government as a representative government, and that the option - the input - arises on voting day, when the voters decide who represents best their own philosophy and their own opinions with respect to how the City should be run. I think that if we look at what has happened with town meetings, for example, on the past few years, we have noticed that this past election several towns have opted for - to do away with town meetings, because the representation just was not there. The populace were not attending the town meeting. I do not think that the problem is opportunity for the voters. I think that the voters have the opportunity. It is just that, I guess, life is more complicated, the voters do not take the time to education themselves sufficiently to put in their two cents worth on very technical issues. I do think that the voters pay very much attention to broad base philosophy, and broader issues as to how things should be run, and I think they do a good job at that. I would like to - I think that there are two main things that the Commission should concentrate on in their deliberations and the preparation of their report. Two words that I would like to keep in mind that I am sure are already on your minds. The first one is efficiency, and the second word is accountability. I think that the way that City government is run, right now, the way that the City Charter is written right now, is inefficient. I do not think anybody would argue that it is not efficient. In some ways, I think that the inefficiency was purposely put in there. For example, the Commission system that was set-up. I think that was set-up, historically, as a buffer, because of the corruption of the 1800's and the fact that the Board of Mayor and Aldermen could unfairly influence personnel decisions and other decisions in the departments and I believe that the Commissions were instituted as a buffer to protect that. Now, however, I think the Commissions have outlived

their purpose. I believe that the improvements in media coverage and the improvements in accountability of elected officials has made those Commissions no longer valuable, and in fact the Commissions have become breeding grounds for the very type of corruption or undue influence that they instituted to protect against. I agree that some sort of advisory panel would be a good idea, citizen input, but I do believe that the present Commission system is too - is open to abuse, not that it is presently being used for abuse, but it certainly is open to abuse. Finally, I would also state that I would be in favor of the strong mayor form of government, I think that that goes back to the efficiency issue, that the strong mayor has to be able to give orders and hold the various department heads accountable, be able to hold the department heads accountable for the budget, and for the implementation of City policies. I think the department heads need to be directly responsible to the strong mayor or to the city manager, rather than to the Commissions. I have already addressed that. Finally, I was glad to hear that there is an Ethics Code being considered, and I would encourage you to pursue that and have some sort of a conflict of interest provision and some sort of an - of an ability for citizens to enforce the Charter. I agree with that.

Commissioner Dolman stated: A new voice - And it is good to hear a - How do you feel about at-large Aldermen?

Mr. Lapoint stated: I think that it is a good idea. I think that while there is a potential for what you said, that more than one people [sic] - more than - a ward may be represented by more than one people [sic], I think that the person who runs for an at-large position has to take - will run for that position because he or she wants to represent the City as a whole. If the person wants to represent the Ward, they will run for the Ward position. And, I think that the voters will recognize that that person is running for an at-large position, and the voters will test that person on the philosophy of the City as a whole.

Commissioner Dolman stated: So you favor City-wide at-large over regional at-large.

Mr. Lapoint stated: Yes, I do.

Commissioner Dolman stated: Second question. What about non-partisan

elections?

Mr. Lapoint stated: That is something that I, frankly, have not given a great deal of thought about. I thought that the comment that was made about the sort of, "you know where they stand because they are either a donkey or an elephant," I think that is probably true. The problem is, what does that really mean on the local level. I think for the Mayor it makes sense, because the Mayor sets policy, sets goals, sets philosophy for the City. I am not so sure it makes as much sense for the Aldermen, although they - although they do that too. I really think that in a strong mayor form of government, you have got to know where the mayor stands on those issues and it may make more sense for the mayor to be identified with a party. That is sort of an off-the-cuff answer, though. I had not really given it a great deal of thought.

Commissioner Dolman stated: How about, what about term limits and length of term? Do you feel the term is sufficient at two years? Should it be four years? And, should there be term limits?

Mr. Lapoint stated: I do believe that the term should be extended to four years. I think that when you have a two-year term, the first maybe fifteen or sixteen months are used to do the job that they were elected to, and the last six months is used to run for reelection. And, I think that having a four-year term gives the person three and a half years to do the job, and a half a year to run for reelection. Also, the second part of the question -

Commissioner Dolman stated: Term limits -

Mr. Lapoint stated: Term limits I do not agree with. I think, again, what was stated earlier is absolutely true. The term limit is the people to vote for or against the elected officials.

Commissioner Sullivan stated: To follow-up on the non-partisan question for Mayor, and I should have asked the other person who was in favor of partisan elections the same question. On this vision issue, what is a republican mayoral vision versus a democrat mayoral vision? I am curious about that.

Mr. Lapoint stated: Well I guess that - Again, because there are a spectra - obviously, there is obviously a spectrum within each of the two parties, but I guess I would say that, I would imagine that a democratic mayor, for example, may be more interested in - or less antagonist toward organized labor, for example. That is just something that pops off of the top of my head. I would think - I associate the democratic party with a pro-labor vision. I personally, put the - I consider the republican party as not necessarily anti-labor, but I do not believe they are pro-union. Let me put it that way. That is one example. I think there are probably some other examples. I would think that some people might recognize that might think - or associate - a democratic candidate with more socially liberal policies, perhaps welfare policies. Whereas, a republican branded mayor you might consider as being more conservative in social type policies, whether it be affirmative action or things like that. That is - Again, I was not really prepared to answer that.

Commissioner Sullivan stated: That is okay.

Commissioner Lopez stated: I would just like to follow-up just a little bit on that, because it interests me very much on non-partisan elections, that is the way direction of the City has went over the past ten years, and I can remember when we had over thirty thousand democrats in the City and we are down to twenty-three thousand right, and twenty thousand republicans, and a little over nine thousand independents. So, it seems that - Sometimes I wonder if democrats only support those people who are doing things for those people that voted for them, and republicans do the same thing, and the independents, nobody does until there is a School Board election, or a Charter, so - It is really a tough question as to whether non-partisan election, and I allude to, that - it seems to, and the City Clerk can verify these figures, that we get more turnout on a non-partisan election than we do on a partisan, and so - I am wondering if the direction of the City is only taken by a certain few people, versus as the City as the Pream [sic] for the people in the City as to the direction that they want to go. So, I just wanted to get your feedback.

Mr. Lapoint stated: One thing I would want to try to figure out is, I believe - The non-partisan elections now are for School Board, and what else?

Commissioner Lopez stated: School Board.

Mr. Lapoint stated: Just School Board?

Commissioner Lopez stated: In this particular case, the Charter Commission was non -

Mr. Lapoint stated: Well, it may be the reason the turnout was higher for School Board and for Charter Commission, may not necessarily have anything to do with the fact that it was non-partisan. It may have more to do with the fact that people find that the schools are more important to them than who is running the City - City Hall. It may be that the people recognized that the Constitution of our City, how the City is going to function, how the City is going to go for the next, well, at least ten years, is more important than who is going to actually take the spot of the Mayor. I do not know that for sure. I wish there was some way to figure that out, but that may be one of the answers. It may be better, and I just suggest this, to try to compare those types of statistics in other cities that have non-partisan elections, I do not know if you have done that, but that may be a more sure way of testing whether turn-out is related to partisan or non-partisan. I may suggest too, that the State of New Hampshire is blessed with some very talented people. Out at U.N.H., Notre Dame College, St. Anselm's College, I am sure there are probably some people in those political science departments, or government departments - I know they have a survey unit out at U.N.H., they might be able to help you in answering some of those questions.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: I think there is a misconception that I just wanted to comment on. My - In the School Board election, in actuality, the School Board is vote is less than the Aldermanic vote, and it has been that way for at least the last two elections and I know that because I have done the election returns for Channel 40, in both of the last two municipal elections, and I recall that there was a drop, a substantial drop, even though it is on the same ballot, of people who vote for Aldermen versus people who vote for School Board. I do not know why, but that is the way it is. And, I also think in the case of the Charter Commission, that the turnout was less than for the municipal election, because I figured out that

my vote was probably one percent of all of the registered voters in the City of Manchester.

Commissioner Dolman stated: Just for the record, people have come up to me and said that part of the problem with the School Board election is the placement of School Board names on the ballot, where they are located on the ballot. And, with the Charter Commission that - even though it was not a good turnout, it was a lot better than they expected -

Commissioner Sullivan stated: That is true. And a lot more people ran.

Commissioner Dolman stated: That was true.

Discussion with Mark Witaschek.

Mr. Witaschek stated: First of all, I would like to say that I appreciate all of the hard work and dedication that you have all put into your positions here, and after seeing the meeting schedule that you had, I am actually almost glad to say that I - that I lost. I know that you are getting input and pressure from a lot of corners, and that is probably good, and I think that pressure is probably only going to increase as this process continues. I was not prepared to address all of the items on the agenda, I just have three issues that I would like to address and run through. Having worked as a city councilor under a city manager, weak mayor form of government, I lean in favor of that form of operation. This form leaves policy and budget decisions up to the board of councilors, aldermen, selectmen - whatever you want to call it, and day-to-day operating decisions up to the manager, with the mayor as the parliamentary control officer - figure head - who also happens to have veto authority. I think the checks and balances under that system work well. The manager is entirely responsible for the administrative domain in carrying out the policies of the councilor [sic] and spending the money that the councilors or aldermen have allocated. If that political body does not like what the manager is doing, they fire him or her. Other than that, they stay out of his or her way. A strong mayor system can be the next best, or could be better, if it is structured properly with great people to carry it out, which I think we can find here and have found here in the past in Manchester. I think the important piece is to have a CEO that can be pinned down to take responsibility and keep the City

operating efficiently - fill the potholes, that type of thing. Somebody that can - can be pinned down. That "CEO" should have the authority to hire and fire his or her own people, the department heads, with aldermanic approval. With a strong mayor form, the ultimate hiring and firing authority for the mayor is the people, and they have to fulfill that responsibility as well. Depending on the candidates, and your particular point of view for each election, that may work well, or may not. Only time will tell. I believe the Commission system should be reformed to a series of advisory panels. I think that we have a system now where the best, brightest and most civic minded people in Manchester have been given positions and authority, and by God they are going to fulfill their responsibilities and they do. But, I think that there is too much authority spread out over too many people, which I think in the past on occasion has led to parochialism and a lack of sense of working towards a master plan. We have a city spread out over a good deal of territory with a diverse population. We should keep the best the commissions have to offer, which is citizen involvement and participation and add to that more centralized responsive authority and responsibility to get the job done. The glue that will tie this all together is a strong Code of Ethics. We all like to assume that our friends, neighbors and public employees can be put in a position of trust and will fill that public trust responsibly. But we also know that, as human beings, as the flawed creatures that we are, we do not always do that. We have few problems with these types of violations of trust in New Hampshire and in Manchester, but we cannot put the stronger weapons that will allow our government to do its job best, such as some of the other changes that I talked about, without having some code to live by. A well drafted Code of Ethics will assure compliance and weed out some of the bad apples along the way. Manchester is a terrific City with a history of greatness and a bright future. Given the trials the City has experienced in the past, particularly in the dark times of the 1930's, long-time Manchester residents have been imbued with a tenacity and survival instinct that has resulted in a strong work ethic, an ability to prevail and get the job done. Please take my suggestions as a way to get the job done, of laying our foundation for the future. Thank you.

Commissioner Dolman stated: I would like to ask you just about the non-partisan elections and the idea of at-large Aldermen. (Inaudible) so, non-partisan - do you favor non-partisan or partisan elections.

Mr. Witaschek stated: I am sort of ambivalent about that. I concentrated on those three issues because I think they are the most important ones. When I was a City Councilor in Franklin, we operated under non-partisan elections. Nobody looked that much at party affiliations. We had an election for Mayor a few years ago where people paid a lot more attention to the issues - The democrat candidate was actually a lot more fiscally conservative, which is something that I was looking for, than the republican candidate for Mayor, and I supported her very strongly (inaudible) - any republicans that there don't. Don't repeat that. But, I think that the partisan system also has the ability to garner interest in an election, particularly in a city that is very partisan, and then again, also - on the other hand of that issue, I think that in New Hampshire as in Massachusetts, I think that a lot of people have declared themselves republicans out of ease, because that is the party that is the majority. So, often times you do not know exactly where people stand. And, as the last gentleman said, you have a feeling about what people stand for based on what party they belong to, but that is not necessarily the case.

Commissioner Dolman stated: In your experience as a councilor in Franklin, did you have election of at-large council members?

Mr. Witaschek stated: No we did not. We had, actually - an idea that I have not heard talked about yet, which was - there were three wards and staggered terms for three wards in three years. So each year, one member from each ward would get elected to office, and the Mayor was elected on two-year terms, but that was in a weak mayor form of government. I think that if you were going to go to a strong mayor form of government, you need to allow ample time for the mayor to get the job done and not be constantly running for office, to fulfill an agenda. So, I think that a four-year term would be a good idea for mayor, and I think the idea of going to three-year staggered terms is a good one, because at least you can keep the interest up in the political process by having an election take place each year. If people do not like what is going on in the process, they have the opportunity to go to the voting booth every year to register their complaint by who they elect. I think having a four-year term for Aldermen is just too long of a period of time, to allow people to lose interest in the process. I also think, that as far as term limits are concerned, it depends on the action that you take as far as the Code of Ethics provision is concerned. I think that if you allow a system that

allows people to - politicians to build a power base, and treat a term as a life-time or long-term position, I think that is where - that is where you have problems. I mean, we have seen it in Congress, certainly, and that is why the - the discussion has been towards term limits as far as that body is concerned. So, if you restrict the ability of politicians to pay attention to special interest groups and build-up significant political war chests so that once they get elected it turns into a life-time position, I think that is more important - a more important thing to do, than paying attention to term limits.

Commissioner Stephen stated: Mark, serving as City Councilman in Franklin, did you have a merit plan, in Franklin, on the administrative code?

Mr. Witaschek stated: Yes we did.

Commissioner Stephen stated: Is that something that came up for discussion a lot, promotions based on merit? Were there any deliberations about the system, whether or not it is a system that can work? I mean, there has been some discussion here that if we put in the merit plan, well, you know, it is just - it is going to be abused, anyway, but some City employees feel that it is necessary.

Mr. Witaschek stated: Any system that you put in place can potentially be subject to abuse, depending on the people that use it. But I happen to think that the merit system worked very well when a raise went into place - a cost-of-living adjustment went into place, people had an opportunity to increase their pay, and if they were just a go along, get along type of employee at least they had the ability to get cost-of-living adjustments. But if they were an exemplary employee, if they went above and beyond the call, the merit system allowed the opportunity to recognize those people financially.

Commissioner Stephen stated: Thank you.

Discussion with Don Soule.

Mr. Soule stated: Good evening. My name is Don Soule and I live in Ward Six at 416 Medford Street. Tonight I am here as secretary of the Manchester Republican Committee, the membership of the Manchester Republican

Committee strongly opposes any revision which would result in non-partisan municipal elections. We feel partisan elections help stimulate debate, which help to expose any issues, ideas, philosophies, which may be hidden. Also, partisan elections are fun - to answer somebody's question.

Commissioner Dykstra stated: You did that on your own.

Mr. Soule stated: Well, that was my statement at the meeting where we discussed this. And everyone had to agree. That is - as my role as a secretary - While I sat there I was kicking around some - doing some brainstorming, which I do quite often. And the rules of brainstorming is that you throw out ideas and you cannot criticize them because they - and it is kind of tough to do when you are doing it by yourself, but - Now, I have, in the past, have worked the polling place, especially when we had the voting machines and our evolution to the scanners. And, at this stage of Manchester's voting process to vote is painless. There are no lines now. We took a lot of pride into getting many people through, and could not understand why people did not want to vote. And, as I was working from six to seven, with a half hour off for lunch, I was thinking, "Boy, it is a shame. What could we do to get more people to vote?" And I started to think, "Wow. Geez. These people that don't vote are ultimately going to cost me some money," so we should have non-voter fine, somehow tax those registered voters who do not vote. Just an idea, you do not have to take it too - But, something to think about. And, I am happy to report that in my Ward that, as I drove off to work today, there were three potholes that would have nailed me, and as I came home tonight, they had been fixed. And that is all I have, thank you.

Commissioner Dolman stated: Yes, ahh - No, this is just a clarification, when you made that statement for the City Committee, I certainly was there, and they do support the fact that -

Commissioner Dykstra stated: We do not - I mean, City Committee does not support having non-partisan elections. The reference that I was making is that, where as I do run for office, that I do not think they are fun - And, then you mentioned that partisan elections are fun. So, I just wanted to clarify that, that you are here, representing the people that you say you are.

Mr. Soule stated: Sure.

Commissioner Sullivan stated: Two questions. The first one is, hasn't partisanship been the root cause of the deviceiveness and the suspicion and a number of the very things that have upset people about City government in Manchester in recent years?

Mr. Soule stated: That is a possibility, I would say.

Commissioner Dykstra stated: Okay.

Mr. Soule stated: In any debate, you have got to have a winner and a loser. I prefer dialogue, where we have two winners. And that is basically [what you] want to do. If you are not afraid of losing then you can dialogue. The reason why you dialogue is to learn. That is why we do it.

Commissioner Sullivan stated: But isn't dialogue, based strictly upon party lines on the municipal level, self-defeating? And I think a recent example of that, and speaking as a very partisan democrat, for example, I was disappointed to see the Centerplex defeated. I supported the Centerplex. That is a classic example, however, for whatever reason, it became a partisan issue. Centerplex did become a partisan issue, and isn't that an example of what can impede a city? That type of deviceiveness, drawn strictly on party lines.

Mr. Soule stated: Well it can. But I am not sure that I can agree that it was a partisan issue. I know that our Mayor and a lot of the Aldermen were in support of the Centerplex, and it just went down, according to the State representative, from what - as I understand it.

Commissioner Sullivan stated: Well, that is exactly - I think you are proving my point. Secondly, again, I am going to ask you the same question I asked earlier. What is the republican - What would be republican mayoral vision as opposed to a democratic mayoral vision?

Mr. Soule stated: What is the fundamental theorem of republicanism? Are you asking -

Commissioner Sullivan stated: No, I am not asking that. I am asking, at a municipal level, what is the difference between a republican vision and a democratic vision that leads voters to say, "Well, because this person is a democrat or a republican, they stand for something," on a municipal level. Not a state or a national level.

Mr. Soule stated: I think on a municipal level is that we live within our means.

Commissioner Sullivan stated: You think that is a republican vision?

Mr. Soule stated: Yes it is.

Commissioner Sullivan stated: Well, I have to disagree with you on that, but I am not here to argue, so -

Mr. Soule stated: We can dialogue over that some other time -

Commissioner Sullivan stated: We can dialogue. I always believe in living within my means. Ask my husband.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: You know what I find amazing is, when I first came to this City many, many years ago, I think it was republicans then who were calling for non-partisan elections, when they were the minority party. And, now that they are the majority party, they seem to be calling for partisan elections. And, it seems the rolls have changed. But just to show you how I think that it is hard to label anybody, because they are a democrat or a republican - I am a democrat, and it is a known fact, but I did not favor Centerplex. So, I - I mean, it just shows you, I think that it is hard to put a mayoral image on a democrat or a mayoral image on a republican. I think that it is an image of the person, and it comes down to the leadership ability of the person running for the office of mayor, or so forth, and whether that person has that leadership capacity.

Commissioner Dykstra stated: Do you feel Don, that even though we had non-partisan elections that probably that it would just be a word, "non-partisan." That

in fact that once a person got elected even though they were in a non-partisan that they would tend to go towards their democratic or republican beliefs or support of their party? I mean, does that word, "non-partisan," mean that a real strong partisan, say democrat or republican, would it make a difference, is what I am saying?

Mr. Soule stated: Well, I think like some of the other speakers have enlightened us, in that if you declare which side of the fence you are on, it gives other people a chance to identify with that. So, it can help you, or it could hinder you, if you are the unpopular party at the time.

Commissioner Dykstra stated: Thank you.

Commissioner Lopez stated: Sure, maybe this will - The question that I have for you in reference to non-partisan, and I guess we could go all night on the issue between democrats and republicans - But, I am concerned with the small people, to a degree, the people that cannot afford it. And we can go on and say that, "Yes, you can live within your means," and that is fine, but I have seen so many votes taken along party lines, and I wonder - I just wondered if there was a non-partisan Board down there if this City would not move forward just a little bit better, for the betterment of the citizens, in accordance to our Pream [Preamble] for all the citizens of Manchester. How do you feel about that?

Mr. Soule stated: I think that, to me, that kind of comes into the mayor situation whether we have a strong mayor versus a weak mayor. I think that the biggest problem that we have is that we do not do a very good job defining the issues, support them, getting up and telling why we support something - or disagree with something. It is education. And, I think that that is a generic problem. I like to be - when I place my vote, I do not want to vote for the least of the evils, I want to vote because I believe in something. It helps if you belong to a party, it seems to me, because then you can identify with other people, like-minded, or at least attempt to get in there and debate dialogue, so that you could find the truth, if you are prone to doing that. I do not think that there is any easy answer to that, except that we need to educate a lot more.

Commissioner Lopez stated: Just one - Do you think that a non-partisan

individual on the Board of Mayor and Aldermen could not make those types of decisions or communicate or dialogue with the other individuals?

Mr. Soule stated: Well, when you become a - when you become on the Board, you are thrown into the process and you need to be dedicated to that process to make sure that it is the most efficient process and least costly. That is who your allegiance is to, is to the effectiveness and efficiency of the government itself.

Commissioner Lopez stated: What, to the people?

Mr. Soule stated: Well, if you accomplish that, you should be carrying out the needs of the people at the same time.

Commissioner Shaw stated: Would you think that we have a strong mayor or a weak form - mayor form of government, now? What is your opinion of it?

Mr. Soule stated: I think that the Mayor has the potential of being strong.

Commissioner Shaw stated: In the system that we have now -

Mr. Soule stated: In the system that we have. He has to be a salesman, doesn't he? If he cannot sell his ideas to the rest of the Aldermen, then he will fail.

Commissioner Dolman stated: I have a - I want to ask a different question, I know, because Commissioner Sullivan has a question to do with this subject.

Commissioner Shaw stated: One last, hopefully, last question on partisan versus non-partisan elections. Assume that this Commission came forward with either a strong mayor or a city manager, changed some of the things, and - a lot of the things that you are in favor of, but also recommended non-partisan elections. Give the Republican City Committee's position on this, does this mean that the Republic City Committee would not support the Charter revision? Or, is it - In other words, is that a deal breaking issue for you guys?

Commissioner Sullivan stated: No, that is important to know. That is important to know.

Commissioner Dykstra stated: What about the democratic party?

Commissioner Sullivan stated: No, I think that those things are important to know, because I - I do not want to spin our wheels and come up with something with something that does not get some bi-partisan support.

Commissioner Dolman stated: It deals with the question of at-large. Was any stand taken on the at-large make-up of the Board of Mayor and Aldermen?

Mr. Soule stated: The at-large?

Commissioner Dolman stated: Yes, adding members of it at-large.

Mr. Soule stated: - it - the first I had heard of it tonight, but it sounds like a pretty good idea.

Commissioner Dolman stated: Do you think that it should be at-large city-wide, or should it be at-large regionally, you know, one for every three wards, south, east, north and west.

Mr. Soule stated: I do not have any thought, but I think what would happen is that it would give us the opportunity to cull out those people that are not suitable. If a guy wants to run - if a person wants to run for Aldermen at-large, I am assuming that he wants to do his duty and perhaps move on to become Mayor, at some point. And it would give us an opportunity to see this person in action.

Commissioner Dykstra stated: To get into this, just to clarify, about the - basically the non-partisan partisan part of if and the City Committee, and I do not want to get into this part of it, but, ahh - Basically what Don was saying today, was what the City Committee had voted on. But let me just clarify as Chairman of the Committee, that the majority of the members did support the Charter review, and some of them did run for office. Just to clarify -

Dr. Gustafson stated: This may be a point of levity. It is always interesting to sit in the audience and watch somebody else get the questions, and you think you have the answer, but I am not sure that I have. But, I have an answer.

Commissioner Sullivan asked the issue about the bi-partisan - what would the vision be for a republican or a democrat if they were running for mayor? And, being a biology major years ago, all I could think of initially was, well a vision by a republican would be the vision that that individual has with their left eye closed. And the vision that a democrat would have of the City is the vision with his or her right eye closed. But then I got myself - and I was debating with myself, just as this gentlemen here - brainstorming, against himself, and then I began to realize that the right eye is controlled by the left side of the brain. And, the left eye is controlled by the right side of the brain. So, I think that basically, we are all non-partisan. Thank you.

Ms. Garrish stated: Earlier I limited my comments a little bit - restricted them because of the topic, but since the hearing has become so diverse, I wanted to comment on a couple issues as a point of re-emphasis, perhaps. I wanted to talk about the Aldermen at-large for a moment. I want to point out that Citizens for a Better Manchester feel, and I strongly feel, that Aldermen at-large can dilute the influence of people. I think that is - there are studies that show this, there are - more and more books on democracy are out there today. We had some speakers in Manchester recently at Deerfield School that talked about democracy, and all you have to do is pick up these books and start reading about democracy today and you can hear some of the statistics that back that. But I think even more importantly than the delusion of the influence of the people with Aldermen at-large, we have the influence of money, and I think that that is a subject that has not been taken up significantly, I think, at hearings, but I think has to be dealt with if campaign finance reform - and the moneyed influence, and that, with Aldermen at-large, and with the fact that ninety percent of people that are elected today, as well as on the local level, there is a significant moneyed influence. We can look at it, as we look at folks that might have been taken, and local business and corporate influences that have influenced perhaps, votes. We have gotten on it, we have not talked a lot about it, but it has happened. If we really want to look at it, but ninety percent of the people that are elected are the people who raise the most money. When we get Aldermen at-large, we place an unfair advantage on those that can raise money, get money, are connected to money. And I think that, at the local level especially, we are obligated that everybody have an opportunity to run for public office, and I think Aldermen at-large forces a greater emphasis on money in order to run for the City. As well as,

there is - wherever that Aldermen at-large is from, they are from a Ward, so it just going to be dual ward representation, to some degree, on that. The other point that I would like to bring out is that with regard to workers and wages. At one point Citizens for a Better Manchester did a survey of all Charter candidates. Of those that dared to be - acknowledge that they had a view about what they thought Charter Commission could be, and therefore completed the survey and returned it, well, many people said, "Well, what does living wage have to do with Charter? What does Charter have to do with looking at wage?" I think that the City is obligated, government is obligated, the Charter is obligated to ensure that we value our people, our citizens, and we certainly value our workers. And therefore, in some respects, we have to look at what sustains the workers economy and what sustains the City's economy and how we develop that. And, we have to look at what living wage is, we have to look at what minimum wage is, and we have to look at sustainable incomes, and that maybe this Charter needs to begin to look at how we contract our public workers, and who we contract if we privatize for workers, and whether we contract with people that do not pay living wages and don't pay sustainable wages. What is the view then, if we contract with people, who pay less than sustainable wages? How do we value our employees, our workers and our citizens? I think it says something a City. I think I says something about our vision, our plan, our future, our economic stability, and how we are going to draw people to the City. So, I do think that the Charter has to look at how it may, in fact, influence how we contract with employees and how we provide sustainable incomes based on those contracts.

Commissioner Sullivan stated: Yes, this is a comment - as one of the people who did not answer your survey, it did not have anything to do Linda, with not daring to answer it. I think that it had to do with the fact, and I think for a lot of the people sitting here, that we went into this with an open mind and the questions on your survey were such that we would have had - It would have required me, for example, to take a position on issues that I did not know enough about yet. So, I do not think that it is a question of daring.

Ms. Garrish stated: Okay. Well, you have to excuse my - If you are feeling offended by that. It was not intended as an offense - offensive statement. I think that what I am saying is that everybody came into (inaudible) running for Charter Commission with some personal view, and that there were those that were willing

to be more open about what some of those personal views are, and that is what I was reflecting on, so I apologize for the offense.

Chairman Pappas stated: Very well. Thank you again. There is one here, Commissioner Cook.

Commissioner Cook stated: Well, I had to say something. You mixed the concepts - or at least you discussed the concepts of living wage, minimum wage.

Ms. Garrish stated: Not the same. Not one and the same.

Commissioner Cook stated: I agree with that. But, how, when contracting with employees it is a collective bargaining matter, in many cases in the City, under 273:A - Are we supposed to put something in a document that is going last more than a period of time? Something that deals with that.

Ms. Garrish stated: I think that that may mean, that we as a local have to look minimum wage and that it is not sustainable, and that many of our contracts are with business that do not pay - that pay minimum wage, or just above minimum wage, and they are not sustainable incomes. I think that it may mean that we need to look more closely at the kinds of contracts that we establish.

Commissioner Stephen stated: That was not my question. My question is, how are we as a Charter Commission, not as the City negotiator, not as the City administration, not as someone who does the negotiating and tries to come up with a fair deal, but how are we as a Charter Commission supposed to deal with this in a Charter that is going to last more than a period of time? I mean, we could put something in that says all people that work for the City of Manchester should have a living wage, and that would be nice, and the flag is nice, too, but - What are we supposed to do about.

Ms. Garrish stated: I think that it would have to be a piece of the discussion. I think if we can talk about procurement, and lowest bids and most efficient, you know we can talk about efficiency, and we can talk about these things, then we can talk about living wage. I think that it has to be a piece of the discussion and we have to look at how we - there has to be some language, which may not be

living wage, but there has to be some language whereby we look at how we value employees and how we contract, and what we - what kind of a working environment we create. I am throwing some things out. I know it is new language, I know it is new discussion, but it is relevant locally, as it is relevant state-wide, and it is relevant federally. There is a whole new momentum that there needs to be this kind of discussion. I am throwing it out to you - I am not the expert. I have a concern, so do Citizens for a Better Manchester. I do not have all of the answers, and I am not sure that you are going to find the answers. What I am saying, is that it needs to be looked at to see if there is some language, some way, that we can try to build some protections into our system. I mean, I see the Charter - I think most of us see the Charter as a protective mechanism, and I think that our workers have to be protected too. I guess that is what I am saying, but I do not have a clear answer as to how, Commissioner Cook.

Mr. Basinow stated: I am sorry to be the one to prolong this a little further, but because of some of the things that have been said tonight, I did want to amplify on certain things. First of all I heard the suggestion that the terms of office for some of our elected officials perhaps should go from two to four years. If this Commission were to entertain such a thought, then I would emphasize again the need for a provision in the City Charter for the right of recall. Already we have seen many problems with individuals in a two-year term and the people have no recourse but to wait for that two-year term to expire, so if you contemplate any changes, please give the people the power to have the right of recall. In our City Charter, we, from the last Commission, gave certain duties and responsibilities to the Mayor of the City, and I am quoting from the Charter some of the more interesting parts. Out of the General Powers and Duties, (a), "Chief Executive Officer: The Mayor shall be the Chief Executive Officer of the City," and I go down to (e), "Law enforcement authority: The Mayor personally shall enforce, or, subject to his direction and supervision, shall cause other officials to enforce, the ordinances of the City, this Charter, and all general laws and special acts applicable to the City," (f), "Supervisory authority: The Mayor shall supervise the administrative affairs of the City and shall carry out the policies enacted by the Board of Mayor and Aldermen." Just those three items alone - We hear shall we have a strong mayor? Should we have a weak mayor? Should the mayor be kept with the same responsibilities and duties? And, the interesting part of this

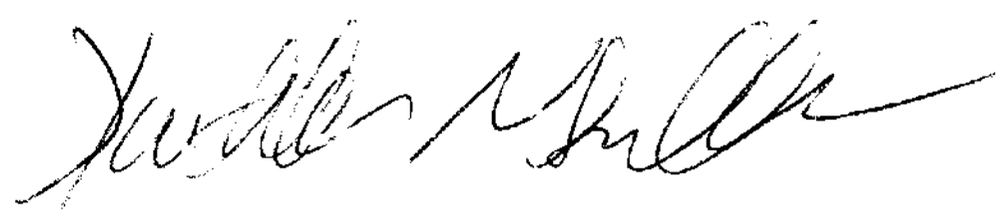
whole thing is, and I tell this Board right now, the last Commission gave a lot of duties and responsibilities to the Mayor of this City and gave him no power in which to do it. He cannot hire or fire anybody except a few people in his own office. So, if you are going to consider the powers and duties of the Mayor, and say that he has all of these responsibilities, then give him some power to enforce them. Or, take these provisions out of the Charter.

Mr. Witaschek stated: Thank you, I just wanted to address the comments made about a living wage. I think that that issue has - the issue of minimum wages, living wages, whatever you want to call it, has no place being included in the City Charter. I also think that were one to be included, I think that it would help sign a death warrant for certain types of businesses in Manchester. The City of Baltimore implemented a living wage law in, I think it was in 1991, and businesses are leaving that town in droves, particularly retail, starter type occupations. So, I just - In the first place, I do not think that it is a good idea, and in the second place, I do not believe it has a place in the Charter.

Chairman Pappas stated: We thank you all very much for coming this evening and we will take your remarks under advisement. And, if you have any written comments that you would like to present to us, we would be very pleased to accept them as well. And before the Commission adjourns, we have one announcement to make. I believe we have a photograph coming along again. This time we will get all dressed up for the family portrait and maybe the photographer will show up.

On motion of Commissioner Stephen, duly seconded by Commissioner Cook, it was voted to adjourn.

Respectfully submitted,



Kathleen N. Sullivan

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CHARTER REVIEW COMMISSION

May 7, 1996 5:35 P.M.

Commissioner Sullivan called the meeting to order.

Commissioner Sullivan called the roll. There were five Commissioners present. Commissioners Dolman and Dykstra arrived late.

PRESENT: Commissioners Cook, Dolman, Dykstra Lopez, Shaw, Stephen and Sullivan.

Commissioner Sullivan stated: - I think, what makes sense is, there are - if we get through the Ethics Code, what I would like to do is move on to what we were doing at our last business meeting, which is to continue going through our list of issues as we go through the Code. But I will be surprised if we make it through the ethics, tonight. If we do, that will be great. I thought a little bit over the weekend about how best we might attack the Ethics Code, and I think that first, I should start by saying personally, Johnny, and to the Committee, but since you are the only Committee member here, that you did a lot of work -

Commissioner Stephen stated: Yes.

Commissioner Sullivan stated: - and I appreciate that, and just keep in mind as we go through and tear it to shreds -

Commissioner Stephen stated: I expected that -

Commissioner Sullivan stated: - that we do appreciate all of the work and effort you have put into it, and I think that as we go through this process we are all going to do stuff that is going to get torn to shreds, so hopefully we will be able to

take that with the good spirit in which all of our criticism is given - and, so - I also hope that we can keep the criticism healthy and constructive. My suggestion would be, and if anyone has any better suggestions, I will be more than happy to take care of them, is that perhaps we could just go through on a, perhaps, issue-by-issue basis. I do not think that it makes sense for us to through word-by-word, because then I do not think that we will get through it this evening.

[Commissioner Dolman is now present.]

Commissioner Lopez stated: Question?

Commissioner Sullivan stated: Yes -

Commissioner Lopez stated: Maybe it would be appropriate if we go through with what we do not like versus going through everything, and if there objections to certain portions, which I have three questions on three parts of it, and the rest of it does not bother me -

Commissioner Sullivan stated: Okay, that is -

Commissioner Stephen stated: Can we - what I would like to do is start - just to give the Commission members just a background of where - where certain of these provisions came from - and I thought that if, Kathy, if I may have the floor for a minute here -

Commissioner Sullivan stated: Um-hmm.

Commissioner Stephen stated: - that I would get a copy of the jurisdictions that I looked at, the towns, and I made a little - here is a little graph for you to follow (given to each member present). I also found it interesting to copy the case of the United States v. Philip Grandmaison, which is - it is an interesting case and when you have some time look at it, there are some facts in there about an Alderman who was influence peddling, actually. So it is classified. But, it is some interesting language about how - how something like this can happen. Now, I just - what I wanted to just go over real quickly is, when we do discuss these provisions, some of them come from the - our Charter - some come from - the City of Concord has put together a similar Ethics Code, many of them come from

different jurisdictions from Maryland to Las Vegas. And, what we thought was - we just took out what we thought was beneficial or applicable, more applicable to the City, and we thought we would put it - encompass it in this Code. We tried not to make it too incumbersome [sic], but at the same time tried to meet the needs of what we felt that some of the people that spoke at some of the meetings were.

Commissioner Stephen stated: And the final thing is - just so that - Brad Cook gave me a model city charter section on ethics, that I found very interesting and knowledgeable. It gave a good idea - or at least it gave me a good idea, that this is going on in a lot of towns. And, one of the things that came out of that charter - model charter - the language - was that it is good for a charter to have an Ethics Code. Some towns do it by ordinance. Others do it by a code in the charter. We went - we opted to do it this way, and there are some, you know, provisions - like you said - that we can discuss, but, that is just to give you a history of what - where we are and why we felt that this was necessary to hand-out, and we can go over it tonight.

Commissioner Sullivan stated: Okay. Thank you, Johnny. So, I think then, taking a combination of the - what both Mike and Johnny said, perhaps, that we should start is with the beginning, and if anyone has a particular comment as to a section, not in support because I do not think that we need to spend too much time of arguing on things we support, but if we can talk about things we disagree with - make a lot more sense - I think that that is a good suggestion by Commissioner Lopez. So, having said that, the very first section would be the proposed Section 10.01.

Commissioner Shaw stated: Could I ask a question, just ahead of time?

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Sure. I would like to know if the U.S. Constitution or the State Constitution has an Ethics Code in it, if anyone knows that - just -

Commissioner Stephen stated: There is no -

Commissioner Shaw stated: Does the State?

Commissioner Stephen stated: No. There is -

Commissioner Shaw stated: The State, nor the U.S. Constitution -

Commissioner Stephen stated: There is statutory language in different department in the State of New Hampshire, but there is no Ethics Code in the Constitution.

Commissioner Shaw stated: Okay.

Commissioner Sullivan stated: Okay, thank you. And again, for the sake of our two friends from the Clerk's Office, if people could - be recognized before you speak, otherwise they are going to have a hard time remembering who we all are, and what we said, and who said what when. I will jump in on Section 10.01. And, this is a comment in general, because I think that there are three or four places in the proposed Code - John and Steve - where there are purpose clauses, and I do not think that it is necessary to have all of those purposes clauses, and I am not sure it is necessary to have a specific purpose clause for the Ethics Code when the City Charter itself has a Preamble, regarding what the purpose of the Charter is. Mr. Cook?

Commissioner Cook stated: I do not mind having a purpose clause or not, because I think that an Ethics Code becomes clear from its operative provisions. I think - and this is no reflection on the Committee because I suspect this is a permutation of one that came from some other place - This is a little flowery. Also, the last clause, and this is very technical, and I do not know if you want to get into wording, because I - unfortunately, one of the things I do in life is legislative drafting and spend a lot of time with laws, and try to make them into - in - to get inadvertent things out of them - and I do not know if we want to talk substance tonight, and then we send it to the Drafting Committee to make consistent, which is fine with me - but the - my only point on the first one was going to be at the end where it says, "and whereas," that comes out of no place. I mean that is just flying in from outer space, be cause there is no other "whereas" before. So, I mean, it is just - in terms of editorially - editorializing stuff - I mean - you do not put "shall mean" in definitions. You put "shall" as mandatory language and things people are supposed to do, not in what things mean. In a - which is not - you know - and I am not trying to be picky, I just - I do not know how much

cleaning up we want to do as opposed to concepts. I think that conceptually, I like the idea of having an Ethics Code. I think that some of the words that are not defined are very important. You have, for example, in financial interest, "a direct or indirect interest," you know - and define an indirect interest - that is one of the biggest bugaboos in ethics and conflict of interest statutes in the world is how far away do you go become an indirect interest, and what is it? Because, as I said at the last meeting in this room, at least, one of the things that drives people nuttiest in life is - the easiest way to cause a rumble is to get up and say somebody has a conflict of interest for any kind of reason. We have got to be careful that we govern the conduct of officials properly. We have also got to be careful that we do not make something so ill-defined and general that it allows people to start throwing things at people who are not doing anything wrong.

Commissioner Stephen stated: Okay.

Commissioner Cook stated: So I just - that is one that I was worried about. I do not know what an indirect interest means here, but people can be can be accused of indirect interests everyday, all of the time, and it is kind of foolish. Those are my general comments.

[Commissioner Dykstra is now present.]

Commissioner Sullivan stated: Okay. I should just note now, for the record that both Commissioner Dykstra and Commissioner Dolman are here.

Commissioner Dykstra stated: Okay. What did you think of it?

Commissioner Sullivan stated: We are at page one of the Ethics Code. I think our major topic tonight, and what we are trying to do is go through and where someone has a criticism, suggested change or question to just to - to bring that up - and hopefully get through this, this evening. And, Commissioner Cook raised a point, which I think is a good one - unless anyone objects, it probably make the most sense to just talk substantively and save any specific linguistic challenges or changes for the Drafting Committee.

Commissioner Cook stated: Why was the New Hampshire Municipal Association excluded from the definition of "business" where other not for profits

are in?

Commissioner Dolman stated: Where are you on this?

Commissioner Cook stated: I am on the tenth one - there are two definitions - business or the New Hampshire Municipal Association, okay - and I could not -

Commissioner Stephen stated: That was -

Commissioner Dykstra stated: That was in someone else's -

Commissioner Stephen stated: No, that was - I spoke to someone in Concord. And there was some discussion about having them not be included within the meaning of business, because of the a lot of lobbying and other things that they do with the - the towns - each town actually, that are more so geared towards helping, assisting - not geared towards profit oriented.

Commissioner Cook stated: Okay. I guess I do not understand. This is the definition of business, which then goes on to define itself not as a business but as any entity with which you are connected, which is fine with me, for profit or not for profit, that is okay.

Commissioner Stephen stated: Um-hmm.

Commissioner Cook stated: But, you could have - you could be furthering the causes of the New Hampshire Municipal Association, and not have any problem because you are doing something to help government. You could also be voting on allowing them a tax exemption on their property on Concord, and be exempted from the conflict. I do not think that anybody would ever do that -

Commissioner Stephen stated: Yes.

Commissioner Cook stated: - But I mean - I do not understand why - it did not - just jumped out at me that, certainly the New Hampshire Municipal Association helping somebody is not inconsistent. I mean, the Executive Director of the New Hampshire Municipal Association happens to be a City Councilor in Concord, and I do not know if that has anything to do with -

Commissioner Stephen stated: Yes, it might be the reason.

Commissioner Stephen stated: - with why it is in the Concord City Charter. But -

Commissioner Stephen stated: That is not a bad point, I -

Commissioner Cook stated: I just do not know why it was there. In the definition -

Commissioner Dykstra stated: What I - I do not think it is something that we would be totally upset if it was not there. I mean, that is why we are bringing this forth - talking - you know -

Commissioner Cook stated: No, I understand. No - and I am just asking you -

Commissioner Stephen stated: And that is a good point you made.

Commissioner Dykstra stated: No that is - no - it is - I can kind of - you know - I can kind of almost agree with you there.

Commissioner Dolman stated: It actually passed us, and we did not pick it up.

Commissioner Dykstra stated: You know that - is that the only problem you have had so far?

Commissioner Sullivan stated: Pretty much.

Commissioner Dykstra stated: - well, we have just started -

Commissioner Stephen stated: One thing though - Kathy brought up the fact about the policy, do we - I mean - I like Brad's idea of keeping some type of language, drafting it someway to at least keep the policy - declaration of policy - in the Charter. You had mentioned that maybe you did not want to do that. I - did we pass that discussion?

Commissioner Sullivan stated: No. I think - I just - I raised that, I do not have a problem with Commissioner Cook's suggestion that perhaps we condense it a little bit, but I do think, John, as we go through this, there is a purpose clause, I

think two or three other purpose clauses -

Commissioner Stephen stated: Yes, there are.

Commissioner Sullivan stated: - and I do not think that it is necessary to have that many purpose clauses because, and frankly, as you go through this - and see, one of the things that I am very interested in is trying to condense this somewhat -

Commissioner Stephen stated: Yes, simple -

Commissioner Sullivan stated: - because, I would like to keep the Charter simple and not as - some people have termed, the possibility of a Bible-size document coming out of this, so -

Commissioner Dykstra stated: Can I just ask a question -

Commissioner Sullivan stated: Yes, Commissioner Dykstra.

Commissioner Dykstra stated: Thank you. I cannot remember if this passed, but I remember when we were up in Concord making laws, that when there were certain R.S.A.'s there was legislation brought forth that allowed us to do something that was not an R.S.A., and that basically - was called a statement of intent. Okay - Now, I do not know - being attorneys here, if you know that that if something - I have been out of there for about a year, but I always thought is was a good idea, and I do not even know if that legislation had passed, what - wouldn't that be similar, if it is not an R.S.A., but it basically would be similar to what we are talking about now, even though, you know -

Commissioner Stephen stated: Very similar -

Commissioner Dykstra stated: - so maybe it would be something that - I have not problem with - to condense it. I have no problem with that.

Commissioner Sullivan stated: Sure. Okay. But I think you understand what I mean.

Commissioner Dykstra stated: Yes -

Commissioner Lopez stated: I think also, we want to keep in mind - I mean - that a lay person, and you got two lawyers and somebody who dealt with this, and as we are looking at the City Charter, and I am reading it, I think it helps me to understand it - [Section] 10.01, before I go on. So, I think that it should be there.

Commissioner Sullivan stated: Um-hmm. Okay, that is a point well taken then. Okay, I have - actually have an issue the definition of "financial interest." If anyone does not have any thing before we get to that point? And that is, it includes any business in which he or she owns shares of stock - and just as a side note, I do not have any problem just saying "he," as opposed to the "he or she," but -

Commissioner Dykstra stated: Okay, where is that now?

Commissioner Stephen stated: It should say "he or she," that is a mistake that I will have to fix -

Commissioner Sullivan stated: No. I am saying that I do not have a problem saying "he" or "she" or just "he," as opposed to "he or she," as I said, in terms of condensing. It says, "any business in which he or she owns shares of stock," and one thing that is not uncommon, is for folks who may own mutual funds, which may own from time-to-time various stocks, especially if it is part of a 401K or some other pension plan, my suggestion would be that perhaps we put a limitation or -

Commissioner Cook stated: Yes, I mean - I do not know if my pension plan has AT & T.

Commissioner Shaw stated: Well, it could -

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Well, I think that - the first thing, we are discussing an ordinance here that we should not be - this should be put into a law in the City versus in the Charter, and it - in the definitions of business - and everything else - the only

people that I know that would qualified under this - this thing here - to work for the City of Manchester, would be - and I got in trouble for saying this the last time - but - either they are called Sisters or nuns, you know, and they have declared a vow of poverty, and we would have to worry whether their Order owned any stock in something. I think that it is ridiculous for us to be narrowing in on a problem that probably does not exist to a great extent in the City of Manchester - to a great extent - we have not had any testimony that it has. Now, there is nothing wrong with having a law in the City to accomplish his goals - that is a lot of -

Commissioner Stephen stated: How does that get passed?

Commissioner Dykstra stated: Yes. I can address that.

Commissioner Sullivan stated: Commissioner Dykstra has the floor for a minute.

Commissioner Shaw stated: Elect twelve new Aldermen.

Commissioner Dykstra stated: Okay, well elect twelve - and then twelve and twelve and twelve, and whatever. But, it took me a year to pass the conflict of interest that I had put in there, within the City, you are talking about - are you - you are not going to start with the hand, again, are you?

Commissioner Shaw stated: When you are done, I wish to be heard.

Commissioner Dykstra stated: The thing is, is that I had - it was a big project for me, I mean the Aldermen did not want to pass it. Finally it passed (inaudible) - to the State level, there was all kinds of politics involved on the State level, trying to kill this thing. Finally, I got it passed, and it was not really the strongest - and this basically had to do with the Boards or Commissions, basically asking their own peers - or questioning whether they are in conflict. The thing that I really like about this - it allows the citizens, the public, to have a place to go. And you, Bob, say, "Well there is nothing wrong with anything." Well -

Commissioner Shaw stated: Of course.

Commissioner Dykstra stated: - I probably disagree. I mean, it is probably working well, there are probably some things wrong - not everybody is perfect, I am sure that there - that a - you know - a lot of people are not all saints, but I think that this can be preventive, and by having this, can be helpful in that area, also. But do not talk about

passing it before the Aldermen, Bob. You have been there, and you know that it is going to be a tough thing to do.

Commissioner Sullivan stated: Okay. Commissioner Shaw and Commissioner Stephen. And then I am going to ask if we could get back to going through this, because I do not want to spend too much time debating whether we should -

Commissioner Dykstra stated: - have it -

Commissioner Sullivan stated: - in general - whether we should have this or not. I think that we want to give some direction to the Draft - to the Ethics Subcommittee to go back, perhaps do some re-drafting, before we bring it back for us to reject or not, in its entirety - whether entirity or partially - but - Commissioner Shaw and then Commissioner Stephen.

Commissioner Shaw stated: Each time that - the Commissioner Dykstra speaks about the ordinance that had to be passed by the Aldermen. In any government, that has twelve people, there are some people, including Shaw, that could not get anything passed, alright? And it is important to realize that it is - and I do not mean to insult you or anything, but - the Aldermen in general - Aldermen in general - accepted very little from Alderman Dykstra or Mayor Shaw, alright? And, so therefore, if this - if she was to bring it up or I was to bring it up - it would be cast out -

Commissioner Dykstra stated: But I passed it.

Commissioner Shaw stated: I know, you finally got it passed -

Commissioner Dykstra stated: After a year, yes.

Commissioner Shaw stated: Yes, but you can not say that they will not pass something - they will pass (inaudible) - it takes time and it takes the right Board to do it.

Commissioner Dykstra stated: What don't they pass?

Commissioner Sullivan stated: Okay. Commissioner Stephen and then, as I said, I want to get back to going through this please, because we have got a lot on our plates tonight.

Commissioner Stephen stated: I - again, I think that we have heard so many people

tell us about having some type of Ethics Codes or provisions for ethics, in the Charter. We - this is a constitution, it is a framework of the government. Why don't we take the high road, why don't we do it, this will be something that - this is a document that this City is going to be run by and we can set an example here, tonight, and also later on when we do finally vote on something like this. We can set an example by taking the high road and listening to the people, and I think that it is the people at the meetings that we have had - the last meeting we had - the last public meeting we had - there was two people who mentioned Ethics Codes and how important it was, and what that would put - that would be the - I think that one person mentioned the "glue" that would stick, that would fashion the other strong mayor concept, or other concepts together. Whatever we do, strong mayor versus weak mayor. I am just saying, we should set an example for proper and good city government.

Commissioner Sullivan stated: Okay. It is only six o'clock now. Let's - I want to cut-off discussion on that point, and let's keep on going. Commissioner Cook, do you have something -

Commissioner Cook stated: Specific.

Commissioner Sullivan stated: - specific. Specific, okay.

Commissioner Cook stated: When you get down in the definitions, and I tried to make this work and I ran out of time because I had to go see one of John's counterparts in Rocky Hill, Connecticut, today or I would have spent a little more time of this, but - when you get in the workings of the definitions and the statute itself, in financial interest, specifically, and I already mentioned that there is no definition on direct and indirect interest- and I think -

Commissioner Stephen stated: Yes. We have got that.

Commissioner Cook stated: Which I think is something that ought to be addressed, but the first one - you say - is, "A City official shall be deemed to have a financial interest in the affairs of his or her family." Now -

Commissioner Stephen stated: Where are you, Brad?

Commissioner Cook stated: I am on the top of page -

Commissioner Shaw stated: "A."

Commissioner Cook stated: I am in "A" on page two. Okay? Now if somebody had - and then you go into financial affairs later and talk about disclosing stock ownership, and what I am worried about - I can understand no urging the hiring of your - you know - eighteen year-old in the summer - or the Parks and Recreation Department even though you do not have any more money - and I can understand, although I do not think that it is addressed in here - which is an interesting question - there was a big brew ha-hah at the Aldermanic Board this year about one of the Aldermen voting on a general pay raise for firemen, and his son was a fireman. He was not voting on his son's promotion, he was voting on a contract that effected firemens' pay, but his son happened to be a fireman. Thirty-five year-old son, head of his own family, blah, blah, blah, blah, blah. And what I think we have to be very careful about is emancipated children who are their own adults who are their own thing in the world, not having all of the sins of the children attributed to the parents - so if my kid, ten years from now, is a twenty-eight year-old, and has a thousand dollars worth of AT & T stock, or whatever the then entity of the phone company is, I do not want somebody to say or even attribute the financial affairs of my family to mean that I cannot vote on a contract with AT & T because my son owns stock, and I just want to make sure that this does not say that. I could not find that it specifically said it, but the danger in these things is people making accusations against public officials for things that they do not even know about.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Well, it says here that it shall mean "spouse," under the same paragraph, "spouse, children including step-children, parents and parents of the spouse," okay, now it does not say where the parents of the spouse might live, whether they live in Manchester or now, "including step-parents, grand-parent children, and their spouses," for gosh sakes, now we are getting way out in there -

Commissioner Cook stated: Okay, but I want to -

Commissioner Shaw stated: - genealogy here - and, "brothers and sisters and their spouses" -

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Cook stated: I think, Brad, the point you raise is changing the - probably the definition from family to immediate family members.

Commissioner Cook stated: Well I am not - I am not saying necessarily that you have

to change the definition. I think that it is what you then prohibit or require disclosure of later, not paint with too broad of a brush, because if your financial - if your financial disclosure form can be read to say that you have to disclose everything that you have, and then you define back on what you have to be the financial affairs of your family, and you get into what your step-children may have benefited from when they married some heiress, I mean - it may be ridiculous, but it could technically be that -

Commissioner Sullivan stated: Okay, I think the Drafting Committee can work with that.

Commissioner Stephen stated: Yes, I think we can - yes - I think that is a good point.

Commissioner Cook stated: But, that is my concern.

Commissioner Stephen stated: It is a very good point.

Commissioner Cook stated: That we not go out there - forever -

Commissioner Sullivan stated: Moving on then, on the conflict of interest definition, any comments by anyone? If not, my one comment on that is, and again, just to throw it out - what - do we want to disclose, or is it a conflict if someone has had some prior financial or business relationship with someone who is appearing before a particular board? So, for example, if I am appearing before the Board of Mayor and Aldermen, for some contract, and I had lent Steve Dolman a hundred thousand dollars two years ago, which he paid back, last week, as an example -

Commissioner Shaw stated: Without interest, I hope -

Commissioner Sullivan stated: - without interest - should that be - should it be disclosed? Is it necessarily a conflict? Perhaps not? It may not be a conflict, but should that relationship - should - I guess my question is, should a prior financial relationship -

Commissioner Cook stated: And how far?

Commissioner Sullivan stated: - I do not know - I am just throwing out the concept - But should a prior financial relationship be - for example, I worked for Sears Roebuck out of college. Does that mean now, thirty - twenty years later I should have to disclose - no, it is twenty - I worked for Sears Roebuck -

Commissioner Lopez stated: How about if it happened while he was an elected official, I think that it would have to be disclosed -

Commissioner Sullivan stated: That is a good point.

Commissioner Lopez stated: If it did not happen while he was an elected official, I do not think that it has any bearing.

Commissioner Dolman stated: Well, that is a good question, but does it have any bearing? I mean, it could come up to effect where - (tape ends) -

Commissioner Cook stated: Shouldn't the purpose of the ordinance be to keep honest government in disclosing proper relationships? That is what we are after. I am not saying that that is the whole statute, but - some catchall phrase, as opposed to saying, "prior relationships." I mean, a prior relationship can be just as disadvantageous to the person before the Board as advantageous, because there could have been an unfortunate one, in which case the person before the board will probably raise it, but - Shouldn't you have some kind of a catchall in addition to everything that says, "and other situations not covered by this" that - you know - are wrong, "should be disclosed by the party." That is not the way you would say it, but I mean - you would - rather than try to pick up every function -

Commissioner Sullivan stated: Sure.

Commissioner Cook stated: - Because then you get in to how long ago -

Commissioner Dolman stated: I agree -

Commissioner Cook stated: What is the story -

Commissioner Dolman stated: I think that is what we were trying to do -

Commissioner Sullivan stated: Right. Commissioner Dolman.

Commissioner Dolman stated: I think that is what we were trying to do, Brad, was trying to cover some situation that might arise and - or that have occurred - without even people's knowledge of it - and occurring - and that is why, I think, John did what he did. And I, I saw no problem with it, but I understand what you are trying to say, and you are right. Maybe we need to change the language a little to fit -

Commissioner Cook stated: Commissioner Sullivan appears before the Mayor and Aldermen, and her partner, Mr. Wadleigh, is the lawyer for one of the Mayor and Aldermen, is that a conflict? Does that have to be disclosed? Is that going to positively or negatively - I mean - you cannot cover everything in the world.

Commissioner Dolman stated: No.

Commissioner Shaw stated: That is why you have a fourth estate to cover everything. That is the problem.

Commissioner Sullivan stated: Okay. Well, I do not think that we need to beat this one any further.

Commissioner Stephen stated: It is a good point though.

Commissioner Sullivan stated: You know, just think about it, and if you can consider some possible language -

Commissioner Stephen stated: Um-hmm.

Commissioner Sullivan stated: The next section is definition of a gift. Any comments on that?

Commissioner Cook stated: I think that gift - in the disclosure form - you have a twenty-five dollar limitation, on what has to be reported. In the gift definition, you do not have any.

Commissioner Stephen stated: Which gift disclosure form?

Commissioner Cook stated: In the - in your form in the back of the statute, it says, "List all gifts of $25. or more."

Commissioner Stephen stated: Okay, that is the financial disclosure.

Commissioner Cook stated: Financial disclosure form -

Commissioner Stephen stated: Okay, because there are two different forms - gift and financial - I did not - I elected not to put a gift disclosure -

Commissioner Cook stated: That is fine. I am all in favor of not having too many forms, because you know -

Commissioner Stephen stated: Okay, right.

Commissioner Cook stated: I mean my cousin gives - you know - what is an immediate family - and somebody - who gets what for Christmas - I mean, but - I guess the inadvertent, I mean, the Phil Grandmaison one -

Commissioner Stephen stated: Um-hmm -

Commissioner Cook stated: - which everybody has their opinion on that particular case, but - that had to do with going out for a meal -

Commissioner Stephen stated: Yes -

Commissioner Cook stated: Ultimately taking somebody out for a meal. Well you know, if I take Mayor Shaw out to lunch to talk to him about something having to do with the City. And I picked up the meal. Is that prohibited?

Commissioner Stephen stated: No, that would not be if under the gift - under the gift section where you could - you can argue that it is some type of either civic event, community event, charitable event - or

Commissioner Cook stated: Charitable event -

Commissioner Dykstra stated: Well, if you take us with you, it is okay.

Commissioner Stephen stated: It is in the - you know - if it is a civil, charitable, or community event, if you want to add some type of event to cover something like that, fine. But, the point is, we feel that - the three of us feel that there should not be any difference between, obviously the elected official and the ordinary citizen. If the ordinary citizen does not have his lunch or dinner paid for, then the elected official should not.

Commissioner Cook stated: Think of all of the people that you have covered by the statute - Everybody is covered by the statute. Mike Lopez on the Board is covered, I am covered. After - you know - after a Commission meeting at the Airport, three of the Commissioners go downstairs, usually, and go in the bar and try to give a little

business to our tenant, and somebody picks up the tab each time. Now, what if somebody else walks in there and picks up the tab that time? They are not going to be influenced with Duffy or me or somebody. I mean - it - and we are not paid a nickel for that - I mean how far do you take it? I can see not giving the Mayor a thousand dollar gift, and I can see not giving - sending Aldermen - you know - expensive presents, I can understand that, but I mean - you have got so many people covered that I really think that there has to be a minimum standard on gifts - is what I am saying, I think.

Commissioner Sullivan stated: Before I get to you guys. I have one suggestion in thinking about the gifts section -

Commissioner Stephen stated: Um-hmm -

Commissioner Sullivan stated: What I would like to see is something a little more simple, that is basically to the effect of, "A City official," what I meant to say, well, let's back-up, "A City official shall not accept any gift from any other City official or City employee or any person who does, or is applying to do business with the City, excluding gifts from family members. A City official shall not use his office to solicit or obtain gifts from himself or a family member." And perhaps, in picking up on the point that you are saying, Brad, is perhaps limiting it somehow to an elected - elected City officials -

Commissioner Cook stated: Well I am not -

Commissioner Sullivan stated: But I think that -

Commissioner Cook stated: I would rather limit the size of the gift then limit the what the class of people -

Commissioner Sullivan stated: Well, let me just say one other thing and then I will recognize Commissioner Stephen and Commissioner Shaw. Also, in this current definition, and this is something that appears later on, I do not think that it is advisable to have specific dollar limits in the Charter, because then the only way you can change them is through a Charter revision vote, and I think that you have got to perhaps, give the flexibility to the Board of Mayor and Aldermen, because with inflation or whatever - these things can change. Commissioner Stephen and then Commissioner Shaw.

Commissioner Stephen stated: Okay. I do not - I guess I do not have a problem, as long as - okay - we made a decision - you know - pretty much, our opinion was that -

we said there are no free lunches. You should not be able to have anyone take you out to dinner, have your dinner paid for, or have your golfing event paid for, or have anything else paid for. Those gifts - those are things that the average citizen is not entitled to. Just because of the sake of your position, you get this special privilege. That is not good government, and that is our feeling. So now, we are talking - that is the reason that we put that in there. When we talk about limits, and I agree with you, Kathy, that putting in a dollar amount is not good because we cannot change this and it can only be changed through the election, so I will have no problem with re-drafting this. But, I want you to know that our position from a policy standpoint is - and not considering Brad's point, yet - is that - again, there should be no - no free lunches, and that is where I am - that is the term I am using. So, now, incorporating some type of business exception that Brad is talking about is something that I guess we can discuss - you know -

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Well, before I was Mayor, Ray Wieczorek was my insurance agent - never took me out to lunch even though I paid him a premium. When I became Mayor, we went many times to lunch and Mr. Wieczorek paid for my lunch, alright? And I appointed Mr. Wieczorek to the Housing Authority, and he gave me campaign donations. I would presume that under your concept here, that I was bought and paid for - not - you know - being literal here - by his buying me lunches, I reciprocated by appointing him to the Housing Authority - would that - I mean, that is -

Commissioner Stephen stated: I am -

Commissioner Shaw stated: That is what you are trying to get to -

Commissioner Stephen stated: That is not what we are suggesting, Bob -

Commissioner Shaw stated: You are trying to stop that?

Commissioner Stephen stated: Yes, we are trying to stop the giving of the gift because of the appearance of impropriety, and that alone -

Commissioner Shaw stated: But I do not think a lunch is a gift.

Commissioner Sullivan stated: Can we speak one at a time, please?

Commissioner Shaw stated: Okay. But I do not think that giving somebody a lunch has ever been considered a gift, unless it came with a card, okay?

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Stephen stated: The point that we are trying to raise is, would he give you that lunch, or pay for that lunch, if you were not a Mayor or an elected official?

Commissioner Sullivan stated: Let's wait -

Commissioner Shaw stated: No, he would not have given me the lunch if I had not been Mayor.

Commissioner Sullivan stated: Commissioner Dolman and then Commissioner Dykstra.

Commissioner Dolman stated: Commissioner Shaw, you have already stated that he did not take you to lunch, prior to your being Mayor. But he -

Commissioner Shaw stated: Yes, I did.

Commissioner Dolman stated: The other point is, isn't there something going on in Washington, with the same thing, about the end of the free lunches? And, Congressmen not being able to get gifts, and go on trips - and so forth for the same kind of concept? I think that we are looking at this just to protect the interests of the public, that people think that things are happening that might not be happening - But we are just trying to make sure that they realize that we know that they have this outlook, and we are trying to rectify it from happening.

Commissioner Shaw stated: But you see -

Commissioner Sullivan stated: Wait, Commissioner Dykstra is next, Commissioner Shaw.

Commissioner Dykstra stated: Okay, just to go back on the business part. Even though you were the Mayor, or what he was, or whatever - He still was your insurance agent, so I mean - well, you know - I am just saying, and looking at the part of maybe could we do something, and add something like a business meeting, or something like that - I mean - that would be acceptable, I do not know. I mean, I want - I know - we

know what our intent is, but maybe we are not saying it exactly correctly, and you know, I do not want to lose any of this, but I want to do it right.

Commissioner Sullivan stated: Okay. Commissioner Lopez, and then Commissioner Shaw.

Commissioner Lopez stated: I about under "C," this will be food and beverage consumed at civic, charitable, community, or social events?

Commissioner Sullivan stated: Sounds like a good suggestion to me. Commissioner Shaw.

Commissioner Shaw stated: Alright. I think that for some people in Brad's business, and in other businesses, lunch is an extension of the work day, in the at the picking of the lunch meal ticket is sometimes done by either party for no particular gain at all. It is a turn, okay? It is a turn. And I think that you cannot define the thing so narrowly that you eliminate good business - In other words, you cannot say that Brad cannot take up - take out you to lunch, because it - in the normal course of business that is done. And yet, somebody wants to take out an elected official to lunch, and it could be Cashin, could be taking out a CMC person, but he is an Alderman - wait a second -

Commissioner Cook stated: Part-time people -

Commissioner Shaw stated: You see?

Commissioner Sullivan stated: Alright, I - Commissioner Shaw, are you finished? Alright, Commissioner Stephen.

Commissioner Shaw stated: It is not fair. Finished. I am -

Commissioner Stephen stated: Alright. This - the only problem I have Mike, with the social event is because that is - that particular definition - the definition of "social event" could be any type of thing that maybe - I will give you a great example. I was speaking to someone who said that they were receiving tickets to a major sporting event, a football game - you know - that those tickets are not available to the common citizen. Social event can be - I think it can be defined in many different aspects so I think that that is not a good term. But, a business issue that Brad brought up, maybe we could add something like, "in the normal course of business," "in the normal course of City business," or something to meet -

Commissioner Cook stated: Well, I think - I think that the meal thing is especially problematic here, where you have only a few full-time people whose existence and salary is defined by their full-time job. Tom Clark is a friend of mine, okay? We live near by, we have done a lot of stuff together. I am not going to invite every City official, generally, to a Christmas party at my house, okay? I invite Tom over because he is my friend. It costs ten bucks a person, or twenty bucks a person, or whatever - Have I just - has he just broken the law? Have I just broken the law? Who has broken the law. Dave Wihby goes to the sky box with our firm when we used have the sky box, because he was - his wife was a cousin of Nick Lazos - cannot go to the sky box anymore? He is a part-time Aldermen. I mean, you get into real difficulties in the kind of government we have here. A United States Senator, not taking a dinner in Washington - and that is defined by dollars, of worth over fifty dollars from a lobbyist, that is a completely defined relationship where they have a reason for what they are doing. All I am saying is, I applaud the intent here. I am just saying that you are going to catch all kinds of - the size of your net is going to result in catching all kinds of things that you do not intend to catch.

Commissioner Sullivan stated: Alright. I am going to just make one more suggestion on this, and I think that you guys have heard a lot, and maybe go back to the Drafting Committee, and as I said, I was grappling with this myself, that when we try to get sometimes too specific, I think as Brad is saying, you create problems - and that perhaps we a simpler approach to just say that, "A City official will not accept any gift from," and I was going to say any other City official or City employee, but that means again, the department heads cannot take each other to lunch, "or any person who does or is applying to do business with the City, excluding gifts from family members." Perhaps we limit it to elected officials or Commissions or Boards, but you guys have heard the sense of all of the things of all of the things we are talking about here - Perhaps go back, mull it over, and try to come up with something that addresses some of these concerns, okay? As opposed to us trying to re-write it tonight. If that is - I would like to move on unless anybody has anything else to say about gifts -

Commissioner Lopez stated: Yes, I think there is - I think that -

Commissioner Cook stated: I would make it twenty-five - I do not care - if it is fifteen bucks, twenty-five bucks, whatever it is - I would just say, "no meal," in the meals section I would put a dollar amount on it so that incidental little stuff did not tag everybody in town.

Commissioner Dolman stated: I thought we heard earlier that there should be not be

any dollar amount, because you - then - you know -

Commissioner Dykstra stated: - inflation.

Commissioner Cook stated: Well, I do not care - I am just saying, you know, but in general, you can put a general provision in the thing that says the dollar amounts in this thing can be changed by action of the Board of Mayor and Aldermen from time-to-time.

Commissioner Sullivan stated: Okay. Alright. Alright, moving on. The next section is standards of conduct and we have already talked generally about purpose provisions - So, I would like to jump right into the statutory standards. Does anyone have any comments on Section A, Statutory Standards? Commissioner Cook.

Commissioner Cook stated: I assume, because the Legislature has been known to repeal, reformulate and redraft, that when you - (inaudible) - and I did not go back and read all of these sections, I assume that is why we have the subcommittee, but I assume you mean, "or as they may be amended, repealed and reenacted from time-to-time." I assume that is what you mean. Because if R.S.A. 645 gets taken out and put back in 99847, I assume you would want it to continue to be applicable.

Commissioner Stephen concurred.

Commissioner Cook stated: So I would just say, "as amended or reenacted from time-to-time" some place in there.

Commissioner Sullivan stated: Does anyone else have anything on that Section? If not, I will give you my comment. I would strike statutory standards all together. If these are laws specifically governing conduct of officials of the - of political subdivisions of the State? Again, in the interest of keeping it simple and also give it - there may be other statutes that come up in the future that are not included within here - I just would prefer that, if there is something in a statute that governs the City, rather than having a laundry list here, that we leave that outside.

Commissioner Cook stated: I guess then I have a question.

Commissioner Sullivan stated: Commissioner Cook.

Commissioner Cook stated: I know in terms of some other statute, the State statute

and standards, are not - are specifically not applicable, because they were not aimed at, not because they do not think that they should apply, were not made applicable to towns - like some of our election laws and different things. My assumption here was, whether these were specifically applicable or not what the Committee was trying to say, was those standards should be applicable to local officials. I do not know if they all say that they are already, in which case I would probably agree with Kathy.

Commissioner Sullivan stated: Commissioner Stephen, do you know the answer to that question?

Commissioner Stephen stated: Well, I guess - what I - can you rephrase the question again? There are standards - I mean - these statutory standards are the basic -

Commissioner Cook stated: Do these apply to the Mayor already?

Commissioner Stephen stated: These are part of the Mayor right now. They are in the criminal code, they are outside the criminal code - they apply to all elected officials.

Commissioner Cook stated: Then I guess the question - I do not know where I come down on it - but, I guess the question is, do you need to say them again because they are already applicable to these people? Or, on the other hand, is Mike's point, that the average citizen picking this thing up, saying "it is not in the Charter so it must not apply," if he at least sees them there, will be referred to them. Maybe that is a good thing.

Commissioner Stephen stated: And that was the intent for listing them, originally.

Commissioner Cook stated: Okay, I mean, I do not know. I have got to think about that one some more.

Commissioner Sullivan stated: Yes, but on the other hand - I am not convinced that it makes sense to have statutory references in the document in which you are basically saying, "look here," and now, "go look there." I think that there are a lot of State laws that govern the operation of the City. For example, just pulling one out of the air, appointment or election of - appointment of planning board members, and that type of thing are not going to reference in here - in the Planning Department Section - all of the statutes referring to Planning Board members, and that type of thing. And, I just - again, I come back to one of the goals I would like to see is accomplishing - and you know - it may not be something shared by everybody - is to condense and keep it

simple. Commissioner Lopez and then Commissioner Cook.

Commissioner Lopez stated: I guess I will have to - I have to speak for somebody that would come into the City Charter [sic] and look at the City Charter, and this is very interesting to me, because if I know - let's just pick one - that if I know that a certain individual got a big gift from a construction company, I think that it would help me to know and go to R.S.A. 640-5 and ask for that so I could read it to understand it a little bit better, before I would bring any charges and say, "let's have the Ethics Committee take a look at this and see if there is something there." Having a general provision, as a lay person - the voter trying to understand the City Charter a little bit, I do not think that if you just say - maybe a general - saying, "comply with all State laws." What does that mean? Well, I have got to go research or hire me a lawyer to find out law he did break, or she broke, right? So, I think that it is very, very good as a person to - if we are trying to create an Ethics Code for the people to understand, I think that it is well worth it. And, if we are trying to bring some accountability and good ethics to government, people should serve for the people. If they are serving just for themselves, whatever the case may be, they should be out of there. So that is why I like a lot of parts of it - the Ethics Code.

Commissioner Sullivan stated: Okay. Well, you know, I certainly can be convinced. Commissioner Cook and then Commissioner Shaw. Commissioner Cook, no? Commissioner Shaw.

Commissioner Shaw stated: I think you should just publish a telephone number. 668-4321. I think that under the - you do not need to list R.S.A.'s. All you have to do is -

Commissioner Dykstra stated: Is that my number?

Commissioner Shaw stated: - pick up the phone. Talk to certain people - extension 346 is one of them, and ahh - Really, that is how all of the bribery, all of the things that were done wrong that you find around this State or in this country are always - really and truly - if it is not for the I.R.S., that is where you make your big mistake when you take gifts. The second somebody you - interest was brought to it - the attention - you can give no gifts to a public servant of any great amount. Grandmaison down in Nashua - it was either press or it was government itself that brought him to his (inaudible) - to his knees.

Commissioner Cook stated: It was politics.

Commissioner Shaw stated: Politics, yes. Best source of all -

Commissioner Dykstra stated: Well, maybe a little greed, too.

Commissioner Sullivan stated: Well, Commissioner - Commissioner Shaw and I right now seem to be - the consensus seems to be against us on this, so let's move forward and if we eventually have a Charter that is long I may come back and try to resurrect that one. But for now, we will let it go.

Commissioner Dykstra stated: Let's single space it, maybe you will like it better.

Commissioner Sullivan stated: In all honesty, when I saw this, I went, "Oh my God, it is seven pages." Okay. Contract and purchases. Any comments? There being none, Appointed -

Commissioner Cook stated: Yes, wait a minute - wait a minute. Hold up, there are. This is a question of mine.

Commissioner Sullivan stated: Okay, Commissioner Cook, speak quickly.

Commissioner Cook stated: A City official shall not have an indirect or a direct personal interest in any contract with the City," wonderful. I wonder why they should be able to have one where the contract is awarded solely on the basis of a sealed competitive bid? I mean, I do not know that that is possible now. Is that possible now?

Commissioner Shaw stated: What?

Commissioner Sullivan stated: Well, Commissioner Cook, when I - my - when I - I had the same question, in fact I had crossed out the last clause - and then I came back and said, perhaps -

Commissioner Cook stated: I just underlined it and question marked, because I - there is something wrong with it -

Commissioner Sullivan stated: - what happens - what - a City official includes a Commissioner -

Commissioner Dykstra stated: How about a department head, no?

Commissioner Sullivan stated: And - I mean - I - in any event, I thought that perhaps, I mean you guys tell me, is that what you were thinking about? Is that you might have commissioners who also do business with the City?

Commissioner Cook stated: Well you have got - you have got different categories of situations. You have got builders who may serve on the Planning Board under duress because somebody in the building business ought to know how to do it. You have also got insurance agents who might be Mayor. And they are all being covered by the same rule. Now, I do not think that you intend to say that Wieczorek's insurance agency is allowed to bid - I do not know - there is a whole bunch of questions on insurance agencies, but -

Commissioner Dolman stated: I would like to know that same thing - (inaudible) -

Commissioner Cook stated: But I think, I think you have got two different kinds - you see what I am saying - you have got two different kinds of categories, here. You have got things that are a problem, you have things are not a problem, and in some cases, competitive bid with disclosure of the knowledge that the bidder has some public office, is perfectly fine. On the other hand, I do not think that you want the Mayor and the Aldermen's businesses to be competitively bidding and being awarded bids, but - you know how competitive bids - it is not purely the lowest bidder, so there is all kinds of factors in it. And I think that you have got to think about what you are saying there.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Well I - that would be my point. How would you know that by sealed competitive bid, that actually people knew that something was being bid? Okay? I mean maybe - the government requires that it be published that it is looking for something. But not everybody that is in business would read that section and be precluded, where the Mayor or the Aldermen knowing that the City was looking for something, could easily get the business.

Commissioner Sullivan stated: Yes, and I - I do not think that any elected City official or a City employee should be doing business in the sense of getting a - with the City -

Commissioner Cook stated: What if, and I do not think that this is a real case, but if an Aldermen - if Mr. Cashin, instead of working for CMC, worked for Blue Cross and Blue Shield as Director of Maintenance of all of their building, okay? And Blue Cross Blue Shield bid competitively or otherwise - I mean, this is where you get into these

problems - competitively or otherwise bid for the health business of the City. Now clearly he could not vote on the final contract. But are you saying that he cannot be an Aldermen, they cannot bid, or something else? That is the kind of problems that you get into here, and I -

Commissioner Sullivan stated: Right.

Commissioner Cook stated: - not, not - he owns Blue Cross Blue Shield, he works for Blue Cross Blue Shield - you know? I think that that is the kind of problem we get into when we try to get too specific in ethics codes, and I have been through this - around this barn before and they get awful.

Commissioner Sullivan stated: Commissioner Dykstra.

Commissioner Dykstra stated: Just on the competitive bid, I do not really think that you can bypass the competitive bid if it is over a certain amount - like if it is over twenty-five hundred dollars it has to be - I thought it had to be a competitive bid -

Commissioner Lopez stated: Yes it does -

Commissioner Cook stated: Oh, it does. It does.

Commissioner Lopez stated: - the City code.

Commissioner Dykstra stated: - and then underneath - okay, and underneath that - okay. So, my concern always was - because I had the major problems when we had the Bog Road road controversy when they bypassed the competitive bid process, and that was a thing that they - and it was in the current Charter and they still did it. And there was nothing that was done about it, okay? It was - the Charter was broken, the law was broken, whatever. I do not know. I feel - I mean - I feel very strongly with even the other parts of the procurement code and when they can bypass it, when it is under that amount, who has the authority to go in and made changes, say when they are contracting out to certain businesses - your department heads - deciding who is going to get certain business in the City, or services? I do not know, I mean, is that addressed within this? I mean -

Commissioner Cook stated: No, I do not think it is -

Commissioner Dykstra stated: - this, this basically is sealed competitive bid. I mean,

what about having - I do not know if I have been reading this right - with the City - where the contract - on the basis of sealed competitive bid? I do not think that a City official should have a financial interest even if it is not a sealed competitive bid. And that - that bothers me too, because there are areas within our Charter that allows them to bypass the competitive bid and I think that that has to be looked at - you know? Maybe I am not making sense, I do not know.

Commissioner Sullivan stated: Yes. Do you guys have enough now to go back and perhaps try to work that through? Because, again, I would like to keep moving along here.

Commissioner Stephen stated: Sure.

Commissioner Sullivan stated: Unless Commissioner Lopez, do you have one more comment?

Commissioner Lopez stated: Yes. If I had time to look it up, but - In the Charter on sealed bidding there is qualifications that you have got to meet in order to get sealed bids. So you might want to look at that in the Charter, also.

Commissioner Sullivan stated: Okay.

Commissioner Lopez stated: - and I think - I do not see any major problem with it, if you look at that code.

Commissioner Stephen stated: Okay.

Commissioner Sullivan stated: Moving onward. Employment or employment of family members. Any comments?

Commissioner Shaw stated: The Shaw amendment.

Commissioner Sullivan stated: Well I thought it was the Sullivan amendment.

Commissioner Shaw stated: No, this is the Shaw amendment.

Commissioner Sullivan stated: I thought it was somebody that said they did not want - my sister Grace called and said, "I do not want John Rist to ever discipline me at the School of Technology for getting to school late," so -

Commissioner Cook stated: He is an in-law -

Commissioner Shaw stated: He is not a City official.

Commissioner Dykstra stated: No, no -

Commissioner Sullivan stated: I am not - well he works for the City as - I do not know, he rents his building - I do not know if he is a City official or not - but - Anyway, but seriously - any serious comments on this section?

Commissioner Cook stated: Take it up with the Union.

Commissioner Sullivan stated: Any serious comments on this section?

Commissioner Stephen stated: Bob?

Commissioner Shaw stated: Well, I do not favor it, of course. I do not see that - and I did it in the dark of the night -

Commissioner Stephen stated: That is why I wrote this in.

Commissioner Shaw stated: I thought I was out of office -

Commissioner Dykstra stated: We wrote this as the Shaw amendment, really -

Commissioner Shaw stated: No, no. No. Yes, but I was out of office - I was out of office when it took effect, alright?

Commissioner Dykstra stated: What? How can you appoint someone -

Commissioner Cook stated: I do not even remember what you did, but I am glad you are turning yourself in.

Commissioner Sullivan stated: Alright. Commissioner Shaw is opposed to the provision. Is there anyone else who is opposed to that provision? If not, I would like to move on, okay? I do not think that we need to come back and have the - Right now people are generally -

Commissioner Stephen stated: What we are generally - in favor of the provision - I

mean - we are talking about merely disclosure and not taking part in the decision, that is all.

Commissioner Sullivan stated: Okay?

Commissioner Cook stated: That does not address that question that I had before, which I did not see addressed anywhere, and I am not sure that it should be, because very frankly, somebody's thirty-eight year-old kid being in a Union, the collective bargaining agreement for which is being voted on by the Aldermen, I do not think should disqualify the person from voting -

Commissioner Sullivan stated: Okay.

Commissioner Cook stated: - very frankly. But, it is not addressed.

Commissioner Sullivan stated: Okay. Disclosure -

Commissioner Stephen stated: Can we just add - I need to know then - Are you suggesting, Brad, that immediate family members - something like we discussed earlier - should be in here?

Commissioner Dolman stated: Immediate - consider ourselves -

Commissioner Cook stated: No, no. I - I think promotion, grade, hiring, firing - are conflicts. I do not think a general pay raise that may happen to effect somebody inadvertently along with everybody else should rise to a - the level of conflict.

Commissioner Stephen stated: Good.

Commissioner Cook stated: We can conflict everybody out of everything here if we do not make - if we do not watch out.

Commissioner Sullivan stated: Yes. Okay. Disclosure of confidential information. Any comments on that Section? Hearing none, Section E, gifts and favors. We have already spoken a lot about gifts. Has there been enough discussions for the Committee to know where we stand on gifts? Or are there any specific comments arising from this section? Hearing none - If I am going too fast, please stop me. Use of City property. Any comments on Section F, use of City property? Commissioner Lopez and then Commissioner Cook.

Commissioner Lopez stated: Yes, I - I am interested in how, when the City loans equipment to private citizens, how this would - how this would fit in, if it is in the best interest of the City? An example would be, where - like for - under - if this was to stay where it is, like where you are loaning twelve picnic tables to a business at Arms Park. Would I have the same - as a citizen - be allowed to borrow twelve picnic tables because you did that for a business? How do we reword this?

Commissioner Sullivan stated: Okay -

Commissioner Dolman stated: I would think you would have the same.

Commissioner Lopez stated: Why not?

Commissioner Dolman stated: Wouldn't you?

Commissioner Sullivan stated: Commissioner Cook had a comment, also.

Commissioner Cook stated: Well, I think - Mike is raising something that I did not notice. Where a City official shall not - when you permit the use of any City owned property for a private purpose, I suppose means that if there is a big church picnic up at the Greek church that the City cannot loan some stuff. That does not make any sense to me.

Commissioner Dolman stated: I do not think - I do not think that is what we intend to -

Commissioner Stephen stated: That is not what it says -

Commissioner Cook stated: Well, I know. But that is what it says.

Commissioner Dolman stated: That is what it -

Commissioner Cook stated: It says, "for any private purpose." It does not say for "any private purpose by a City official." I mean that is - this is just a language question. My question, however is, is this - is this meant to, or does it inadvertently prohibit the City from deciding that the Mayor gets an automobile? Part of the Mayor's pay for - as Syl Dupuis said, "I was not getting paid, so I got them to give me a car." That - if he can drive the car to play golf, that is a private purpose of City property.

Commissioner Sullivan stated: Okay. Commissioner Dolman.

Commissioner Dolman stated: The concern was - and it was raised at many of the public functions [sic] - of citizens seeing City-owned vehicles used for private functions, you know - people taking home cars and using it go certain places. That - I think it was the concern we were trying to answer in this provision, that people - as one - that people were using private - you know - publicly owned vehicles to go shopping, or do whatever, and that was a concern that we had.

Commissioner Sullivan stated: Okay. Commissioner -

Commissioner Dolman stated: What we understood - I mean - we understood that some people are on-call that need to respond to emergency situations. But should their vehicle be used for a private - for a private function like going shopping and so forth, like that?

Commissioner Sullivan stated: Okay. Commissioner Stephen, and then Commissioner Shaw.

Commissioner Stephen stated: To address Brad's concern, I do not think that the Mayor should drive his private - or city car - to the golf course because nobody else can, and that is one of the reasons why we want to make this applicable -

Commissioner Cook stated: Nobody else can.

Commissioner Stephen stated: - to everyone.

Commissioner Sullivan stated: Unless he leaves the keys outside of the car -

Commissioner Stephen stated: No other citizen can drive the Mayor's car. But I wanted to just say, Mike has brought up a good suggestion. There are going to be reasons where you may want to lend certain property, so we would want to go back to that issue in drafting, and I think that we can come up with something.

Commissioner Sullivan stated: Okay. Commissioner Shaw.

Commissioner Shaw stated: Well you are trying to put into a Constitution rules and regulations, you know, that are really - should be defined by the governing Board. It is not the province of the citizens, alright? They elected us - a representative form of government - who should decide how the car should be used. I agree with you, the car should not be done [sic] with that purpose, but when the Mayor - given the car - you

know - and what is he going to do, go home and swap cars? It is not logical, not cost effective, and it is part of his compensation, as he mentioned. If a car is part of your compensation, then use of it is at your discretion, unless the City has rules - and this - Charter should not have rules.

Commissioner Sullivan stated: Alright. And I actually am in agreement with Commissioner Shaw, here, and also, frankly I would take out this provision and I would leave it up to personnel rules or departmental rules. I do not think that we should be micro managing to the extent of having a City employee not be allowed - or City - a group of City employees not being allowed to take a cooler from the department for the softball game, which, technically, this would violate. Or, even in a school system - if - you know, that type of thing. I would like to see the - it not be a part of the Charter, perhaps leave it up to the Board or the different departments control those regulations. Having said that I do not - anyway - you have heard the comments, why don't you guys think about it and work with it. Membership and non-profit organizations. Any comments?

Commissioner Stephen stated: You missed "G."

Commissioner Sullivan stated: Did I miss, "G," appearance? Oh, and that is an important one. Appearance before boards and commissions. Commissioner Shaw.

Commissioner Shaw stated: That is totally wrong -

Commissioner Sullivan stated: Okay.

Commissioner Shaw stated: - I think that it - because these meetings are held in the public, the fact that somebody, an Aldermen appearing - even though everyone knows that he is the Aldermen, he has every right to support his constituents -

Commissioner Stephen stated: I think we - there is nothing in there, Bob, that prohibits that.

Commissioner Dykstra stated: There is nothing wrong - it does say that -

Commissioner Shaw stated: I do not get the - no -

Commissioner Sullivan stated: Alright, hang on. Commissioner Shaw is going to make a point before you all jump on him, okay?

Commissioner Shaw stated: But that a City official should - I know that you go to the bottom of it, but you have got - you start off at the beginning saying that you cannot do it, you know - and I do not think that - you know, you cannot say on one hand you cannot do it -

Commissioner Dykstra stated: Okay, but you have to read the whole thing -

Commissioner Shaw stated: - and on the other hand you can do it.

Commissioner Sullivan stated: Okay. Commissioner Cook has his hand up. If any - anyone has any comments, get your hands up, okay? We have got to keep this organized. Commissioner Cook.

Commissioner Cook stated: There are two City officials sitting at this table who make their money representing third parties before all kinds of places. She [Kathleen Sullivan] is a Library Board member, and I am an Airport Commissioner. I certainly cannot go to the Airport Authority and get up in front of the Airport Authority and say, "I want you to take Bidder A against bidder B on such and such." But if this says, "Kathy Sullivan cannot appear before the Planning Board or the Zoning Board of Manchester," which is her profession, and still be a Library Trustee, she is going to have to quit as a Library Trustee. And there is no reason why you want to have - I mean, there is a reason but that is a whole - (inaudible) lawyers - you could put Shakespeare in this thing - but, there is no reason why a provision should inadvertently do that, and this does.

Commissioner Sullivan stated: Okay. I appreciate Commissioner Cook standing up for my hereditary position at the library. Commissioner Stephen, you had your hand up.

Commissioner Stephen stated: Possibly the language could be changed to apply to elected City officials. How would the Committee feel about that?

Commissioner Sullivan stated: Alright. Let me - I am going to put my two cents in here now. I think that a City official, such as an Aldermen or a Mayor, should be allowed to appear before Commissions with respect to City business and on behalf of third parties. I think that that is clear, you know - you should not be allowed, if you are an elected official, to - for example, if I - if I am attorney, if I am Aldermen Reiniger, I should not be allowed to represent someone, a third party before a City Commission. However, if I am Aldermen Reiniger and there is a proposal before the Planning Board, and I am not an abutter and even if it is not in my ward, so long as there is enough of a reason for

me to go before the Board and testify in favor of a project, I should be allowed to do so. I think that that is part of the Alderman's or Mayor's job, and I - so that is where I am coming from on that. Commissioner Dykstra.

Commissioner Dykstra stated: Okay. That is what - basically Commissioner Dolman and I, both being former Aldermen, had discussed - you know - with Johnny, and that was our reasoning for putting this in. If it was not put in correctly and it has to be changed - but that was our intent, too, is that we felt that we had a right as Aldermen to go out there and represent our people. We have done it and we think that that is the thing to do. So we tried to address it, and - you know - I do not know if there is another way we can put it in, and that is fine, but I certainly do not want to prohibit us from doing - Johnny - and Commissioner Stephen did not either.

Commissioner Dolman stated: - we already questioned it originally, when it first came - the first draft - both - Leona and I both questioned the concept because we - because Aldermen -

Commissioner Dykstra stated: Because we have been there, yes.

Commissioner Sullivan stated: Perhaps we limit it to, "An elected City official shall not represent a third party?" Commissioner Shaw.

Commissioner Shaw stated: I do not think that it is necessary to say that, because it - each of the things that they mentioned, Commissions and everything - are open to the public, alright? And so - there is no - no conflict if somebody appears before the public in their official capacity to make statements on what they believe should or should not pass.

Commissioner Sullivan stated: Okay. There has been a lot of discussion on this point. Before we leave it, one more comment from Commissioner Cook, and then I want to keep moving.

Commissioner Cook stated: Is - I think that what you are trying to get at here - is that no public official should inappropriately use his or her positions to advance a private interest -

Commissioner Shaw stated: That is correct.

Commissioner Cook stated: - rather than public policy and the good of the City -

Commissioner Stephen stated: Yes.

Commissioner Sullivan stated: Write that down.

Commissioner Cook stated: And so I think - I think that that is what you are aiming at, as opposed to - I mean - if - if Aldermen -

Commissioner Dolman stated: Say that again, will you?

Commissioner Sullivan stated: Yes, say that again, Brad.

Commissioner Cook stated: No public official should use his or her position to advance a private interest before any body of the City, then you have to go back to the - how do you define public official so that you do not catch the lawyer, library trustee, or -

Commissioner Stephen stated: It would be an elected -

Commissioner Dykstra stated: That is elected -

Commissioner Cook stated: I am talking about the (inaudible) - Because, certainly the Aldermen from Ward Ten could think that economic development up in Ward - well Twelve, I do not care - element in Ward Twelve -

Commissioner Dykstra stated: Stay out of my Ward, too, okay?

Commissioner Sullivan stated: Make it Eight. That is mine. I do not care.

Commissioner Cook stated: The Aldermen for Ward Eight could certainly try to advance an economic development project in Ward Two if he thinks that it is good for the City, and that has got nothing to do with anything improper. That is the proper development of Manchester.

Commissioner Sullivan stated: Okay.

Commissioner Dykstra stated: There is no problem with that.

Commissioner Stephen stated: Um-hmm.

Commissioner Cook stated: So I think that you have got to - have got to be more

careful than the fact that a development is private as opposed to public.

Commissioner Sullivan stated: Okay. Are will all set now, you guys know where we are coming from?

Commissioner Dolman stated: Okay.

Commissioner Dykstra stated: I can - I can agree with you on that.

Commissioner Sullivan stated: Membership and non-profit organizations. I am not sure why we just do not have this in the disclosure section, but - as opposed to hanging out there by itself. Any other comments on that section. Commissioner Lopez.

Commissioner Lopez stated: Well - just to - I do not know why it is there, because there is a lot of City officials that are involved in a lot of non-profit organizations. And sometimes it is a very helpful thing. Especially within the City, because non-profit organizations - without them - we would - we would have to probably raise the tax rate tremendously. So, now, not to be involved in discussion - if you are on a Board of Directors - to try to help that non-profit organization within the City circle, so to speak, to do something, you know - you are just throwing the whole community aspect out the window.

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: Well again - the reason I - and I am - for some reason where this is there because, in tonight's meeting I think, there is something coming up to the Aldermen - or was it the last meeting - I am not sure - concerning the Families in Transition. And it is a non-profit organization, and Alderman Reiniger sits on the Board of Directors for that. They are asking for some kind of funding from the C.I.P. Program - now, would that be a conflict where he is an Aldermen -

Commissioner Cook stated: That is a conflict already.

Commissioner Dolman stated: - right - okay, right. My question - so that - correct, okay? That is why I am concerned, because sometimes these non-profits come for some kind of funding through the City government, and thus, he should not be voting whether they get their funding or not.

Commissioner Sullivan stated: Yes. My suggestion is that we somehow have that

come back into the disclosure section as it would be with any other business that you might be on the Board of Directors of. I am not sure that we need a specific section just for that -

Commissioner Cook stated: I think you already covered -

Commissioner Stephen stated: I think that it is covered -

Commissioner Cook stated: - reinforce your point - the definition of business, which says whether organized for profit or not, already takes care of it.

Commissioner Sullivan stated: Okay. Are we all set on that point?

Commissioner Stephen stated: I am -

Commissioner Sullivan stated: Did - Commissioner Shaw, or Commissioner Lopez did you have something else to add?

Commissioner Dolman stated: Okay, so we are going to eliminate this and -

Commissioner Lopez stated: Yes, I just want to - just want to clear it up in my own mind - and you said it, it is a conflict, right?

Commissioner Cook stated: To vote on it.

Commissioner Lopez stated: Because an official - because - well, maybe not to vote on it, okay? Just to clarify that. But, I do not think that it is a conflict -

Commissioner Dolman stated: To discuss it -

Commissioner Lopez stated: - ethics or anything else - for somebody in a non-profit organization.

Commissioner Stephen stated: No -

Commissioner Cook stated: Hold on -

Commissioner Stephen stated: Just to participate in the deliberation, or voting?

Commissioner Cook stated: It is at paragraph -

Commissioner Lopez stated: Okay. I just wanted to clear that up.

Commissioner Stephen stated: But, it is already in business (inaudible).

Commissioner Dykstra stated: Okay. If I - you know - just - can I - just to touch quickly on that, if anybody has a - you know - there is still an ordinance within the City and we keep forgetting that, that there is something there that if an Aldermen is in conflict they can take a vote right there and bring it right out in the public. It is not used often, but that is always - that is there. I just felt we needed something stronger to go into this, but - people can question it now.

Commissioner Sullivan stated: Okay.

Commissioner Dykstra stated: It is there.

Commissioner Sullivan stated: Any other comments on that Section? If not, it is twenty of seven - and I am really impressed at the progress that we are making.

Commissioner Dykstra stated: Where are you going?

Commissioner Stephen stated: Yes, we are doing good.

Commissioner Dykstra stated: Have you got a date at seven, or what?

Commissioner Shaw stated: I have got my conflict already written.

Commissioner Sullivan stated: It is with my sweetheart, Mr. Rist.

Commissioner Dykstra stated: Well that is alright. What a politician you are.

Commissioner Sullivan stated: I know. Well we have only been married five years. We are still newlyweds. Incompatible employment or office. Commissioner Cook.

Commissioner Shaw stated: It is all I had -

Commissioner Cook stated: Question. This is - this is numbness -

Commissioner Sullivan stated: This is numbness?

Commissioner Cook stated: - on my part. "Except School District Officers," who is an officer of a School District?

Commissioner Stephen stated: A School District Officer is a school employee, teacher - in a District, and it is defined - I brought the case for you tonight, because I knew that that issue would come up.

Commissioner Sullivan stated: I do not think that you need to show us the case - if that is - we would -

Commissioner Cook stated: No, no. I believe you. I just - I am just asking -

Commissioner Stephen stated: - but the - this was a Rochester case that was construing - right here - construing a Charter that I think had an autonomous school district. So, and then they - and you had that McDonough case a few years ago, and I called Tom Clark about this issue - so - I - we still need to work on this issue -

Commissioner Sullivan stated: Okay.

Commissioner Stephen stated: - because School District Officer may mean something different in Manchester -

Commissioner Cook stated: Okay, so that is -

Commissioner Stephen stated: It may not include teachers.

Commissioner Sullivan stated: Okay. Commissioner Shaw, and the Commissioner Lopez.

Commissioner Shaw stated: Does this allow somebody to resign from - during his term - to take a City position? Does it allow somebody to resign from - an Aldermen - to become Mayor where the Charter does not allow Aldermen to become Mayor?

Commissioner Dykstra stated: No - we do not -

Commissioner Stephen stated: I - there is no prohibition - other than the fact that there is a prohibition on accepting employment -

Commissioner Shaw stated: But should there be a -

Commissioner Stephen stated: - taking advantage of your position.

Commissioner Shaw stated: Well, aren't you taking advantage of your position by resigning from the office in order to be appointed by the other eleven? That is the intent of the original Charter, is that people would not be able to resign to accept positions that paid. The Mayor's job pays. I do not think -

Commissioner Dykstra stated: Well the Aldermen does too -

Commissioner Shaw stated: No, no. Full-time -

Commissioner Sullivan stated: Commissioner Lopez, and then Commissioner Cook.

Commissioner Lopez stated: Yes, I have got this exempt School District Officers - where - where the teachers can run for Aldermen but they cannot run for School Board. I guess that is what the State law is, and I talked to John about this. I am not an expert in it. And John, I think, enlightened me this afternoon on it, because I thought it was a double standard that no City official - no City employee could do it, but yet a school teacher could run for Aldermen, you know -

Commissioner Shaw stated: That is wrong.

Commissioner Lopez stated: But - but they are governed under State law, under the District Officers -

Commissioner Shaw stated: No -

Commissioner Lopez stated: - school teachers and that. And if, although I do not like it, we would have to change the State law from what I understand.

Commissioner Sullivan stated: Commissioner Cook, then Commissioner Dolman, then Commissioner Shaw.

Commissioner Cook stated: Somewhere - there - twice in this Section, at least twice, the word "incompatible," to the proper exercise of your job - (inaudible) those words exactly, but in - the word, "incompatible" appears without definition. Now, I could make a case that it is incompatible to be a State rep at the same time that you are an

Aldermen because you cannot go to both meetings at the same time, but I do not think that that is what it means -

Commissioner Dykstra stated: It is not the State law -

Commissioner Cook stated: The trouble is - the trouble is that there is no definition of "incompatible," and I think that it is very - beauty in the eye of the beholder, here - to not define that. That is my concern.

Commissioner Sullivan stated: Okay. Commissioner Dolman.

Commissioner Dolman stated: Well I was going to say to Commissioner Lopez - I am not sure and I am not a lawyer, that it is illegal for a City employee to run for School Board. That has never been tested in a court of law, and I am not sure if someone could not do that. I think a City - a Highway employee - might be able to run for School Board.

Commissioner Sullivan stated: Okay. Commissioner Shaw.

Commissioner Shaw stated: I think that we should strengthen the original concept that anyone who accepts a paycheck, a full-time position with the City of Manchester, okay? Whether School District or not School District, should be precluded from being an elected official. Okay? I think that that what we should really - that was the mistake the very first time - to give you a temporary - a small historical - it was decided by the Aldermen who were nine to two, or something like that, that they would not appeal the verdict. Alright? The City Solicitor believed that the court was wrong on that decision, but it was a political decision. I think that we should redefine it. No one who accepts a check should -

Commissioner Lopez stated: I think that -

Commissioner Sullivan stated: Commissioner Lopez has something from Mr. Groulx.

Commissioner Lopez stated: I think that I am going to let one of the lawyers read this, because -

Commissioner Cook stated: This qualification for employment by City, R.S.A. 48-1, "no public elected official of a city except School District Officers, or where such official is authorized to appropriate or expend public funds should be employed during the term

for which he is elected by any department, Board or Commission of the City in another other capacity or in any position of employment by the City where compensation is allowed except as justice or clerk in a municipal court or qualifier of an . . . or special police officers provided that in any City Charter at the time this Section takes effect, provides specifically that certain elected officials may be employed in other specified employments or positions . . . blah, blah, blah, blah. Upon the acceptance of any such prohibited employment by a publicly elected official as prohibited herein, the elected office shall forthwith become vacant and shall be filled as provided by law. Provisions of this section shall not affect the rights of cities or towns to make such consolidation of official functions as may have been heretofore authorized by statute." Which is -

Commissioner Sullivan stated: I would like to suggest something. Now that the statute has been read to us, which seems to indicate that School District employees may run for office, if I recall the very nice reading that Commissioner Cook gave us - was the statute. Is it worth going any further with this discussion, or are we, in fact, boxed in by the statute, anyway, no matter what we decide? Commissioner Cook.

Commissioner Cook stated: I think that it is worth - in this particular case, and I know we have a lawyer and I know we have another lawyer, and I know we have all of these people who can do research for us - but I think that Tom Clark has some knowledge on this one, having been involved in the McDonough case, and - have you talked to him?

Commissioner Stephen stated: Yes, I talked to him today about it.

Commissioner Cook stated: Alright. If he thinks - if Clark thinks - I am not sure where we are going to come down on this, but I think we should have this information - if Clark thinks that because that statute was aimed at the non-contiguous, non-Manchester School District things, and that was going to be the issue on appeal in the McDonough case, that we have a right to make a blanket prohibition. The only alternative there - the only thing that is going to be carved out, because there is no statute for City employees being able to do that, so that even if we were wrong, and we made a blanket prohibition, the only thing that is going to get carved out is going to be the status quo, which means that teachers can still do it.

Commissioner Stephen stated: Right.

Commissioner Cook stated: Or principals. I think that we have to know that, and then I think that the Committee ought to consider all of the ideas, but go one way or the other.

Commissioner Sullivan stated: Okay. Then I - can I suggest that -

Commissioner Stephen stated: I will talk to Tom Clark.

Commissioner Sullivan stated: - Commissioner Stephen can talk to City Solicitor Clark. Let's get a final reading on that, so I do not think that it is worth having a show of hands at this time as to where people are coming down on this. Commissioner Dykstra.

Commissioner Dykstra stated: Just for clarification. Just say it is something we want, we agree on, and basically, we have these people, D.R.A., the Attorney General, and whatever, look at this. And, say there is a problem - well - by law, I guess it is supposed to try to correct it and tell us if it is right or wrong - Even, say we do not agree with what they are saying. Is there still a way that we can bring this before the Legislature and have it ratified? A certain part of this - if it is something we feel strongly on? Because it happens all of the time that certain parts are ratified. Would it have to be the whole Charter, or could we just have a certain part that we felt strongly about - no one else thought was good - the Legislature passes it, then it does become part of the Charter.

Commissioner Sullivan stated: - my suggestion on it, if we come up with any of those at the end of this process, is that we put it in a referral to the Aldermen that we suggest that you may want to - without putting this as part of the Charter - but as part of our report, we suggest that you refer this to the Delegation, so that the Charter itself does not -

Commissioner Dykstra stated: Right. Okay. But, if it is something we feel strongly about, yes.

Commissioner Cook stated: That usually - that would arise, I think, in this particular provision. If the court says that this provision was illegal, and if people thought that it ought to be corrected, then I think that provision would go to court.

Commissioner Dykstra stated: Okay.

Commissioner Dolman stated: - you are going to have to go to court, first.

Commissioner Sullivan stated: Okay.

Commissioner Dykstra stated: No. I just - say - we have that option.

Commissioner Sullivan stated: Okay. One other thing, and just a - this is a footnote or an asterisk - if we decide to do something with the Commissions to allow an employee to sit on the Commissions or advisory commissions, whatever they turn into or do not turn into, that this may have to change to provide for that. So that is something - just to keep it in the back of our minds.

Commissioner Stephen stated: Yes. I will remember that, because I -

Commissioner Cook stated: There are a couple of places where that issue appears - because the incompatible officers thing - there are a lot of - I do not know if it is by custom or by ordinance - but there are a lot of Boards in the City where Aldermen sit on it. Now, I do not know if that makes that - if that is part of their aldermanic duties, to be on the Planning Board, or whether they would become a member of the Planning Board, but this would technically violate - technically knock that out, I think.

Commissioner Sullivan stated: To answer that question, it is just that - I think that the State statute permits they - they are selectmen's or an aldermanic representative.

Commissioner Cook stated: That is wonderful -

Commissioner Sullivan stated: - just as State law -

Commissioner Cook stated: - but that does not mean that if the Charter says that you cannot have two -

Commissioner Sullivan stated: I know. No, no - but this actually - and also State statute provides that a member of the Planning Board may be a member of the Zoning Board of Adjustment -

Commissioner Dykstra stated: Um-hmm, that is State law, yes.

Commissioner Sullivan stated: - so that is - that is -

Commissioner Cook stated: The State Court does, but I do not want to do something locally that prohibits -

Commissioner Sullivan stated: Right, that -

Commissioner Cook stated: - something that is prohibited by State law -

Commissioner Dykstra stated: It will not be legal then.

Mr. Groulx stated: They just call them *ex officio* members, so you get the - you still get some -

Commissioner Cook stated: That is wonderful. I know, John, I understand that. But I do not want to inadvertently, because of the generality -

Commissioner Sullivan stated: - find out the Statute -

Commissioner Cook stated: - of the language here, saying you cannot have two offices.

Commissioner Sullivan stated: Okay, let's -

Commissioner Cook stated: - mess that up.

Commissioner Sullivan stated: - when we send this along -

Commissioner Stephen stated: We will remember that.

Commissioner Sullivan stated: - to our town - City counsel, City Commissioner - Attorney - hopefully, some of these things will be picked up that are in here. Okay, any further comments on incompatible office or should we go on to Disclosure and Determination of Conflict of Interest? I take it that is a yes. Any comments on Disclosure? Commissioner Cook, you are up.

Commissioner Cook stated: A couple of places you say, "and the extent of such interest." In the disclosure forms, there is an indication that, "this is where I get my income, these are the" - I mean, I am not sure I like all of those, but - it is not "I have a thousand shares of AT & T stock," or "one share of AT & T stock" -

Commissioner Stephen stated: Right.

Commissioner Cook stated: It is, "I have AT & T stock." And it is, "I get income from Sheehan, Phinney, Bass and Green," not that I get a pitiful "twenty-five thousand" or "a zillion and a half." It does not say - well you want it somewhere in between -

Commissioner Dykstra stated: I do not think that we have to be that defined.

Commissioner Cook stated: - but, no - My problem is when you say here, "disclosure and extent of the conflict," what do you mean the "extent of the conflict?"

Commissioner Dykstra stated: If you are a person or if -

Commissioner Cook stated: Is it the - is there a monetary value on it? Is it the degree of relationship? Well, extent of conflict is - it is vague. That is my only concern.

Commissioner Sullivan stated: Commissioner Stephen, and then Commissioner Shaw.

Commissioner Stephen stated: It would be difficult to define what - how - you know - the type of disclosure with regard to this particular setting. I think this is - involves if the City official is going to voting on a certain issue, rather than just filing a -

Commissioner Cook stated: I guess, put another way, why don't you just take the words, "and extent of" out? And just say, "the nature of the interest." If somebody has got a conflict, they have got a conflict.

Commissioner Stephen stated: I - Okay. Fine.

Commissioner Sullivan stated: Okay. Commissioner Shaw, did you have something to add?

Commissioner Shaw stated: Why don't, under number five, there, "A City official shall not participate in the deliberation of vote or otherwise take part," is this regarding any item or -

Commissioner Dykstra stated: There is a financial interest.

Commissioner Shaw stated: Well, the Legislature votes all of the time - They have a conflict of interest.

Commissioner Dolman stated: That does not make them right.

Commissioner Dykstra stated: That is wrong.

Commissioner Shaw stated: Because sometimes you do not - even though you have

an interest, does not mean that you are voting for your interest. Wouldn't that be right? Wouldn't that be possible?

Commissioner Sullivan stated: Commissioner Stephen -

Commissioner Shaw stated: If you own a thousand shares of AT & T, you cannot vote?

Commissioner Stephen stated: Well - again, whether you are voting for your interest or not, the appearance of impropriety is there and the problem with public - you know - disclosure, non-disclosure - and the problems that we have had in the past are there - and present - All we are saying is, disclose it and not participate. That is all, Bob.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: But I - Having disclosed it, I think you should be able to participate. I mean - if the public is aware of your conflict, then it is up to the public to take action through the elected process. I do not think that owning a thousand shares of AT & T and voting on a - particular thing - like - you know, should we have AT & T for our carrier or MCI? I do not think that that really makes a hoot -

Commissioner Sullivan stated: Okay. Commissioner Dykstra.

Commissioner Dykstra stated: I do not know how you can wait for the public to vote. I mean, if you have just taken a vote and you are going to make millions of dollars, we are going to wait two years to take care of it while you have already pocketed that money?

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Dykstra stated: It is already addressed in our ordinance - now - read it -

Commissioner Shaw stated: No, no - Where you see the point is here -

Commissioner Dykstra stated: That is part of the ordinance now, in the City.

Commissioner Shaw stated: - that they are owning a thousand shares of AT & T and being allowed to vote on whether they should be the long-distance carrier or not, is not a conflict.

Commissioner Dykstra stated: This is a financial conflict -

Commissioner Shaw stated: If you are - if you let people know you own a thousand shares, then you should be able to vote on it, if you wish -

Commissioner Shaw stated: And you are saying -

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Stephen stated: Okay. And you are saying, in that context, that the average elected City official is going to be fair and impartial and honest in casting that vote?

Commissioner Shaw stated: I do not understand how it would ever benefit the elected official to put AT & T in charge of the phone service -

Commissioner Dykstra stated: It does not have to be AT & T -

Commissioner Sullivan stated: - (inaudible) raise your hand, and if you have a comment, let the person who has the floor finish, please, and that you have your hands up and we can -

Commissioner Shaw stated: That - It does not sound logical.

Commissioner Dykstra stated: Can I just - could I -

Commissioner Sullivan stated: Commissioner, then Commissioner Stephen, then Commissioner Lopez.

Commissioner Dykstra stated: Can I just get a clarification? Commissioner Shaw, you feel that if you have a financial interest in something then you have the right to deliberate and to discuss and to vote on that? To make yourself money? Something that is in the interests of yourself? Or that is not an interest of another citizen?

Commissioner Dykstra stated: I am not done yet - And that you can use your office to make money - is - you think that is right? I just think that - especially - I mean - I do not believe you!

Commissioner Sullivan stated: Commissioner Lopez had his had hand up - Then

Commissioner Dolman, then Commissioner - wait. Time out. Time out.

Commissioner Dykstra stated: Sorry.

Commissioner Sullivan stated: Let's not have - let's not have any personal comments here, okay? I think the order is Commissioner Lopez, then Commissioner Dolman, and I am sorry, because you are sitting next to me, I do not see your hand up then Commissioner Shaw, and then Commissioner Cook, and then we will come back to Commissioner Dykstra -

Commissioner Lopez stated: On - (inaudible) financial interest, I do not know. It - AT & T, you got a thousand shares, but - how many decisions are you going to make in the City of Manchester because they get the telephone system - new telephone system? That is really going to be a violation?

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: Maybe I am naive, but you were sitting here a minute a go telling me - and I do not want to make this into something personal - but I should not be an Aldermen as a school teacher because there is a definite financial compensation. And now you are saying, it is okay if you have a financial conflict of interest. That to me is a - You are talking out both sides of your mouth, because you are talking - There is a financial conflict of interest. If you are going to make money off of something, that is a financial conflict of interest.

Commissioner Sullivan stated: Commissioner Cook, then Commissioner Shaw.

Commissioner Cook stated: Clearly, he was next but I will go -

Commissioner Sullivan stated: Oh, I am sorry.

Commissioner Cook stated: Clearly, if you are going to make money off of something, you should not be voting on it -

Commissioner Dykstra stated: Of course not.

Commissioner Cook stated: I think that the problem with this - The two problems that I have with number five are, the definition of financial interest here includes things which, when disclosed are enough. If my pension plan has however many number of shares -

Commissioner Sullivan stated: A gazillion -

Commissioner Cook stated: If the teacher - if the City of Manchester Retirement System or the State of New Hampshire Retirement System has a thousand shares, that is more likely, that they will have a thousand shares then that I will have a thousand shares of AT & T, you will not even be to tell in your fondest imagination, whether what your percentage share is, but under the definitions here you are, at least theoretically, financially involved with AT & T. You would not make a nickel. Now, on the other hand. If you are eighty percent owner in a construction company that stands to benefit as a subcontractor on a project for General A instead of General B, then you certainly should not vote on it. My concern here is the general language of financial interest is painted with too broad of a brush.

Commissioner Shaw stated: That makes sense -

Commissioner Dykstra stated: If I can -

Commissioner Sullivan stated: Wait, wait - Commissioner Shaw, and then Commissioner Dykstra, then come back to Commissioner Stephen.

Commissioner Shaw stated: My point is that you should disclose it, and then having done that, it is to your conscience - you know - and there - and you have a Board there that could say that you cannot vote on it - Well then, I think that it is the conscience of the person having - that everybody - he knows - he tells them he has got a thousand shares, and then he says, "but, I do not have a real financial interest in the company." Now, in your case, or the case of teachers, which I do not want to just narrow it down to teachers - I say that people who are paid by this corporation, this corporation being the City, do not serve on the Board of Directors. Okay? Unless, and then - Maybe you could allow one, like I wanted to do on Highway, or something, you know, I am not - but my point is, that it would be not in the best interest of the citizens to have all twelve, which is a potential - therefore I won't have one because I do not want twelve.

Commissioner Sullivan stated: Commissioner Dykstra, and then Commissioner Stephen.

Commissioner Dykstra stated: Well, you keep talking the AT & T stock and whatever, I mean -

Commissioner Shaw stated: I am making believe -

Commissioner Dykstra stated: Bob, okay, I know. But the thing is on the other hand if you are on a Planning Board and you are voting to rezone property that is worth nothing, and you vote for a rezone and you deliberate and influence and you end up being a millionaire because of that - Do you feel that that is something that is proper and should be allowed?

Commissioner Shaw stated: That is different - No, that is different.

Commissioner Dykstra stated: Well it is still a financial interest. Why is it different?

Commissioner Shaw stated: It is not - No - Yes, you should disclose that -

Commissioner Dykstra stated: But should you vote on it?

Commissioner Shaw stated: No - I think that it is up to that Board. Do you - It is up to the conscience of the person that is there -

Commissioner Dykstra stated: You think about that - (inaudible) - and when you change your mind - (inaudible) -

Commissioner Sullivan stated: I want to just raise a point of order here because I think -

Commissioner Dykstra stated: I do not understand financial interest.

Commissioner Sullivan stated: - and - I think before I - and then John, you will be next - It is my understanding, and Johnny you can answer this question actually - Once the disclosure of the financial interest is made, then the Board of Mayor and Aldermen does take a vote on whether or not it is a conflict and you should sit, is that correct? Or, it is referred to the Ethics Committee?

Commissioner Stephen stated: No. If there is an issue of whether a conflict exists, an Aldermen could refer the matter to the Ethics Commission, and then they will not take a vote on that matter. In this particular provision is when the Aldermen or somebody discloses the interest - there is an interest - he cannot take part in that decision making process and he has to remove himself from the hearing.

Commissioner Sullivan stated: Okay. Now, I just was reading Section three, which says -

Commissioner Cook stated: It does not say that it has to -

Commissioner Dykstra stated: It says, "it may."

Commissioner Sullivan stated: "Once disclosure has been made of the possible conflict --"

Commissioner Stephen stated: Which section are you on now?

Commissioner Shaw stated: Shall not?

Commissioner Sullivan stated: Section three. And before proceeding further with regard to the item requiring causing disclosure, the Board of Mayor and Aldermen shall review the facts and decide by public vote whether or not a financial - which I think is what Commissioner Shaw suggests, it is here -

Commissioner Shaw stated: It is in this Section, but it is the top section - Every single section here has two sections. Probably the - I - you know -

Commissioner Dykstra stated: Well we can contest it.

Commissioner Shaw stated: - the first section says, "you shall not." And then you get down to the bottom section, it says, "you may." Now, you cannot have within number five here, two thoughts. That is my point. And you do this all the time.

Commissioner Sullivan stated: Commissioner Stephen, Commissioner Cook, and then I would like to try to move along, if we can - I know we can -

Commissioner Stephen stated: I want to get back to the -

Commissioner Shaw stated: Hard to believe I am arguing over this -

Commissioner Dykstra stated: I do not mind saying, "shall." I do not mind "shall" on five.

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Stephen stated: Okay. I would like to get back to the point that I guess Brad brought up, and if - First of all, if you have a financial interest you should not

participate in the decision-making process. That is what our feeling is, that it - that it would absolutely unethical if you did involve yourself in that decision-making process. Now, I think that Brad brought up a point earlier about the definition section on financial interest with regard to owing certain stock, maybe deminimus - of deminimus value, not being included in the term financial interest. I know that there are some ethics charters that have provisions, such as - they put a number of the amount of stock and the value, the certain percentage of value. For example, five percent ownership, or fifty thousand dollars, or some other term of stock. And, I have seen that in other charters. I mean, that is something that if - you know - if we can come to an agreement on some type of limit, we could look at that for drafting purposes. But I think that when we talk about a financial interest, you still have a - you know - other than that particular section, Brad, everything else with regard to financial interest - not including the stock issue - you would agree with?

Commissioner Cook stated: If it is a material and - and I think that you have to do two things. I think it has to be stock held in a publicly traded company, not "I am a ten percent owner in this new little business that is not worth a thousand bucks, but if we get the land rezoned it is going to be worth a million bucks." I think, you know, it has got to be a publicly traded company, the shares of which that you own directly or indirectly or however you want to say it, are not worth whatever number you come up with - one. Two, I think Leona's problem, which we all find abhorrent, which is voting on something that is then going to be fabulously expensive, is prohibited and made criminal by one of those statutes that is included here by reference. So I think that that is not a major concern - because nobody but nobody thinks that anybody should be able to sit around and enrich themselves on a specific thing like that - I do not think that - that is not a player. My third point is, if your first sentence of five is mandatory -

Commissioner Dykstra stated: The second should -

Commissioner Cook stated: Your second sentence should not be there. Because, whether the - if the person cannot participate, obviously they can decide to leave the room or stay in - but why do you have to put it in there that they can decide to leave the room or stay in? I mean, they cannot participate, but they - you know - why should you kick them out of the room?

Commissioner Dykstra stated: We could cross the second one -

Commissioner Cook stated: Or, if you want them to leave the room, you should say, "they shall leave the room,"

Commissioner Dykstra stated: Shall leave -

Commissioner Stephen stated: Okay, but -

Commissioner Cook stated: - but saying in a Charter that they can leave the room but they do not have to, is like saying, "do you get up at eight o'clock or do you get up at nine o'clock -

Commissioner Dykstra stated: Yes, I agree with that. I think that shall should be there instead of -

Commissioner Sullivan stated: Okay - Commissioner Stephen.

Commissioner Stephen stated: We felt that if there is a conflict of interest and then there is going to be a vote, that they shall - they should - not should, shall leave the room, so we will change that -

Commissioner Cook stated: Well that is -

Commissioner Stephen stated: - if everyone agrees with it. That is our feeling. We wanted them to leave the room and not participate at all. Not even to be present.

Commissioner Shaw stated: I do not agree with that at all.

Commissioner Dykstra stated: Only on that hearing. Then you come back.

Commissioner Sullivan stated: I am going to - I just going to interject myself, here. I do not see any reason why, if I am an Aldermen and all of the public can be present to vote, why I have to remove myself from watching a vote take place. Am I missing something?

Commissioner Shaw stated: Of course you are.

Commissioner Stephen stated: You are missing the very concept.

Commissioner Dolman stated: No, I do not think - I do not think that we are saying that they have to leave the room for the vote. (Inaudible) - think you would have to leave the room for the deliberations -

Commissioner Sullivan stated: Well, if it is a -

Commissioner Dykstra stated: It means that sometimes, depending on whether deliberations are done during executive session -

Commissioner Cook stated: Well it is under discussion -

Commissioner Dykstra stated: They can go in the back of the room, they will not sit up with the Aldermen, they can sit somewhere else.

Commissioner Dolman stated: That is right, I do not think he can be on the -

Commissioner Sullivan stated: Okay. Commissioner - Alright, let me just - at the rate - from what I am hearing now, even if under discussion at a public meeting, why should someone who happens to - who is recusing himself - have to remove himself from the room? Why not - can't he just go sit in the audience? Commissioner Dolman, and then I think Commissioner Shaw. That is my last -

Commissioner Dolman stated: Well, I agree with you -

Commissioner Dykstra stated: That was my intent, yes -

Commissioner Dolman stated: - and I do not - I - looking upon this, when something is done in the Executive session, that what -

Commissioner Sullivan stated: Okay -

Commissioner Dolman stated: I think that is what we were thinking about.

Commissioner Sullivan stated: Then, we can make that change. Okay.

Commissioner Dolman stated: I have - I do not think - there is no problem with that -

Commissioner Sullivan stated: Okay. Commissioner Shaw, did you have something to add? Well, five is totally wrong, as long as you take account that he or she has a financial interest without defining what a financial interest would be.

Commissioner Cook stated: Well, we already - they have already said that.

Commissioner Shaw stated: You are not taking that (inaudible) -

Commissioner Sullivan stated: Alright. Anything else in that section, or should we move on to Political Activities.

Commissioner Cook stated: Most of us already have. No, no -

Commissioner Sullivan stated: Commissioner Shaw is first.

Commissioner Shaw stated: Good. I want to be first.

Commissioner Sullivan stated: First among equals.

Commissioner Shaw stated: Number two. For gosh sakes, no City official may distribute pamphlets - and probably some where in this here is that - is the clause that allows them to do it. But, "no City official may distribute pamphlets or handle, while he or she is performing his or her elective duty with the City." Well of course. The Mayor of Manchester is Mayor all moments of time. Okay? And I do not - His or her, elective - I mean - that is not right, is it?

Commissioner Sullivan stated: Commissioner -

Commissioner Shaw stated: Did we intend that the Mayor of the City of Manchester could not pass out pamphlets?

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: I do not think, Commissioner Shaw, that we meant that he cannot pass out pamphlets. We are talking about, if he is at a public hearing as Mayor, or at a meeting as Mayor conducting City business, he should not be passing out political literature. That is all we are talking about on that. We are not talking about whether he can or cannot if he is not (inaudible) all of the time.

Commissioner Sullivan stated: Commissioner Shaw, and then Commissioner Cook.

Commissioner Shaw stated: The Mayor is at a meeting, and he says, "You should not do this," and then he not Mayor for a second while he passes out - because - I mean, it is he that decides when he is and is not Mayor, okay? I do not think that is what your - and you said, "all City officials." No City officials. Now - It does not sound right, there

is something missing here.

Commissioner Cook stated: In connection with (inaudible), I think that you run into the inherent intertwining of political office and getting there. Because obviously, you do not mean that the office holder will not do a good job so that he will get reelected. Although it will - that will effect the results of an election. And I only raise that because of the broadness of the way people look at some of these things. I think that three and four are fine. I think that pamphlets and - I think those are too restrictive - if you want to prohibit campaign materials, say, "campaign materials," because we are getting very creative in the world, people can use their computer on their desk sending e-mail messages to somebody out there, asking them to vote for them, don't say pamphlets and handbills -

Commissioner Dolman stated: Fine.

Commissioner Cook stated: I think - you are not going to - you are not going to get the innocent application here - out of here - You are not going to keep an Aldermen who is standing in the back of the Aldermanic Chambers when the things starts and sees a supporter come in who has not - has yet to get a pamphlet, or a button, or a list of voters - from handing it to him, nor do I think that you are trying to, so I think that you have just got to be careful and some place when we write a commentary on this, or something, that - or when - you know - Ray Wieczorek or Bob Shaw, or whoever it is - is standing there and comes down from the podium during the thing, and is running for reelection and pulls the - the little sheet our of their pocket, there is nothing wrong with that. And they are - you know - so I - I just think that we have to be careful in what message we send.

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: No, I agree with you. I do not think that we were trying to get innocent - okay - we were just trying to say -

Commissioner Cook stated: You do not want to say, "You guys on the Highway Department all go out there and distribute all that stuff."

Commissioner Sullivan stated: Commissioner Shaw, let Commissioner Dolman finish.

Commissioner Dolman stated: That is Commissioner Cook.

Commissioner Sullivan stated: I am sorry - oh geez. Oh, I am so sorry.

Commissioner Dolman stated: - it is a natural mistake. You are right. We just want to prohibit somebody from using that office - or any office - for his political gain. That is all we are trying to say.

Commissioner Sullivan stated: Okay. Commissioner Lopez, you had your hand up.

Commissioner Lopez stated: Yes. I - I do not know - they are going to do it anyway, whether they do it - whether they do it individually or have Rich Girard do it -

Commissioner Shaw stated: It seems to me that one of the biggest conflicts - and many citizens are commenting about it now, is the running for office - you know - for a separate office - from the one you hold - collecting - you know - and - now - that - I mean you never addressed the real concerns of the citizens, but that is a conflict and a half.

Commissioner Cook stated: I think that that is a constitutional right, however.

Commissioner Stephen stated: That is right.

Commissioner Cook stated: I do not think that you can prohibit people from doing that.

Commissioner Shaw stated: Running while they are elected?

Commissioner Cook stated: I do not think that you can put in a Charter that somebody who said, "I am not going to run for Aldermen anymore, I am running for Governor's Council," or "I am not going to run for Mayor anymore, I am running for Congress." I think that constitutionally you cannot prohibit them.

Commissioner Shaw stated: Well, why can't you prohibit them from collecting employment?

Commissioner Stephen stated: No.

Commissioner Sullivan stated: I think maybe - I think - can you make them resign as opposed to, but - I do not think you can either.

Commissioner Stephen stated: One thing that Mike Lopez mentioned that I wanted to

address, I think that by putting in here - you know - I know you say that they are going to do it anyway, but by putting the language in here, we are making the statement that this - you know - that we think this activity is -

Commissioner Dykstra stated: Not right -

Commissioner Stephen stated: - is prohibited, not right. Maybe it is good to leave the language in there even though you think there may be abuses and leave it up to the Ethics Commission to determine if there abuses. It is general enough, the language - where a - you know - I think we may want to leave it. And, I agree with Brad on the campaign material issue.

Commissioner Lopez stated: And I agree with you. Maybe I am not making myself very clear. If I was running for - if I was an official running for office, I would probably get my son to distribute literature - that is not me distributing literature, you know?

Commissioner Stephen stated: Yes.

Commissioner Lopez stated: Well it is just - you can have it there or you cannot - if you want - There is a way to get around it.

Commissioner Stephen stated: One other point. With regard to the first section, Brad, did you mention some problem with effecting the results? You think you can interpret it to -

Commissioner Cook stated: I just think that the language issue - For people who want to take pot-shots at other people, you do not want to hand them a gun. And, obviously, the best way to run for office is to do a good job in the office to get reelected. And I - it would idiotic to read this as prohibiting doing a good job, although there seem to be some other constraints in the Charter about that. But, the context around this thing to be reasonable. You do not want officials forcing other people in government to do their bidding and pay for their campaign.

Commissioner Stephen stated: That brings me to the next question, if I may - One thing that I put in here - that I added after our discussion - I really wanted this in here, and I am wondering if anyone has a problem with that, is when we state, "nor shall he solicit funds or contributions from City employees for political purposes." One of the - the thought process was - well, City employees can contribute to him but I think that if a Mayor or an elected official goes to a City employee and says, "Can I have some

money for my campaign," or solicits money in any way -

Commissioner Cook stated: I think you are - you are absolutely right.

Commissioner Stephen stated: - you are making some type of - you are almost forcing them to contribute.

Commissioner Cook stated: I would have argued with you if you said that they cannot accept them.

Commissioner Stephen stated: So that provision, everyone -

Commissioner Dolman stated: Originally that is what they tried - we tried - was brought up in discussion to say that they could not contribute at all -

Commissioner Cook stated: - I think soliciting from your underlings is inherently -

Commissioner Dolman stated: You are right.

Commissioner Stephen stated: Okay.

Commissioner Sullivan stated: Inappropriate.

Commissioner Cook stated: - affective and inappropriate.

Commissioner Stephen stated: Right.

Commissioner Shaw stated: Unless disclosed.

Commissioner Dykstra stated: Just, yes - Just wanted to touch on - well - we mentioned the City employees. Maybe we should not them to solicit, say from Commissioners, and - you know, I mean, how far should we go? Should it just be employees? Is it okay to solicit the Commissioners put in office?

Commissioner Sullivan stated: Sure.

Commissioner Dykstra stated: We have to realize that there are some politics here, but we are just trying to clean it up a little.

Commissioner Cook stated: Well, the Commissioners, with the exception of a couple of them - unpaid position. They are doing volunteer work. They are ninety-nine percent citizen, and one percent commissioner.

Commissioner Sullivan stated: Although, as a Library Trustee, right now I would not mind it if somebody said I could not give any money to any campaign whatsoever. I am getting hit hard -

Commissioner Cook stated: The best job I ever had was the State By-law Commission. I would love to give you a thousand bucks -

Commissioner Sullivan stated: But I cannot, cannot do it.

Commissioner Dykstra stated: Okay, alright.

Commissioner Sullivan stated: Financial Disclosure. We are really making - I am so proud of us, we are really making progress.

Commissioner Shaw stated: Oh boy, what a mess this one is.

Commissioner Dykstra stated: You said the whole thing was a mess. I am so glad you were not elected, Bob.

Commissioner Sullivan stated: Alright, we are going to start with Commissioner Shaw, and the I will immediately - I am going to reserve time for Commissioner Stephen for after Commissioner Shaw, okay? Even though his hand is not up, I know that it is going to go up.

Commissioner Shaw stated: Well first of all, Section "I" is totally incomplete and wrong. Okay? It says that, first of all you cannot go into office unless you are done by the 15th of January of year - well of course - you are put into office before the 15th. On the first Tuesday take the oath office. And then it goes on to say that, "you must list down any gift that you received in excess of twenty-five dollars." Alright? I find out what my wife paid for my presents, I think, because -

Commissioner Sullivan stated: She is excluded.

Commissioner Cook stated: Yes, immediate family is excluded.

Commissioner Shaw stated: But it - to put down a gift of twenty-five dollars - Now, I just got elected - I have got to file this form before I can even get sworn-in, and then I have to list down all of the gifts that I had for the year before I was a public official. Ridiculous. Ridiculous. So the two are incompatible, just Section three and "I," in general.

Commissioner Sullivan stated: Commissioner - Well, which one wants to respond first? Commissioner Stephen or Commissioner Dolman.

Commissioner Dolman stated: I will respond. I think that what we are trying to prevent from happening, and this came up - well, from someone from having - let's say, a birthday party - where they use their influence - if they - an elected official, or having a barbeque - you know - or whatever - an elected official before the filing period comes, and they come - they earn "X" amount of money as an elected official and they do not have to declare it, because they did not happen to file for office. I think that that was what we were after here, Bob. Not - we - okay - that - people have done that in the past, they do not have to declare it, because they do it before the filing date, and that -

Commissioner Cook stated: - State Senator rule.

Commissioner Sullivan stated: Commissioner Cook, and then Commissioner Shaw.

Commissioner Cook stated: I think - I never want to say that I hate to agree with Bob Shaw, because I do not hate to agree with Bob Shaw. I think that he has some practical - legitimate, practical concerns about the application of what you are trying to do. If you change - assume office - you forfeit office if you do not comply, you would have an effect, number one. Number two, I think just in terms of - I mean, there are a lot of just - in the practical sense, not the sneaky son-of-a-gun who is trying to avoid the law, but a sitting office holder, or a candidate who wins, that is what you are talking about here, because you are not talking about losing candidates here, that is a different thing, which may make it unfair. But a candidate who wins, you either give them a buy for the year before they have not been an office holder, and you are talking here about office holders - or - you say, "things of value that they had received after they had declared their candidacy for office," because otherwise - I mean, frankly, a lot of people do not have a fondest imagination that they are going to be a candidate for office until two or three months before the filing date, because they do not know who is going to get up [sic] on an office - that is just a theoretical thing, but every once and a while it happens, and then all kinds of scrambling occurs. They have not kept records, they have not known of anything, they are going to inadvertently violate something that you

do not want them to inadvertently violate.

Commissioner Sullivan stated: Commissioner Shaw, and then Commissioner Dolman.

Commissioner Dolman stated: I just want to say that I agree with that, I think, personally.

Commissioner Sullivan stated: Oh, okay.

Commissioner Dolman stated: We were just preventing an incumbent Aldermen who is in - or any -

Commissioner Cook stated: Right. Well, you are talking about office holders.

Commissioner Dolman stated: That is right.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: To go back to the original premise on the Ethics. I do not favor trying to solve perceived problems through a constitutional way, when we can do it through laws. Either laws passed by cities, or laws passed by the State to prohibit practices. So if you saw a wrong, alright - that is the man that came before us that said, "One of the wrong in Manchester is that we do not have enough Elm trees, anymore." You know, and I know - cross anybody's mind to put in thing in this Charter that says, under the Procurement Code, that we should have Elm trees - We should not solve problems with a constitution.

Commissioner Sullivan stated: Okay. Commissioner Dykstra.

Commissioner Dykstra stated: Thank you. Just to clarify, Bob, you are saying that it should be left up to the City, or to the State - But when you leave it up to the Aldermen, you are talking twelve Aldermen - That is what you say, they should do it. I mean - the way you talk is like we should not have any power. We were elected by the whole City. Every single one was elected in all twelve wards. I would think that we should even be doing more than those people that were voted in one ward. I think that we have the right to do it, cities and towns all over have ethics codes. They do address it. And, I - I just do not understand where you are coming from.

Commissioner Sullivan stated: Alright. Commissioner Stephen, then Commissioner

Shaw, then Commissioner Cook.

Commissioner Stephen stated: I just have two questions. One in response, Bob, if this Ethics Code was in the Charter when you decided to run for Mayor, would you have thought twice about running for Mayor?

Commissioner Shaw stated: No. But I would not want to disclose to you my income.

Commissioner Cook stated: You do not disclose your income -

Commissioner Dolman stated: That is right. We - does not - make sure -

Commissioner Stephen stated: Would you have complied with this Code?

Commissioner Shaw stated: This Code?

Commissioner Stephen stated: Yes. Would you have had any problem complying with this Code?

Commissioner Shaw stated: As you outlined it? Well, I would not want it in this book, because I would not want a group of nine citizens - May I respond? Excuse me.

Commissioner Sullivan stated: Yes, you may, yes.

Commissioner Shaw stated: I would not want a group of nine citizens to put into a constitution things that do not go to the rights of elected officials and the rights of citizens, okay? What are our rights in the U.S. Constitution? And what are the obligations of our elected officials? That to me, and I am not a constitutional lawyer, but I would like for the City of Manchester, for you people to design a constitution that a - that guarantees my basic rights as a citizen and defines my duties as an elected official. And I am - that - that is where I am coming from.

Commissioner Sullivan stated: Okay. Commissioner Cook, and then - Oh, are you not done?

Commissioner Stephen stated: No, I had one other - I have a question, now - With regard to the financial disclosure issue itself, do we all - we heard some testimony about financial disclosure forms. Do we all feel that it is necessary to have some type of form in here?

Commissioner Sullivan stated: Commissioner Cook, you are up next.

Commissioner Cook stated: I - that was going to be my point about the form. I think that when you put a form into a charter, you tie yourself on what the form is. I think some language that said, "The City Clerk's Office will promulgate forms to require reporting consistent with this Charter," would be better than having a form in there for all times.

Commissioner Sullivan stated: Yes, I agree -

Commissioner Dolman stated: There is one - (inaudible). I have no problem with that, Brad, as long as it is part of the - okay - mandatory thing that they have to do once they (inaudible). I have no problem with that. We do not want to - like you said - put it in somewhere that it might not be fitting, but it needs to be done so that there are not appearances of wrongdoing - within the Aldermen - and not - appearance to wrongdoing.

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Stephen stated: I would much rather prefer giving that authority to the Ethics Commission under the procedures section -

Commissioner Cook stated: I do not care who you give it to -

Commissioner Stephen stated: - where they can enact their own procedures and policies. Assuming that we agree to have an Ethics Commission.

Commissioner Shaw stated: I am opposed to this, but -

Commissioner Dolman stated: John, I want to - I just want to - I think that if you are filing for office, most of your filings are going to be going to the City Clerk's Office.

Commissioner Stephen stated: Right, to be filed with the City Clerk.

Commissioner Dolman stated: Okay. So maybe - maybe this thing should stick so it is - you know - all and the same - you do not have it here, and you do not have it there - Keep it in one area, so that it is dealt with in one area.

Commissioner Stephen stated: Okay.

Commissioner Dolman stated: Keep all of the forms that have to do with elections and so forth and find out - with the City Clerk - that that is where - everything has to go.

Commissioner Sullivan stated: And the Clerk's Office already designs the existing financial contribution form - I do not think they will -

Commissioner Cook stated: Besides, they have got two representatives -

Commissioner Lopez stated: I buy that.

Commissioner Sullivan stated: Alright. Anything else on this stuff. If not, we have two things left, Noninterference and Ethics Board. So, let's go right to Noninterference. Who wants to be first up? Commissioner Cook.

Commissioner Cook stated: Good job. The - I think that it was good to get it in there. I think that it was good to define the questions that you had so that we - so you made it dealable, if you will. The only things that I have a problem with are, because of the definition of City Official, when you get to "N," Subsequent Employment -

Commissioner Stephen stated: Yes -

Commissioner Cook stated: And maybe that is - Oh, "N" is - excuse me, excuse me - that is not under interference - that is a separate thing - and we will get to that. I thought that was a sub-part of the -

Commissioner Sullivan stated: Oh you are right. I thought it was, too.

Commissioner Dykstra stated: Yes, one, two, three and then "N."

Commissioner Stephen stated: But, do you have anything on noninterference?

Commissioner Cook stated: I think that it is good. I think that you did a good job.

Commissioner Sullivan stated: Okay. Alright, anybody else with anything on noninterference. I would like to have it - (inaudible) touched as well.

Commissioner Dykstra stated: Bob likes that too. Alright, let's move on.

Commissioner Sullivan stated: Subsequent Employment. Commissioner Cook has

already voiced his concerns about "N," do you have anything else to say, Brad?

Commissioner Cook stated: Well, I have not told you what it was.

Commissioner Sullivan stated: I thought you did not like it.

Commissioner Cook stated: No. No, I do not have too much of a problem with it, but I think that you paint it with too broad of a brush, because the way City official is defined earlier, you could have somebody on the "XYZ Board," if we still have Boards and Commissions - you could have somebody on a Board and Commission, volunteer job, who quits the Board because they had an opportunity to take a job - they are going to get hired or not hired because they were a Commissioner or not, and it is going to preclude them from having a job with the City and I think that that is unfair. Aldermen, maybe? Mayors, maybe? Although, I am not even sure of that. But, if this is a good idea, do not prohibit to big of a class of people.

Commissioner Sullivan stated: Anyone else with comments on this section?

Commissioner Lopez stated: I -

Commissioner Shaw stated: Strike the whole thing.

Commissioner Sullivan stated: Commissioner Lopez.

Commissioner Lopez stated: I think that Brad does give a very good point there. Especially when a Commissioner only gets a hundred bucks a year -

Commissioner Cook stated: Or nothing.

Commissioner Lopez stated: - or nothing.

Commissioner Shaw stated: Yes, but you have got the potential of a job.

Commissioner Sullivan stated: Alright. Commissioner Lopez, you were saying -

Commissioner Lopez stated: No, that is alright.

Commissioner Sullivan stated: Okay, I have - I am going to add my voice to the - to these three gentlemen, too. I would like to see this stricken in its entirety. I think that

the City is too small to - it is one thing if - when we are dealing with revolving doors in Washington, D.C., or people going from government to lobbying to government to lobbying, which is totally inappropriate - and in a City this size, I really do not think that we should be limiting employment opportunities for anybody in a city of a hundred thousand people. - Commissioner Dolman, and then Commissioner Stephen.

Commissioner Dolman stated: This is in the Charter already that you have to wait one year, if I understand correctly. An Aldermen has to - you cannot - once your term is up as Aldermen, you cannot get a position in the City for one year -

Commissioner Shaw stated: Where is that - where is that listed?

Commissioner Dolman stated: I am not sure - remember - exactly where it was -

Commissioner Stephen stated: It is somewhere in there -

Commissioner Dolman stated: I know that it is in there.

Commissioner Dykstra stated: Somewhere, I do not know -

Commissioner Cook stated: But is it - If you want to restrict it Aldermen, that is fine.

Commissioner Sullivan stated: Alright, Commissioner -

Commissioner Cook stated: All City officials is trouble.

Commissioner Sullivan stated: Commissioner Stephen.

Commissioner Stephen stated: I - If we are going to change it, then I - I disagree with you in all due respect, Commissioner Sullivan.

Commissioner Sullivan stated: That is okay. You can do it disrespectfully, too.

Commissioner Stephen stated: I think City officials, elected, especially - definitely should not take advantage of their position and obtain City employment. Based on - and the language here, "take direct advantage, unavailable to others," which is a very important point. By them being in the position that they are, they are, in essence, taking advantage of something that is not available to other people.

Commissioner Sullivan stated: Except, Commissioner Stephen, this does not - unless I am misreading this, is not limited to taking City employment - am I - unless I am missing something - and having - Commissioner Shaw, you are up next.

Commissioner Shaw stated: Well, I think that the intent of what you probably want is that no Aldermen should be able to resign from his office to take a City position. I think that is - and a School Board member, the same. I thought they had a rule at the School Board. You cannot resign to be a janitor any longer.

Commissioner Cook stated: Right. I think that -

Commissioner Shaw stated: And I mean, anybody would favor that - That you cannot resign in order to obtain employment.

Commissioner Sullivan stated: Commissioner Cook.

Commissioner Cook stated: I think that - I mean - that is a very good point that was made a moment ago about this is not just talking about City employment. We all read it to mean City employment - Well, I do not know how you are going to say - you cannot say, constitutionally or logically, that an Aldermen who does not run for office again, or seeks to quit, cannot take a job with the "XYZ Company."

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: I agree with you, Brad. But I do have a problem with - let's say an Aldermen - let's say something comes up before a Board - before the Board of Aldermen for a vote - let's just take a hypothetical case - you know - a counselor or something, or a doctor or something, he serves as an Aldermen. And all of the sudden then you vote on a possible hospital facility or something like that, whatever - (inaudible). And then all of the sudden - your term is up and you decide not to run again, because you now have an offer to serve in that - at the hospital facility.

Commissioner Shaw stated: That is alright.

Commissioner Dolman stated: Now, did you get that offer because you gave them your vote?

Commissioner Cook stated: I do not have any problem with it - No, no -

Commissioner Stephen stated: As long as you resign, is that what you are -

Commissioner Cook stated: Well, you can prohibit that person from appearing before or doing business. If it is an elected City official, you can prohibit an elected City official from appearing before or lobbying any part of the City for a year after they are in office.

Commissioner Shaw stated: Yes, that is what you mean -

Commissioner Dolman stated: Okay.

Commissioner Cook stated: You can pro - you can say, they will not have any more business dealings, but you cannot tell them you cannot go work for so and so.

Commissioner Dolman stated: No. Okay. Alright.

Commissioner Dykstra stated: Prohibit lobbying, yes.

Commissioner Dolman stated: Okay.

Commissioner Shaw stated: Or, go to work for the City.

Commissioner Sullivan stated: Yes, that is -

Commissioner Cook stated: I think that going to work for the City is another one. I think you can put the same cooling off period between serving as an elected official and going to work for the City, also -

Commissioner Shaw stated: But not two years. Two years is too -

Commissioner Cook stated: Two years is alright.

Commissioner Dolman stated: We had - right now it is one year, I think and -

Commissioner Cook stated: I do not care if it is one year or two years. You get - Nobody is going to sit around and not have a job for a year. I mean, you know -

Commissioner Dykstra stated: They can the job, but not lobbying -

Commissioner Sullivan stated: Okay.

Commissioner Cook stated: And promises like that, as somebody once said, are not forever.

Commissioner Sullivan stated: Anything else on this section?

Commissioner Stephen stated: Okay. I am all set.

Commissioner Lopez stated: As long as they could not resign as an Aldermen, that is what - right? And take a job?

Commissioner Sullivan stated: Right.

Commissioner Cook stated: Right. That is the - you give them a cooling off period.

Commissioner Sullivan stated: Section "O."

Commissioner Shaw stated: This one is great, isn't it? "No City official shall hold any other elected or appointed City office." What does that mean?

Commissioner Stephen stated: That means that someone who serves on the Highway Commission, for example, cannot also serve on the Library Commission. Somebody who is a Mayor cannot serve - I think that it is prohibited by Charter, anyway - on a Commission -

Commissioner Shaw stated: Why?

Commissioner Stephen stated: - other than *ex officio* by Charter. Why? Well first of all, I think that the intent here was to make sure that - we want - we want people in the City to become members of Commissions and have citizens participate in government, and not have one person become too involved in the - where other people do not have the opportunity. And there may be a conflict between two Boards. I will give you a great example. You serve on the Planning Board and you also serve on the Zoning. There is an issue of whether or not - you know - you should be - be able - that person that goes in front of the Planning Board, does he have a fair shot going in front of the Zoning Board? I mean -

Commissioner Sullivan stated: That is permitted by statute.

Commissioner Dykstra stated: Right, that is State law.

Commissioner Stephen stated: - is that - is that permitted by statute?

Commissioner Dykstra stated: Oh yes, they request it, yes.

Commissioner Sullivan stated: The statute permits a planning board - I have looked that up because of a problem.

Commissioner Dykstra stated: That actually - they encourage it.

Commissioner Stephen stated: I received a telephone call from a constituent about a certain issue on that, and that is why I raised it.

Commissioner Dykstra stated: Yes, they - they do.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: Well. First of all, we wanted to do that - I am not saying that it is not abused at times, but we actually wanted a liaison between the Planning and the Zoning to work. And so we did that. Since - if we were to have a strong mayor form of government, and we were to give the right to the Mayor to make appointments, and then the Mayor could - have to have it - you know - approved by the Aldermen, done in public, I do not care if he chose one person to be everybody - I mean - that is his right to choose, it is the Aldermens' right to confirm. I do not see why you have to prohibit it. And then, "No City official shall hold any elected or appointed office," by statute - many City offices must be appointed to - you must have one City worker be on the Planning Board, if I am not mistaken, you know?

Commissioner Stephen stated: But that does not apply to City workers or employees, here.

Commissioner Cook stated: Bob, this is about -

Commissioner Shaw stated: Well - If he is a City official because he is a department - what is a City official?

Commissioner Cook stated: Well, you define it.

Commissioner Stephen stated: No he - a department head is not defined as a City official.

Commissioner Shaw stated: Well, what is a City official?

Commissioner Stephen stated: It is a member of Board, a member of a Commission, a member of the Board of Aldermen, a Mayor -

Commissioner Cook stated: It is defined at the beginning.

Commissioner Stephen stated: - Planning Board, Zoning Board -

Commissioner Shaw stated: Excuse me. I misread that.

Commissioner Stephen stated: - that is all.

Commissioner Shaw stated: Misread it, excuse me.

Commissioner Dolman stated: My feeling is - and one thing that you have heard at many of these public sessions is that they feel - limit a Commission - because they felt it was becoming cronyism - too many - same people have been there for so long, and so forth. Now, if you are putting the same person on every Commission, is that limiting - I mean - to use your extent - is that limiting the number of people you are getting - if we are going to keep the Commission form of government, our idea for keeping it is to get the - more people involved -

Commissioner Dykstra stated: Citizen input, yes.

Commissioner Dolman stated: - citizen input. Whether it is an advisory - or so forth - to put a person on more than one Commission - But, you are saying that there are not enough qualified people -

Commissioner Dykstra stated: Really.

Commissioner Dolman stated: - in Manchester, who could serve on that - any other Commission. I have a problem with that. If we want to keep Commissions, then I think that we need to make this - make as many citizens involved as possible.

Commissioner Sullivan stated: Commissioner Shaw, and then Commissioner Cook.

Commissioner Dolman stated: If they are qualified.

Commissioner Stephen stated: I am all set. No - I am going to refuse -

Commissioner Sullivan stated: You are all set, okay. Then Commissioner -

Commissioner Shaw stated: Well, I do not think you - If the Mayor is very narrow-minded and thinks that one person is qualified to do it all, and he can get the other votes to do it, then that is the way it should be. And it is not for us to choose.

Commissioner Sullivan stated: Commissioner Cook, and then Commissioner Lopez, and then Commissioner Dykstra.

Commissioner Cook stated: My concern is not - and I mean, I think your point is a good one - I think. I do not know, and this is an unfair reference to make, but it is the one I hear all of the time. I do not know if Bob Rivard is on every Board in the world or not - but, what people think. You can acquire too much power that way. I think that it is a good one. My concern here is, again, inadvertent. I do not want to affect that Zoning Board member on the Planning Board, I think that you can solve that with the *ex officio* members required by ordinance, blah, blah, blah. I do not want to prohibit, and again, I do not know how it works. I do not know if there is a requirement someplace that a certain number of Commissioners or officials be on some other Board, like the Retirement Board or some Board like that, and I do not want to - I do not want to screw up the operations of something inadvertently, here. Other than that, I think you - I think it is - I think your principle is a good one.

Commissioner Sullivan stated: Commissioner Lopez, then Commissioner Dykstra.

Commissioner Lopez stated: I just - I do not believe that that even happens now, even under this present system, looking at -

Commissioner Dolman stated: It does -

Commissioner Dykstra stated: Yes, he does - He has got two or three or -

Commissioner Lopez stated: There might be isolated cases -

Commissioner Dolman stated: There are Commissions or more - on one of them -

Commissioner Lopez stated: Are you saying that there is a lot of them?

Commissioner Dolman stated: I would say the lot - there are -

Commissioner Dykstra stated: - not that many Commissions.

Commissioner Shaw stated: Name one.

Commissioner Lopez stated: Well, give me an example.

Commissioner Dolman stated: Name one?

Commissioner Lopez stated: Give me an example.

Commissioner Dykstra stated: I know one, but I am not going to mention it.

Commissioner Dolman stated: Attorney Fredette who is on the Board of Registrars - And now is on the MEDO Board for the Manchester -

Commissioner Shaw stated: The what Board?

Commissioner Dolman stated: MEDO, Manchester Economic Development Office. I am just giving - You asked me to name you one -

Commissioner Shaw stated: Okay, I know the idea. Alright.

Commissioner Sullivan stated: Commissioner Lopez, are you finished, or?

Commissioner Dykstra stated: I do not want to mention names, I - Yes, that is why - I know a few, too.

Commissioner Sullivan stated: That is alright. Commissioner Dykstra, and then Commissioner Stephen. Are you done? I am sorry. You are not done?

Commissioner Lopez stated: No, no. I did not hear that last part where - is that one? Were -

Commissioner Dolman stated: There is more, but again -

Commissioner Lopez stated: I mean, looking at - are we talking about Commissions or are we talking just about elected positions and appointed positions, right?

Commissioner Sullivan stated: All of the them.

Commissioner Lopez stated: All of them. Everything.

Commissioner Stephen stated: Yes.

Commissioner Lopez stated: And, you do not think that there is any place that where an individual could serve on something else -

Commissioner Shaw stated: Aldermen do it all of the time.

Commissioner Dykstra stated: Well that is by law, State law -

Commissioner Shaw stated: No it is not -

Commissioner Stephen stated: Can I - Maybe I can -

Commissioner Sullivan stated: Well, Commissioner Dykstra, and then John, and then you.

Commissioner Dykstra stated: Just very quickly, I mean, you know, we are supposed to be putting together a document that is supposed to be representative of good government, and you know - to let the Mayor just go in there and put all of these different people on Commissions - it just does not look right. I think that it is important that we have the kind of input - And, when you mention about different Commissions, of course I am not going to mention them here, but I know where there are several - But, why not use this document at even a deterrent to prevent it from happening. If we do not have something, then they can go ahead and do it, and to me, that is not good government. I am trying to look at a document that is going to personify good government, and - So, I cannot see putting one person on ten Commissions, even though Bob Shaw says that you should.

Commissioner Sullivan stated: Should be able to -

Commissioner Dykstra stated: Yes, should be able to. Yes, really.

Commissioner Sullivan stated: Commissioner Stephen, then Commissioner Shaw, and then back to Commissioner Lopez.

Commissioner Stephen stated: I just wanted to clarify one point. Before I erred when I told you that department heads were not included in City officials, they are included as a - on the definition of City officials, but not employees of departments.

Commissioner Shaw stated: So, I was right.

Commissioner Stephen stated: Maybe we can just take this - we can deal with this in drafting. It think what we need to look at is some language like, "other than required," "other than as stated in the Charter, or by law," and we will have to take into account, obviously, the Mayor's authority to appoint Aldermen to different Committees, because, you know, officials serve on Committees. So I mean, we could come up with something - we could - definitely draft it.

Commissioner Cook stated: Yes, I think you ought to - take a shot at it.

Commissioner Sullivan stated: Alright, Commissioner Shaw and Commissioner Lopez have something to say, and then I think we will finish up that section and move on to the Ethics Board.

Commissioner Shaw stated: Well, as a person who had been there and done that, and as Mayor - former Mayor of the City of Manchester, there were many, many frustrations that I would love to correct in this document. But the frustrations that I experienced are of a type that do not belong in the Constitution. That is the different, you see, between somebody hearing from somebody that there was a perceived wrong out there. There is a method - And, we cannot change the City of Manchester for the short-term, to address many of your concerns, for the short-term, when the City of Manchester is a long-existing place. Alright? And, what we need to design here is a Constitution that will guarantee the citizens rights again, and make sure that the public officials do their duties, and know their duties.

Commissioner Sullivan stated: Commissioner Lopez.

Commissioner Lopez stated: I do not have any major problem with the way that it is - it is just - there is just something missing, and I think that somebody touched on it over here. By being an Aldermen, he is appointed to - you know - in an official capacity of his duties -

Commissioner Cook stated: Yes, as an *ex officio* -

Commissioner Lopez stated: - you know, *ex officio*. That is all.

Commissioner Sullivan stated: Alright, I think we should -

Commissioner Cook stated: One more. One more, because I am changing my mind. I am sorry, I am changing my mind.

Commissioner Sullivan stated: In that case, we will let you change your mind.

Commissioner Cook stated: I am thinking back to a specific example, and it is very personal, okay? I sit on the Airport Authority, which everybody knows. The Mayor was having a problem with the Board that would not die - GMCD He comes to me and he says, "Would you kill this sucker, please?" He said, "I have got a temporary - I am going to appoint a temporary Board to get them done - get it done." I said I would only do it if we only had to have two meetings. I got everybody together, everything we did was unanimous. We did it, we got it done, and served the purpose. This would keep something like that from happening. If the Aldermen did not want, or do not want in the future, somebody who is sitting already on a Board, to be available to sit on another Board, in the ordinary course you would have to be a lunatic to take two Commissions, and you would be out every night of the month. I think - leave it to the Aldermen, because there are going to be too many things that are going to come up that are going to be specific times when you need to do a specific thing, and you are going to restrict the efficiency of government and the flexibility of government by these rules. I do not think that if I was an Aldermen, and I do not think that if I was an appointee that on an on-going basis I would want to be on more than one of these things, and I do not think that anybody would vote for me. So I do not - you know - I am not sure you are solving as much as you are potentially causing.

Commissioner Sullivan stated: That is Commissioner Shaw, Commissioner Cook now, and Commissioner Lopez -

Commissioner Shaw stated: Well I am - I am done with it. I am done with it.

Commissioner Lopez stated: Just one - just one fast thing -

Commissioner Sullivan stated: - saying - you guys are in agreement at this point, I

think.

Commissioner Lopez stated: Yes. But just one fast thing, an afterthought, right? If this was the law, right, we would not have been able to run for elected office -

Commissioner Sullivan stated: If Charter Commissioners are considered City officials, yes.

Commissioner Lopez stated: - if I was - as a Commissioner, right?

Commissioner Shaw stated: Well, that would have been a plus.

Commissioner Lopez stated: You would not be here, I would not be here -

Commissioner Dykstra stated: You mean to tell me I could not run for County Commissioner?

Commissioner Sullivan stated: I am not sure that Commissioner Baines would be here - Commissioner Pappas -

Commissioner Lopez stated: So I think that, I think really - I think that what you to do is take a good look at that, really, come to think of it -

Commissioner Sullivan stated: Commissioner Pappas could be here, because she is County, not City.

Commissioner Cook stated: Does not say that you could not run -

Commissioner Sullivan stated: City employees could run - I am going to say this, you know - that I think these two guys are in agreement and I - I come down to the same thing. I think that this is something for the Board of Mayor and Aldermen to enforce, themselves, and if we put term limits in for the Commissions - will also help take care of the problem.

Commissioner Cook stated: - and then we will kill the Commissions.

Commissioner Sullivan stated: If - I think that we should give me a one-term limit on the Library. Ethics Board.

Commissioner Stephen stated: I would just like to add that if that is one of the only things that we are going to leave to the Aldermen, Board of Mayor and Aldermen, then I will be happy with that.

Commissioner Dykstra stated: What are we leaving to these guys?

Commissioner Shaw stated: We are getting closer to this -

Commissioner Sullivan stated: Alright, the Ethics Board. You know, on the Ethics Board - does - let me ask, does everybody here have a comment on this, because I may just go around the table, that might be the easiest thing to do, instead of - and start with Mike - Mike Lopez, do you have any questions on the Ethics Board?

Commissioner Shaw stated: What about "P?"

Commissioner Lopez stated: No. I will leave it to the lawyers.

Commissioner Sullivan stated: Oh, "P?" I am sorry. I skipped "P." Bob, did you have something to say on "P?"

Commissioner Shaw stated: No. "No City official shall knowingly fail to enforce any provision of the Charter or ordinance of the City." "No City official shall knowingly fail," -

Commissioner Cook stated: That is the Eleventh Commandment.

Commissioner Shaw stated: Well, what if the Mayor does not want to do. He can knowingly not want to do it. And then it up to the people of the power to be to make him do it.

Commissioner Stephen stated: That is right - And this is what the Ethics Commission does. They will be empowered to recommend an advisory opinion the Board of Mayor and Aldermen. The Board of Mayor and Aldermen take a vote, and they can force the Mayor to enforce that Charter, or they can all - they can remove them -

Commissioner Sullivan stated: Sounds cool to me.

Commissioner Shaw stated: Well, that is not -

Commissioner Sullivan stated: Alright. Ethics Board. Who wants to comment on the

Ethics Board provision? Commissioner Cook.

Commissioner Shaw stated: No more Boards added to the Charter.

Commissioner Cook stated: I would say that a body or a committee of some kind to get the particularly hard ethics questions is probably a good idea. I am not sure that it has to be a separate and distinct Board with a separate and distinct provision. In other words, it could be a committee of - it could be subcommittee of the Aldermen, which obviously could not hear any case of one of the Aldermen. It could be some of our other *ex officio* constituted force - but I - creating another body, does not appeal to me.

Commissioner Shaw stated: I agree with Cook.

Commissioner Sullivan stated: Commissioner Lopez, do you have anything to add to this before we get to - and let the Ethics subcommittee folks respond? I would like to -

Commissioner Lopez stated: I will reserve it - let John -

Commissioner Sullivan stated: Before we get to John, I was going to - I will put in my own two cents, too. My comment on that was - I just - I had a little thing that said, "maybe we should just let the Board of Mayor and Aldermen handle," which I guess is - in - really in agreement with Commissioner Shaw and Cook, is that perhaps we say that the Board - have a vehicle - that say - the Board of Mayor and Aldermen may appoint -

Commissioner Dykstra stated: That is weak -

Commissioner Sullivan stated: No, no, no. - may appoint a Board of "X" number, whatever, to hear ethics questions and perhaps you would make it mandatory, "shall," if it involves a member of the Board of Mayor and Aldermen. I do not know. But I agree that - I hate to create another Board - I think it is - the concept is good of having an independent group to go before. However, Ethics boards in and of themselves, I think of special prosecutors. I think of Ethics Boards. I think that - you know - that there is something - you know - the havoc that can be reeked sometimes, by ethics gone amuck.

Commissioner Shaw stated: Political.

Commissioner Sullivan stated: That is true -

Commissioner Dykstra stated: But it is advisory.

Commissioner Sullivan stated: Well - But, I just - I - and to make a long story short, I do not want to beat a dead horse. I agree with Commissioner Shaw on that. And now, Commissioner Stephen.

Commissioner Stephen stated: Okay. I disagree. I think that this is the mechanism, or the vehicle that would make this Ethics Code work, and you have here a Board that is independent minded citizens that would be appointed by the Mayor and the Aldermen, and also to issue advisory opinions, and that you have a member of the public here - can come to this Board, an independent Board, independent of the Board of Mayor and Aldermen, and say, "Hey, a City official has done something wrong, and I want this checked into." And this Board, again, and I stress - independent of the Board of Mayor and Aldermen - can then issue some type of advisory opinion, and the ultimate authority or opinion, obviously goes down - back to the Board of Mayor and Aldermen. But without some type of an independent agency, and I understand what you are saying, Commissioner Sullivan, about the prosecutorial mind-set here. There are a lot of ethics boards out here that have the City Solicitor has the authority - they have a prosecution-oriented board. This is - Board made up of citizens - we tried to make this very simple in a Board, and if we are going to have Commissions in this City, this is the most important one, as far as I am concerned.

Commissioner Dykstra stated: Yes.

Commissioner Stephen stated: And I am - I am very strong on this. And I think that we need an Ethics Board, and I -

Commissioner Sullivan stated: Commissioner Dykstra.

Commissioner Dykstra stated: Yes, I want to support Commissioner Stephen on this, because out of this whole thing, I mean - it if all went, I mean - I would have to have this, because even the ordinance that I have within the City, it just allows its own peers - the Aldermen - to call if someone else has a conflict. This is the only mechanism that you have that the people - and the majority of people out there want something - through our public hearings - this is the only mechanism - that we are giving them a gift, basically, that the can come out there and they can question - if a conflict and ethics say - okay - if they have concerns, and - I agree with Johnny on this, that with all of the Boards and Commissions that we have, this has to be the most important. But, under the way the Charter is and under the way the ordinances read now, the Aldermen can

create boards and commissions all of the time, and they can do it - But to me, this is the only one that we are going to put together, and I think that it is the most important.

Commissioner Sullivan stated: Alright, Commissioner Lopez, then Commissioner Shaw, then Commissioner Dolman, and back to Commissioner Stephen.

Commissioner Lopez stated: I have to agree, because if I was to read this document, and found that the Board of Mayor and Aldermen would have the power to decide who is right and who is wrong - then you may as well throw away the document. Because there is nobody to enforce it.

Commissioner Dykstra stated: Yes.

Commissioner Sullivan stated: Commissioner Shaw?

Commissioner Shaw stated: Well, I do not favor appointing another Board to the City of Manchester. Basically, the citizens in general have elected a representative form of government that works in Manchester fairly well. There are - there are conflicts of the whole bit, there is no doubt about that. But this document is so restrictive, to running a good government, that this Board would be meeting all of the time to adjudicate - you know - differences of opinions. We are having a difference of opinion on the wording of the dog gone thing, and now we are going to have to have a difference of opinion on the interpretation of the dog gone thing. And, listen - Unless you have got the Bishop, the Rabbi and one minister - you know - I do not know if you can really define ethics.

Commissioner Cook stated: Well, I can get you the Bishop.

Commissioner Sullivan stated: Commissioner Dolman.

Commissioner Dolman stated: Well, maybe we will put the Bishop, Rabbi and minister on the Board. The answer to that Bob, is that I think the people came before the public hearings, saying that they were concerned - they were concerned - and I think that this is in response to their concerns, and I really cannot believe that you want to let politicians - any other - and I was one of them, okay - politicians or politics get involved in whether something ethically right or wrong -

Commissioner Dykstra stated: The fox looking after the chicken coop.

Commissioner Dolman stated: Alright, okay? And, I feel - I am not saying that I am in

favor of all Boards and Commissions yet, either, but I think that this is something that - might be necessary to have. Yes, maybe at first it would be - every five minutes they would be meeting to answer questions. But eventually, I think that it is going to weed itself out to when there is a legitimate concern - and what is going to be good is that people will know - and they will have an avenue where to go if they have a question or they feel that they were not treated ethically right.

Commissioner Sullivan stated: Commissioner Stephen, and then Commissioner Shaw.

Commissioner Stephen stated: Two points. If you are afraid of people using this process, again keep in mind that one of the sections in here that we drafted - a specific section - to allow the Ethics Commission to basically take no action in its own discretion if it feels that any complaint is frivolous, or with malice, not brought up upon proper foundation. Secondly, and this is really important here - when you have a member of the Aldermen, or the Board of Mayor and Aldermen, see a fellow colleague bring up an issue that they feel is a conflict of interest, they may be inhibited from raising that because it is their colleague. Their friend. This is a way to seek an independent opinion, or have a citizen seek the opinion before the decision is made in front of the Board by the Board members. And I think that that is another reason why we need this.

Commissioner Sullivan stated: Commissioner Shaw.

Commissioner Shaw stated: I would give my right arm - you know, under the Ethics thing and under the conflict of interest thing. I would love to know why this issue is such a hot topic. I mean - it is like all of the people that we have in government are somehow - you know - less than well-serving. They are not all perfect, they are not. They are not all perfect. But, at the same time, in a city of a hundred thousand people, we come - we have a very good record -

Commissioner Sullivan stated: Okay. Commissioner Dolman, and then Commissioner Lopez, then Commissioner Cook. I would like to draw it to a close.

Commissioner Dolman stated: Well, I would like to raise this question at the same time - okay? And, maybe it is time - we are raising a lot of these questions about whether there should be a commissioner, whether we should have an Ethics Board, whether the Mayor should be a four-year term - All of these other questions that we have been talking about that we have not come to a conclusion yet - And we seem to turn out a couple here - and I know this will get Commissioner Shaw really, very happy - but the - maybe it is time to take the next step, and let's find out more from the public -

what - whether they want this kind of stuff, because they are the ones who are eventually going to vote on this.

Commissioner Dykstra stated: That is right, they are going to vote -

Commissioner Dolman stated: Eventually they are going to vote on this - the public is going to vote on what we do - once we get this past the Secretary of State and the Attorney General and so forth. Maybe it is time - and I do not normally agree with Lloyd Basinow, so please, okay - this - you know - this is one of the few times we do agree, okay? Maybe it is time to do some kind of public opinion poll to find out - what - if we are spinning our wheels here. Maybe you are right, Commissioner Shaw, maybe this is something the public does not want.

Commissioner Shaw stated: No, I did not say that. The public will accept whatever you put in there -

Commissioner Dolman stated: That is not true.

Commissioner Dykstra stated: No -

Commissioner Sullivan stated: Commissioner - Alright, Commissioner Lopez, then Commissioner Cook, and then I want to try to finish up. It is eight o'clock.

Commissioner Lopez stated: I did my own public opinion poll and the perception - the perception of the politicians of the people out there is that there is nothing that controls them, they do what they want. And the Ethics Code - in my survey of twenty-seven people, on my own, were using the different types of questions that we developed here, ethics came up all of the time. You know - so - I do not see anything wrong with it. If the people want to serve the people, I do not see anything greatly wrong with it -

Commissioner Shaw stated: I see nothing - Excuse me.

Commissioner Sullivan stated: Okay, Commissioner Cook, and then Commissioner Dolman.

Commissioner Cook stated: I think that was has happened in the last ten years, fifteen year - is there is a much higher consciousness, self-policing consciousness about ethics and government than there ever was before, ever. Because when I first moved to Manchester, and those of you who have been here longer than I, the Aldermen were

a lot cozier group and at least there was a perception that everybody's sister-in-law as getting a job - I think that the ethics - I think the ethics procedures, I think the ethics perceptions have become much higher and that the self-policing is much better. I think however, the concomitant of that is the - the sensitivity of the public to the ethics issue has also gotten higher, which is one of the reasons that the other thing occurred. It is a self-policing thing. I think that Bob's point about the newspaper is very important. I do not want to get misread. I do not think that we should not have a mechanism that somehow enforces the ethics that we have in this thing. I just do not think that setting up a new, free-standing Board is the way to do it. I think, at least take a look at whether there is an alternative, when it - when a legitimate ethics, you know, one that passes the laugh test, whoever makes that determination, probably the City Solicitor's Office -

Commissioner Shaw stated: No -

Commissioner Cook stated: - is referred to somebody, and then some group looks at something. But I - I am very worried that having a free-standing Board that is going to have some kind of an office with some kind of a clerk, whether it is in the same - some other office some place or not, is going to invite complaints about things that do not exist, because a perceived bitch and moan about, "they cut the trees on such and such a road," "they did not fill the pot-holes on my street" -

Commissioner Dykstra stated: That is frivolous -

Commissioner Cook stated: This, that or the next thing, then somebody is going to start complaining and it is going to - to prove it frivolous - you know - to prove something frivolous and to go through the whole exercise of saying, "no it is not," I have got to tell you - is more than just cough in the afternoon.

Commissioner Dykstra stated: That is right.

Commissioner Sullivan stated: Commissioner Dolman -

Commissioner Dolman stated: Well, I was - (inaudible) whoever is next, because I have forgotten what I am going to say, but let me see if I can get it back - and then - you know - okay?

Commissioner Sullivan stated: Okay. I just - if possible -

Commissioner Shaw stated: Can I -

Commissioner Dykstra stated: I am done.

Commissioner Sullivan stated: - maybe just give everybody one last - So, Commissioner Shaw, and then let's close up, because I think this one we are going to have to come back to when we have the rest of the Board here.

Commissioner Shaw stated: Now, having said so much against this, okay? I think that the idea of this might be worthy, but I believe that it is like motherhood and apple pie. It belongs in a law. It needs to be debated by the Aldermen, themselves, to set up whatever procedure they wish to have for ethics, it needs to be debated in the public, and - I - I do not know why the Aldermen, on an issue like this, with a strong recommendation from the Charter Commission, would not institute many of the things -

Commissioner Dykstra stated: Why take a chance?

Commissioner Shaw stated: - but it does not belong in a Constitution. I asked them at the very beginning. Is there such a document in the U.S. Constitution where we know there is so much corruption, and then we get down to State government - which is only slightly less corrupt than the federal government. And then you come down to this little piddly thing here called city government, where there is hardly any problem at all and you would like to put something in that cannot even be put in the other two -

Commissioner Dykstra stated: You cannot change the U.S. Constitution. Can you make that point?

Commissioner Sullivan stated: No, you can amend it.

Commissioner Dykstra stated: Yes, but you would need a big vote.

Commissioner Sullivan stated: In any event, actually - let's - it is after eight o'clock.

Commissioner Stephen stated: Can I just -

Commissioner Sullivan stated: - just, let me finish. I think that what I would like to do, is, if anybody else has one last comment to make on this - who has not spoken recently or are we out of tape?

Transcriptionist Taylor stated: We are going to be out of tape, very soon.

Commissioner Sullivan stated: Okay. Johnny go ahead, and then I will have something to say, and that is it.

Commissioner Stephen stated: My last comment would be, I think that the Board of Ethics is so fundamentally important to this whole concept that this whole particular issue be done when the full Board is here -

Commissioner Cook stated: I agree with that.

Commissioner Stephen stated: - we can take a vote on it. And that is what I would like to -

Commissioner Sullivan stated: Alright. I agree with that, and one last thing is - I do not know if maybe during tomorrow night after the other folks meet - I think Commissioner Pappas will be with us tomorrow. I do not know what has happened to Commissioner Baines.

Commissioner Cook stated: The end of school for a principal is just a - a meeting a night, I mean, he has got this dinner, this dinner, this dinner, and - you know - this award thing -

Commissioner Shaw stated: I work for a living -

Commissioner Sullivan stated: So, maybe we can - if everybody else is here -

Commissioner Cook stated: Twenty-four hours a day.

Commissioner Sullivan stated: - maybe we - tomorrow night - can maybe wrap this one up. But I think - actually, this is good. I am - we made it through the whole thing, so -

Commissioner Cook stated: I want to say, you know, the fact that everybody did not salute every word in the thing, that was a very good job by the subcommittee.

Commissioner Sullivan stated: Right. I agree.

Commissioner Cook stated: Very good job.

Commissioner Sullivan stated: And that is one of the things that I said at the beginning -

Commissioner Dykstra stated: We appreciate your input really, we appreciate your input.

Commissioner Stephen stated: Thank you.

Commissioner Sullivan stated: As I said at the beginning, I said to you - you know we are going to tear it all apart, so - do not take it -

Commissioner Cook stated: You might suggest to Toni that sometime tomorrow night we get the comments, if Bob Baines is there. We get the comments so that before Johnny goes back and re-works it, then he will know what direction they are going. Because it is very important that those two have input on matters -

Commissioner Dykstra stated: Get everybody's input, yes.

Commissioner Stephen stated: Plus - I have - I think that, and you know - I have tried to write down a lot of notes here, is there going to be a record available where we can look at it?

Commissioner Sullivan stated: Well - (inaudible) the minutes come back -

Commissioner Stephen stated: I do not know how often - do they do the minutes for these types of meetings?

Commissioner Sullivan stated: Yes, it takes about a week.

Transcriptionist Taylor stated: Just a little over -

Commissioner Sullivan stated: - be a little over a week before we have them?

Commissioner Stephen stated: Okay, that - I did not know they did them -

Commissioner Dolman stated: For the minutes, when we do attendance for the minutes and you have - like - for example today, Commissioner Dykstra and Commissioner Dolman were late - when you give you attendance down there - you - were are not in - but later on I am speaking, you never acknowledge that I was at the meeting.

Commissioner Sullivan stated: I did say at one point - that the two of you had arrived.

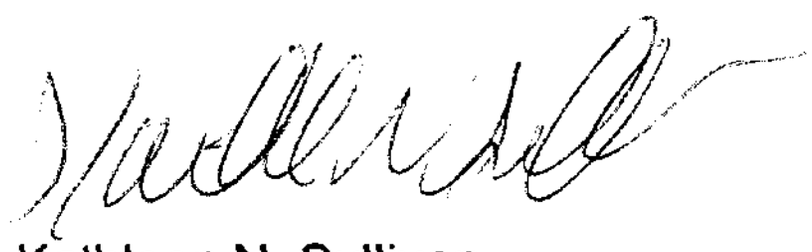
Commissioner Dolman stated: No you did it, but one of the meetings - I think it is for April 10th or April 16th, it does not acknowledge that someone was there - but later on they are speaking -

Transcriptionist Taylor stated: When the roll call was done - I agree with you, and noticed it after the fact.

Commissioner Dolman stated: Exactly.

On Motion of Commissioer Lopez, duly seconded by Commissioner Stephen, it was voted to adjourn the meeting.

Respectfully submitted,



Kathleen N. Sullivan

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CHARTER REVIEW COMMISSION

May 8, 1996 5:45 P.M.

Commissioner Pappas called the meeting to order.

Chairman Pappas stated: I will ask Commissioner Lopez to take the roll.

Commissioner Lopez called the roll. There were nine Commissioners present.

PRESENT: Commissioners Baines, Cook, Dolman, Dykstra, Lopez, Pappas, Shaw, Stephen and Sullivan.

Chairman Pappas stated: Alright. We are planning to take a photograph tonight, which is why we have all of this paraphernalia in the room, and we will begin our public meeting and possibly break in about ten minutes in order to take the photograph. So, please excuse us if we break-up our testimony. So, to begin, I would like to ask our former Superintendent of Parks and Recreation, Clem Lemire - Clem, if you would like to come forward.

Discussion with Clem Lemire.

Mr. Lemire stated: Good evening. I am not too sure how you - or what you want me to say, or how you want me to say it, or what, if it is questioned you want asked - I would like to just go back in my background a little bit, for some of you who do not know, just so that if I make statements, they will know what the - the background is coming from.

Chairman Pappas stated: Alright. That sounds fine. We were interested in knowing your experiences with your work with the City and if you have any recommendations to make about the City Charter.

Mr. Lemire stated: Alright. Well, first of all, I will go back - As you know I have been a Parks and Recreation Superintendent for nearly fifty years. While I was in Connecticut, I decided, just for your knowledge, I decided that I might want to become a city manager, so for six years I took continuing education courses out of the University of Connecticut. By the time I finished up, I was nineteen years in the profession, and I felt that at this point in time that city managing was not my bag. I was happy that I did proceed with that education, because no matter where I have gone, or no matter where I am going, nobody in - you know, was pulling the wool over my eyes, because I went through the ramification of all city operations, so - In a sense, I was not just a park and recreation superintendent. At the time that I was in Connecticut, I would fill-in for the head selectmen and the City Manager when they were out-of-town. So, that is a little bit of my background, so you might say that through education and training that I might be preferring city manager form of government. I am still on the fence about that because of the experiences that I have had with working with Commissioner. I cannot help but favoring commissions because of the fact that in all of the three positions in three different communities, I was under the commission form of government. I feel, that presently it gives more people a chance to serve the City. Those people who, you know, serve, are able to reach out to more taxpayers across the cities, so - It had always worked very well. It was a checkpoint, I felt, for the City. It was a checkpoint for many a things. You have gifted people in most of the communities, why not use as many as you can to form a government. A lot of people find that - well we want strong mayor, we want the city manager, and so on and so forth, and eliminate the Commissions and - I guess, really, in any city, no matter where it is, the good government is because they have good people. And over the years, Manchester - coming in, I am not a native as you know, coming into Manchester - so much of the things have improved here with the form of government that we have had, and I don't - I say, personally, when you have a good thing, why fix it? We have always had a group of dedicated people, more so than many other communities I had been with, putting in many, many hours. The numbers that you have on the Board of Mayor and Aldermen, all of the Commissions and so forth, are sure the ears and eyes of the community tax payers. The improvements just since I have been here have been fantastic in a city of our size. I still have people who have not probably seen me or come to see us over the years, who have seen us earlier and have come back over ten, fifteen years, and they can't get over what the improvements - I know that we are on level ground right now, and probably with the finances

with the City has, they probably cannot do many more improvements, but at this point in time, I feel that the people who have served the City of Manchester over the years, I have been impressed with them. I have been impressed with the department heads, most of them, or nearly all of them. I have been impressed with the people who have served on the Board of Mayor and Aldermen. It is something that I know that people are looking in on you and saying, "Well you have to make changes for change sake. Why did you meeting if you don't want to make changes?" At times, you know, and as a department head, and I want to be frank about this - I thought at times that we were being micro managed. I am a firm believer in getting department heads and if they don't do the job, fire them. But at least give them the freedom to do the work. And, I think that can be done in any form of government that you choose. Again, I think that the government that you choose will be determined on the people who are going to run it, and - As far as personally, our concern - I was not only interested in parks in the City, because it was more than parks that our department handled. The cooperation from all of the departments had been and was fantastic, to tell the truth. Tax payers - didn't realize the coordination of all of the departments with - that we were having in Manchester, so sometimes we were criticized openly, either by the news media or other places, because they didn't really know, or they didn't realize, you know, the interchange of the qualified people that we had in the City of Manchester. And, all I can say to you is - It is your choice. I really cannot aim you at any particular part of government. I think some of you have preconceived ideas, and I can understand that. But, I am sure that you are here to do the best for the City of Manchester, and I am sorry that I am not part of it.

Chairman Pappas stated: Thank you. Are there questions from the Commissioners? Commissioner Stephen.

Commissioner Stephen stated: First of all Clem, I want to commend you for the years of service that you have given to the City.

Mr. Lemire stated: Thank you.

Commissioner Stephen stated: My question comes with regard to your statement on micro managing. Did you in your years of service ever feel that you were inhibited by the Commission in doing something that you wanted to do?

Mr. Lemire stated: No. Not by the Commission. By the Board of Mayor and Aldermen at times, yes. And, I can understand their plight at times, because there were things that had to be done in their wards and they were forceful enough to try to get it done. At times we were not able to do it. So, in a sense I think that it was all for the good - no matter where it was from, or what the vision it was from - whether it was the Mayor, the Board of Mayor and Aldermen, or our Commissioners.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Thank you. Commissioner Lopez.

Commissioner Lopez stated: Clem is my old boss.

Mr. Lemire stated: No, you were my boss.

Commissioner Lopez stated: Clem we have had many conversations, and I would like to ask you about consolidation. Parks and Recreation is - into another department, and I know that you had the experience, you had all kinds of national awards in the recreational field, so I would like to ask you if you could talk a little bit about consolidation.

Mr. Lemire stated: That is a new, modern trend to many communities - of course, is consolidation. I happen to just - The irony of this whole thing here is, of city government, I happened to go to Scotland and England last week, and I put it - I took it upon myself to bring a key to the City of Manchester to the Lord Provos, the Lord Mayor of Edinborough, the capital of Scotland. And, of course the irony of all of this stuff, we started talking about government, and we started talking about what happened years ago. And, they are in the same plight that we are. We have to do things with less money. They have the same ways. So, if consolidation, and if it is done right, I see no reason for it, because it is a modern trend in the first place, where all - all of the departments that I know of in the whole City are working with less personnel then they ever did before, especially from '66, you know, until the time that I retired, you know, we had thirty people less than we had when I came in here thirty-six [years ago] - and doing much more work than we did in '66. But that was consolidating some of the activities - And, so I believe in it, but I do not believe in gross consolidation, where you are

taking one department that should not be with another department, just for the sake of consolidating. I think you have to be wary about that.

Chairman Pappas stated: Commissioner Dolman - Did you have another question? Commissioner Dolman.

Commissioner Lopez stated: Clem, you said something about - you know - firing a department head who does not do their job, and that you enjoy working under the Commission because the Commissions work well with you. Do you think the Mayor should have the power and the right to hire and fire at all the department heads?

Mr. Lemire stated: No.

Commissioner Dolman stated: Any Board - and Mayor can set - What about Board of Aldermen?

Mr. Lemire stated: Absolutely not. Because there are too many things in politics that come to a head. In the long-run, if they worked out, you look back and you find out that - you know - some quick decision. I could have been fired many of times, couldn't I, if I didn't cut the trees from some of the Aldermanic - couldn't I? And I was threatened many a times, too. So, I think that there has to be some kind of stopgap, somehow.

Commissioner Dolman stated: That would take care of the Elm trees -

Chairman Pappas stated: Further - Commissioner Dykstra.

Commissioner Dykstra stated: Clem do you feel that, whereas you support Commissions, or the commission form of government, do you believe that the Mayor should make all of the nominations for these commissions?

Mr. Lemire stated: I think that I made the statement before - where - if something does not go wrong, you don't fix it. I think that there should be - I believe in mayor's making nominations, but they have to be approved by whatever governing body that you have, whether it is a council, or any, for that nature - I still believe that, because it gives more than one voice - Sometimes - Politics is

politics, and you know - When you, you know - Some people get the strong ego, and they want to go along, more than being mayor and so forth, that - sometimes, they are making decisions that they should not be. Now, I am not - I am not complaining about anybody, but just going back, not only in Manchester but in the state, and the whole nation, to tell the truth.

Commissioner Dykstra stated: Okay. Thank you, Clem.

Chairman Pappas stated: Further question? Commissioner Dolman.

Commissioner Dykstra stated: Well, taking what Commissioner Dykstra just started with, you said something about cutting trees and Aldermen and possibly being fired - Would there be a risk if the Mayor did the nomination of all Commissioners, okay - would there be a risk that the - or department heads also - would there be a risk that the Mayor, if you got into a kind of squabble with the Mayor and did not do something that the Mayor wanted, that you might be at risk for your position, or some of these Commissioners - he would be putting Commissioners on the Commission that would be trying to take away your authority as the department head, is there any - Do you feel there could be a risk with that?

Mr. Lemire stated: You don't think it happens now?

Commissioner Dolman stated: Well, I am just asking you - Okay -

Mr. Lemire stated: Yes, I think there is a risk, but I think the long-standing appointment on each of the Commissions now would negate that. How many - What is the longest term of mayor since I have been here? You see, I think that if you have a commission that rotates, or the numbers that rotate long enough to have stability on any commission, I think that it is a safeguard for everybody. Not only the top person, but the public themselves.

Commissioner Dolman stated: Thank you.

Chairman Pappas stated: Further questions? There being none, thank you very much, Clem.

Mr. Lemire stated: You are very welcome. It was a pleasure.

Chairman Pappas stated: We do appreciate your years of service.

Mr. Lemire stated: Good luck to all.

Chairman Pappas stated: Thank you. Well, it is six o'clock and we have eight Commissioners here, so I think that we should take our photo. We will take a brief recess.

Chairman Pappas stated: Thank you all for your patience. We will resume our meeting and I would like to ask former Aldermen Dwyer if he would like to step forward. Good evening. Thank you for coming.

Discussion with Paul Dwyer.

Mr. Dwyer stated: Good evening, Chair.

Chairman Pappas stated: Would you like to ask any questions of former Aldermen Dwyer, or do you have any remarks that you would like to make about our Charter and how it might be changed, or -

Mr. Dwyer stated: Well, I think we ought to keep the status quo.

Chairman Pappas stated: Keep it, okay.

Mr. Dwyer stated: Okay. I served on the Board for ten years and - we had our controversies, but it still worked. I remember back when I was a child, going into my teens, okay? We had a mayor who did not spend any money, okay? Did not raise any taxes and when he got out of there, we spent a lot of money and our taxes when sky high. And over the years, it has been the same story. We don't spend money, the City falls apart, and that is exactly what is happening. It is happening right now. We have got so many potholes in this City it is unbelievable. There is a lot of programs that should be going on in the City and they are not, okay? They are blaming a lot of people - Centerplex. People gave me - called me, they did not want a Centerplex. They did not want the money - their taxes being - how should I put it - their taxes paying for Centerplex, okay?

That was the message I was getting, and most of us got the same message. It is not the first time that problem came up, we always have gone to referendum vote, and it was always voted down. Okay? What we have said this time was, "You go for referendum vote, and then come to the State." They refused to do that, so therefore you did not get a Centerplex. You did not even get a vote on it. It was unanimous, just about. If what I am hearing here is that we are going to give the Mayor the power to hire and fire in this City, what is going to happen is you are going to - that every time you get a new mayor, you are going to fire a whole bunch of Commissioners. Because he is going to put his people in there. It is politics. It has always been politics. He is going to put the people he wants in there, and he is going to fight the whole time he is in office to put his people in there. So, what you are going to have is you are going to have holdovers. Just like you have to got at the State, you have got holdovers. If you don't like a person and you want to get rid of him, and you don't have the votes, he becomes a holdover. And you have several of that up [at] the State. If one of the Commissioners makes a statement that is probably fact, and the next thing we know, he wants to get rid of him. And - I worked for twenty-five years for aeronautics, and we had a commission and it worked, it worked well. And then we went to the Department of Transportation, and with consolidation, it worked, okay? But, the funds were spent first of all on highway, okay? And, we always hear, "Oh, we have got a dedicated fund." Yes, we had a dedicated fund - it was general revenue, and that was the only money that we got, was out of general revenue. In order to build up airports you had the federal monies. Thank God for that. And you had - ten percent came from the State, five percent State - five percent local - This is the problems with consolidations. This is the problem with getting rid of the commissions and consolidating with other departments. You have got a large department, and you have problems, you are having big problems. The Department of Safety - When I first went on - the State Police in '63, they had just came from a different - Department of State Police to a Division of State Police, with a new colonel - and you are working under an organization now that is - is huge, and people are falling through the cracks. And, some of the jobs that they are doing is falling through the cracks. You don't have enough people to go out and patrol the lakes, which comes under Department of Safety. You don't have enough inspectors out there. You see it everywhere. Okay? In the City you are getting rid of employees. Programs that you really should be looking into, there is not enough people to do it. No only the City, but the State and the federal government, it is the same thing. We are cutting back, we are

cutting back, we are cutting taxes and some of the taxes that should be out there, being enforced are not being enforced.

Chairman Pappas stated: Alright. Thank you. Questions? Commissioner Dolman.

Commissioner Dolman stated: Paul, do you favor the election of at-large Aldermen?

Mr. Dwyer stated: Whatever.

Commissioner Dolman stated: Do you think that they should be elected at-large city-wide or regionally, one for every three wards, you know, south, east, north and west?

Mr. Dwyer stated: Whatever works, Commissioner Dolman.

Commissioner Dolman stated: Do you feel - non-partisan elections, or would you favor non-partisan elections, or -

Mr. Dwyer stated: Non-partisan, absolutely.

Commissioner Dolman stated: Non-partisan?

Mr. Dwyer stated: Absolutely.

Chairman Pappas stated: Alright, are there any other questions. Commissioner Sullivan.

Commissioner Sullivan stated: Aldermen Dwyer, something you said troubled me a little bit. It sounded as if you had heard that what this Commission was looking into - at doing - or should I say was leaning towards, was giving the Mayor the total authority to hire and fire at will. Is that correct?

Mr. Dwyer stated: Well, that is what I am hearing, yes.

Commissioner Sullivan stated: Okay. What if - in - What if this Commission

recommended giving the Mayor the authority to nominate, but requiring aldermanic approval for the Mayor's nominations and then if the Mayor failed to bring a nomination forward, the Aldermen would have the authority to bring a nomination in place of the Mayor?

Mr. Dwyer stated: Well, what is wrong with the way it is being done now?

Commissioner Sullivan stated: There is some thought that what we have a situation now where depending upon the department, depending upon the Commission, there are positions that are nominated by the Aldermen -

Mr. Dwyer stated: Right.

Commissioner Sullivan stated: There are positions that are nominated by the Mayor -

Mr. Dwyer stated: Right.

Commissioner Sullivan stated: And there are positions that are nominated by the Commissions.

Mr. Dwyer stated: With the approval of the Board of Mayor and Aldermen.

Commissioner Sullivan stated: But the nominations come from Commissions -

Mr. Dwyer stated: Yes, but they do not have to be - They do not have to be - How would I put it? The nomination comes in but it does not have to be voted on.

Commissioner Sullivan stated: That is correct. And, there is a feeling on the part of some that a better system would be to have one system for all appointments, rather than having it depend upon the department or the Commission, and so I think that is part of the feeling of what might be wrong with it, is that what we have now is a hodgepodge.

Mr. Dwyer stated: My ten years of serving on the Board, it worked. It worked, okay?

Commissioner Sullivan stated: You know, you say that Alderman, and the thing that troubles me though - and at - you know - at the same time, you also say, and I agree with you on this, is that we are in a situation now where the City has a lot of problems. As you said, the potholes are not getting fixed, the schools are not getting the money they should have, and you look at Elm Street downtown - Elm Street, and you look at the stores that we have lining the main thoroughfare of the City of Manchester, and it is Manchester - you know - it is just not the way it used to be, so - Aren't there - There are some problems with - Maybe they are not all - can be blamed on the system - but the City has problems.

Mr. Dwyer stated: True. The City has problems. Sure. You are pointing to downtown Manchester - The stores are all empty. Now, what did you send all of the stores on Willow Street for [sic]? Okay? You made Willow Street your downtown. That shopping mall down there, and all the stores all up and along Willow Street, you can't have both. Okay? You have got parking out here - I should say no parking. You can't park your car out here for ten minutes, you are going to end up with a ticket on it, at Five Dollars, and if you don't pay it within so many days, you are going to pay Twenty-five Dollars, okay? That is not inducing the people to come downtown.

Commissioner Sullivan stated: And I am not going to disagree with you on the parking. I have got problems with the parking system, and the proposed changes to the parking, actually - but - Having said that though, but - I think that we are both in agreement that there are problems in the City.

Mr. Dwyer stated: Oh definitely. Oh definitely.

Commissioner Sullivan stated: And, therefore, although perhaps not all of them can be laid at the door of the system of government that we have, I think that some of them can be. Do you agree with that?

Mr. Dwyer stated: No. No I don't. And, I will tell you why. Okay? If you are going to hire a department head and let him run his department, okay? If they are all afraid of the mayor, okay? The department is not going to be run right, and they are going to jump through hoops for him, and that is what is happening now, okay? You give the power to the mayor to hire and fire, it is going to be even worse.

Commissioner Shaw stated: But what if the Mayor's authority was not to just fire at will, but if the authority was that the Mayor could fire for cause only, and only with the approval of the Aldermen. As opposed to a situation now, where there are department heads with six-year terms, who now have to come up before the Board of Mayor and Aldermen for approval every six years.

Mr. Dwyer stated: Yes.

Commissioner Sullivan stated: And isn't that political in and of itself? As opposed to a system where you do your job, you do a good job, you cannot get fired.

Mr. Dwyer stated: True, but how many people have been let go? How many people have really been let go out there once they have been nominated, appointed? Put it that - once they have been appointed? Very, very few.

Commissioner Sullivan stated: And how many situations have we had where people are in holdover?

Mr. Dwyer stated: True. True. That is what I am saying, it is going to be even worse.

Commissioner Sullivan stated: Well, you would not have a - I just -

Mr. Dwyer stated: Unless you have, unless you have a mayor that is elected and the Board is of the same party, okay? And they are all in agreement with him. Let's face it. Every time the head gets elected, he wants to bring the people that helped into office get the jobs. The people that he knows that he can depend on. He is going to do everything that he can to put these people in there. Now, if he has got a Board that came along with him, enough members on there, half of these guys are gone. And you have got chaos.

Commissioner Sullivan stated: Well I think - again - you could have chaos if you have a fire for cause provision, and the mayor is firing but not for cause. Then, I think you have some legal ramifications. But I don't - I do not have any further questions.

Chairman Pappas stated: Alright. Are there further questions? Commissioner Lopez.

Commissioner Lopez stated: Thank you. Paul, city coordinator versus an administrator or a deputy mayor. If you had the choice, which one would you prefer?

Mr. Dwyer stated: A city coordinator.

Commissioner Lopez stated: City coordinator?

Mr. Dwyer stated: Yes.

Commissioner Lopez stated: And why?

Mr. Dwyer stated: Well that - that has worked very well over the years.

Commissioner Lopez stated: You had good working relationship with the Board of Mayor and Aldermen (inaudible)?

Mr. Dwyer stated: Yes. Yes, I did.

Commissioner Lopez stated: Thank you.

Chairman Pappas stated: Alright. Further questions? Commissioner Stephen.

Commissioner Stephen stated: Thank you. Paul, you ran for Charter Commission, yourself, correct?

Mr. Dwyer stated: I just put my name on the ballot. I did not run. A hundred and eight members? I am not that crazy.

Commissioner Stephen stated: I guess - What I am - You must have talked to some people in your ward. You have been an Aldermen for a while. And you know that the citizens of this City, by a majority vote, voted for this Commission, and yet you are saying, leave the system as it is, "status quo." Do you think from hearing from the people and talking to people, about even - you know - your

considering your running for Charter - I mean - do you think that generally the people out there want us to do nothing? I mean -

Mr. Dwyer stated: No. No. No.

Commissioner Stephen stated: I guess I am some -

Mr. Dwyer stated: You do what you have to do, and then they are going to vote on it. Just like they always have, okay? Now, half of the people that are going out there did not even know why they were going out there. I am sorry. Okay - Half of the people that went out there did not know what they were going out there - Some did not even know we had a Charter. But when you come in with your proposals, and they don't like it, I will tell you right now, they will let you know real fast.

Commissioner Stephen stated: Oh, I am sure they will. One more question.

Chairman Pappas stated: Sure.

Commissioner Stephen stated: In your years serving on the Board, if you were sitting here and you - and there was some change that, let's say, you had to make some change. I mean, what change would you make, would you recommend? Is there something that over the years you have seen - Because if you - you know - you do admit we are in a problem right now. There has got to be something that you must feel is - is - needs to be changed or looked at.

Mr. Dwyer stated: I don't know. I don't know. Like I say, I think the status - Leave the status quo the way it is. It is working, okay? It was working. I don't know - All of the sudden everybody said it is breaking down, okay? All I keep hearing - all I have heard in the last four years that I was on is, "No taxes, no taxes, no taxes." Well, how can we run a city and keep saying no taxes? The Chairman of the tax group came up to me and wanted a stop light on the corner, he wanted a sidewalk, he wanted sidewalks all of the way to the school, and yet he doesn't want to raise any taxes. How do we do it? You want all of these problems and yet you don't want to pay for it. That is impossible. And that is what I got for the last - from almost the last six years I was on the Board. Everybody wanted something, but don't - "I don't want to pay for it."

Commissioner Stephen stated: Thank you, Paul.

Chairman Pappas stated: Alright. Further questions? Thank you very much, Alderman. I would like to ask Paul Martin to please come up. And Paul, maybe what you should - Martineau, sorry. - use a mike that has a cover on it. We are having - Yes, that is perfect.

Discussion with Paul Martineau.

Mr. Martineau stated: Paul Martineau. [I] was a former member of the Board of Assessors, and if you will indulge me, I took a few notes. I had a colonel who once told me it is better to have a short pencil than a long memory.

Chairman Pappas stated: That is good advice.

Mr. Martineau stated: This is like what Yogi Berra said, deja vu all over again. I was also a member of the Charter Commission when I was elected back in 1982, so I am going to give you a little bit of the background on that, if you don't mind. There were six elected - six people that were elected. It was Tommy Tessier, Dr. Rita Brack, Nick Hart, Al Dion, Lloyd Basinow, and myself. And, there were three people that were appointed by the Board of Mayor and Aldermen, and that was Elmer Bourque, John Hoben and Attorney Bob Raiche. So that this Charter was formulated with people that had a vast knowledge of government. John Hoben had been the City Coordinator for nine years. Elmer Bourque had been the City Solicitor for nine years. Dr. Brack had been involved in ward politics, she had been on the School Board for many years. Al Dion was a former Aldermen, also a State Rep. Let's see - Lloyd Basinow was a man of many ideas. He was basically like the devil's advocate. He kept us on our toes, because basically, you know, when things came up Lloyd always had - either had a twist, or an amendment, or something. But basically, you know, we convinced him and he came around. Tommy Tessier was a practicing attorney, knowledgeable about politics - his uncle was the Governor, he was on State Commissions. Let's see, Elmer Bourque, like I said, was the City Solicitor [tape ends]. - That, the ones that were elected had been in City government, had been dealing with problems of City government. I mean, Hoben was involved with the federal grants, you know, working with the budget and so forth. At that time, Mayor Stanton used to have a kitchen cabinet. When they formed the budget, he used to get the City

Clerk, he would get the Planning Director, John Hoben - I mean - not Hoben, he would get John Grogan, and then he would get Joe Acorace, Joan Walsh - So, when they formulated the budget, these people used to sit down and hash it out, so that the people that were elected and appointed on this Board, we had meetings like yourself. I mean, basically we hashed things out, so that we came up with what we thought was a good document. And we had, we did hire a secretary, Pauline Guay. She was a graduated law student, she was waiting to take her exam with the State, and she did pass that. As a matter of fact, her contribution, she authored the Preamble for the - to the Charter. So that is basically some of the background. And the other thing is that we realized that this Charter was not going to be etched in granite. So we had the safety valve. We put in there the Charter Review Committee. In other words, within ten years, that the Board of Mayor and Aldermen could appoint five people who could come forward, review the Charter, make recommendations to the Board, which then could be voted on. I am sorry to see that that never took place. I do not know why. I mean, now we went through - we had another election and we are going through all, you know, basically a new Charter Review Commission. It could have been done with five citizens appointed by the Board. I hope that stays in there, because again - we don't know, you know, within ten years you might want to have somebody review the Charter. Basically, I agree with former Mayor Shaw, what he said. He has opposed the wholesale change of the Charter. I think that we have got - you know - the safety valve in there. I think that things were hashed out. There may be a few minor things - I think, you know, we are talking about a strong mayor, we are talking about a city manager - I think, basically, that in my opinion, the present form should be that the Mayor should be compensated adequately, I do not think that he is paid enough as the Chief Executive Officer. I think that he should probably have a four-year term, and I think that he should have two terms, and that is it. That is my personal opinion. As far as Commissions, I think that the commission works well, because you have citizens in this community who can lend their expertise and also lend their time to these various Commissions - We increased the commission - there was - there were some Commissions that had three members, we increased those to five. We gave a Union rep - we put a Union representative on there. Those are things that came from the meetings that we had - public hearings, and meetings with officials and so forth - As far as the Mayor appointing all of the department heads, I think that basically we have a good balance. The Mayor has certain appointments, the Board has certain appointments, the Commissions have

certain appointments - Presently I think that the Mayor's appointments - there is two - one is an unfilled - there is no City Coordinator, the other is one - the Human Resources, is a holdover. I think that that can create problems. I think - which Aldermen Dwyer brought forward, if you have all of the appointments if there is a personality conflict or whatever, sometimes - When the Mayor comes in, he might just say, "Hey, I am not going to reappoint this person." I think the School Board, the way it is, the way it is set-up - We hashed that out. I think it is - it should stay that way. One of the things we did get was that - in the old days, the School Board would give their budget to the Board of Mayor and Aldermen, they had a public hearing and the Aldermen were the ones that were taking the heat on the budget. So, what we did, we said, "let them have two public hearings," so that they can take the heat, and then that way it won't be all on the Aldermen. So we did amend that. As far as the Board of Assessors, basically - if it ain't broke, why fix it? I think that we had a three-member Board. There is not three department heads. There is three members. We are an appellate Board. Basically, you cannot have one person over other people if you are going to be making decisions the way we did. We went twenty-one years without having revaluation. I think that you have attorneys here that, at some point in time, came before the Board - If you talk to people that had any contact with the realtors, developers, attorneys, property owners - They have a chance, they came in our office, they either could make an appointment or they could come in - walk right in off the street and be able to sit down and discuss their problems as far as their assessment. We were always open to that. I think over the years, basically, by being able to negotiate on some of these large cases and so forth, we were able to come to different settlements, where we actually saved the City substantial amounts of money, because attorneys coming in, where they feel they are aggrieved, they basically - they have to decide - do we want to pursue this? Would there - there are going to be the legal costs, there is a whole bunch of things that go - are involved in it, and we were able to come out for the betterment of the City. Basically, that is some of the ideas that I had - If you have any questions, I would be glad to answer those.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Thank you, Madam Chairman. Paul, you had mentioned that you support Section 8.03, which is Periodic Review. Right now, the way it states in the Charter is that the Board of Mayor and Aldermen should

appoint these five people. Could you support the fact of having the periodic review, which I do support, but to have them elected by the people every ten years, other than having the Board of Mayor and Aldermen appoint these people every ten years?

Mr. Martineau stated: I do not see no problem there - they could be elected. I have no problem with that.

Commissioner Dykstra stated: Okay. Thank you.

Mr. Martineau stated: We just thought if they were appointed - I am sure that, again, there are people out there that are - you know - are qualified to come in, and - basically review the Charter. One of the other things is that we did have, at the end, when the Charter was formulated, it was reviewed by Attorney Tony Simmon. You have to have an independent attorney review it.

Commissioner Dykstra stated: Right.

Mr. Martineau stated: Tony at the time was doing work for the Board of - The School Board. He is the one that reviewed it. As I indicated, I think it - the Commissioners, possibly, again, I think there maybe what you might have is give them two terms and then basically, that would be it. So that way you would get - you don't get people that stay in there basically for years and years. I think what happens sometimes, when somebody stays in there too long and something comes up, it is like a personal affront, as though, "Well, geez. We are not doing our job. We are not going to look into this." So, the person - the complainant, or whatever, probably does not feel like he is getting a fair shake. And that may not be the ideal - the way either, because I am not too familiar with some of the grievances that were brought before Commissions, but at least I think that you have got enough people out there that, you know, if somebody is real good, you have got enough Commissions. I mean, if he is on the Parks and Rec, he can certainly - we have got the Water Commission, we have got the Highway Commission, we have got the Airport, we have got MTA, we have all kinds of commissions. So if somebody is excellent or great, he can go from one Board to another.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Paul, when you were working on this Charter, did the question of non-partisan elections come up?

Mr. Martineau stated: I am sure -

Commissioner Dolman stated: And how do you feel -

Mr. Martineau stated: Yes. I don't know off-hand.

Commissioner Dolman stated: - how do you feel about it?

Mr. Martineau stated: I am sure that - You have that at the School Board. Well, I think basically the system that we have is adequate. I do not feel that we should have non-partisan elections, no.

Commissioner Dolman stated: And, of course, my favorite question that I always have to ask - When you talk about Aldermanic boards, did you talk about - did you ever discuss at-large Aldermen, and if you did, what kind of at-large? City-wide, or regionally?

Mr. Martineau stated: I do not recall if that came up. I believe that, you know, we have got twelve Aldermen. I don't know if you need - How many Aldermen do you need? I mean, what do you need, another four? Or at-large or whatever? And I think that what Mayor Wieczorek, or no, Mayor Mongan pointed out, you get a couple of at-large and the next thing you know, that is who you are running against, you know? No, but I think that twelve is adequate. They used to have fourteen Aldermen, way back. Then when they had the redistricting, they ended up having twelve. I think that certainly covers the whole City.

Commissioner Dolman stated: What about the Mayor appointing all department heads and - at-will, with no communication from the Aldermen, or -

Mr. Martineau stated: Well, I think - Like I say, I think that the Aldermen - the Mayor has, you know, on these Commissions, in certain positions has the appointments, the Aldermen have appointments, certain Commissions have appointments - I think that the City of Manchester has been fortunate in having - if you look at the different Commissions that appoint, he has got people come up

through the ranks. I mean, people in the Fire Department, the Police Department, you know? I am for the men in blue, you know, I think that we have got - we are fortunate to have people that we have in the Police and in the Fire Department. I was a former Captain in the Military Police, and I - I kind of like to stick-up for policemen. As a matter of fact, my son was just certified as a corrections officer for Hillsborough County. He is a former Marine, and he was one of them that got a hundred on the final exam, so I was real proud of him, and - Commissioner Pappas was there Friday - he got certified. I also have an affinity for teachers. I have got a B.A. in Education, I thought I would be a teacher-coach some day, I got out of the Army, I did substitute teaching in Manchester in the various high-schools and junior high-schools, and I will tell you what - I don't know what teachers make, but they earn it, believe me. I did some sub teaching, and I challenge anyone to go in that classroom and sit through one day in there.

Commissioner Dolman stated: Alright. One last question.

Chairman Pappas stated: Alright, Commissioner Dolman.

Commissioner Dolman stated: When you did Section 8.03, Periodic Review of the Charter, and where it - like you said, you were afraid, and you sad to see it ignored. You did not put any teeth in it where - that the Mayor and or the Board of Mayor and Aldermen could not ignore it. In other words, did you see a problem of - this problem arising, where the Mayor could choose not to do that periodic review? Okay?

Commissioner Dykstra stated: He shall -

Commissioner Dolman stated: It does say, "shall," yes. But it did not seem to work, because they chose to ignore it.

Mr. Martineau stated: Well, I believe at the time we thought that, you know, it would be done during that time span. And, I think that is something possibly you could say that, you know, "it shall be done," and possibly like Commissioner Dykstra said, have it elected, have five people elected.

Commissioner Dolman stated: Okay. Thank you.

Chairman Pappas stated: Further questions? Commissioner Lopez.

Commissioner Lopez stated: At the last - Paul, did you ever talk about enforcement or a penalty in the Charter? Was that ever brought up during the discussion?

Mr. Martineau stated: Penalty in reference to -

Commissioner Lopez stated: Enforcing the Charter.

Mr. Martineau stated: Enforcing it?

Commissioner Lopez stated: There is no provisions to enforce the Charter at the present time.

Mr. Martineau stated: Well, I think that basically that if you have a Charter, if - I don't know why - You would want a penalty in reference to what, if somebody isn't nominated? Or - I think it spells out the responsibilities. What we did is that we took the departments, we said they have a principle responsibility. You know, you talk about this wholesale consolidation. It is like we are going backwards. At one time the Traffic Department was part of the Highway. They were separated out from the Highway. All of the sudden now we want to bring them back into the Highway. The Housing Code is part of the Building Department. They were separated out - they became a separate department. All of the sudden now they are back into the Building Department. What I want to know is, what is the feedback? This is the thing. Has anybody ever gone back and said, like Parks and Recs with the Cemetery? How is the cemetary part being handled? Is it as good as it used to be? Is it better? How is the Housing Code? Are the codes being enforced as well as they were before? I think Tony Simmon was doing a heck of a job. You know these - the Traffic, why do they want to bring the Traffic in with the Highway? I mean, is it a consolidation for just the sake of consolidation? I am sure there was a reason why they were separated. They were working as entities. So, one of the things that we put down there was the fact that, you know, we want checks and balances. I believe that you do not give the key to the bank to one person. You know that, there has been one thing when I was in office - it was always like the finance office, for some reason, always wanted to be in charge or on top of everybody else. Well the way I look at it, is

that tax collectors prepare the warrant, we give it to the tax collectors, the tax collector collects the money, the finance office audits the tax collector. There is checks and balances. You put one person in charge of everybody, all of the sudden he says, "Hey, wait a minute. Let's raise some assessments, we need more money." Or, you know, starts putting pressure on people. So, I think the way it is, you have your checks and balances. You know, it is like they talked about the Board of Assessors. We are going to have part-time assessors. For a city this size, it is not feasible, it is not practical. So what you are going to have to do, is - hey, alright, so what we are going to do is we are going to go out to bid. You are going to get somebody like Property Systems that is going to come in. You think that these people - they don't live in Manchester, they don't, you know, they don't know the people, they don't know the community. All you are is a figure and a number. You think you are going to get the same kind of service as you have with a Board that lives here, that has been here, that has been dealing with the people? I mean, I don't know if anybody has ever had any dealings with our Board, or when I was there - or whatever, I mean, we always dealt with people on an up-an-up basis. As a matter of fact, we would tell Aldermen - At no time have I ever had an elected official tell me to do anything for anybody. And, that was one of the good things. We are appointed, we are on that Board, and basically, if somebody called the Mayor's Office, we told them, "Look. They call you, they have a problem, you send them to our office. If they have a legitimate grievance and something is done, you look like the good guy. If we deny them, we are the bad guys." Okay? And that is what we told every mayor, alright? Basically we said, "hey," so we never got any interference. We follow - you know - we do our duties according to state statutes, and - for us to try to disseminate it or have part-time people, doesn't make sense.

Commissioner Lopez stated: I just - All of those comments are really great, and, I understand them. My question is, is the enforcement of the City Charter. In an individual violates the City Charter, the word "shall," "he shall do this," and, "he shall do that," and he continues the violation - There is no enforcement other than doing like someone did, go to court. A private individual take an individual to court - I am talking about the enforcement within the City. Did you discuss any - Any conversation along that - maybe could help us in that area.

Mr. Martineau stated: Well, basically, I think when we formulated the Charter, we believed that it was going to be followed. Now, I think you have got three

attorneys on this Board, right? You have got three attorneys, you certainly can write in some penalties, or if - that is one area that you can say, "Hey, if this is not done," or whatever. You can certainly do that. I mean, that is what you were elected for.

Chairman Pappas stated: Alright. Further questions?

Mr. Martineau stated: Or maybe we were too naive.

Chairman Pappas stated: That is a good point. Further questions?

Mr. Martineau stated: And you know what? You can do whatever you want with the Charter, but the Charter is not going to give you leaders with vision, okay? And when Paul talked about the Centerplex, I'll tell you what, alright? The Centerplex was twenty-four years too late. You know where you get that eyesore claris work on Second Street? Back in 1972, Morris Beliveau came in - he owned the land that abutted Second Street. He wanted to buy the land in the back, he wanted to build a civic center, okay? And, you had Wolfe Park next to that. You had access and egress to 93. Nothing happened. We talk about the dump, you know? That problem just did not come up. That has been for twenty-four years, alright? Now, if you recycle everything that is recyclable, you know? You still have got eighty-five percent of the garbage you have either got to burn or bury. Now, why don't we have the best most modern incinerator in the county so that people can bring it to us, and we can charge them? Now that - this didn't just come about. Jordan Marsh wanted to come downtown. You are talking about downtown - Way back, okay? The downtown merchants were greedy, didn't want them to come in here. So what did they do? They went to Bedford, alright? If they would have let them come in here then, they probably would still be here and we would probably have our mall from Bridge Street to Granite Street. It didn't take place. How about a new City Hall? Valley wanted a new City Hall. No, leader was against it. No, no way, you can't have that. Why didn't the City say, "Hey." Why didn't somebody to - come to a developer and say, "Look, let's have a twenty - twenty-five year lease purchase agreement. Let's build a new City Hall, and we will own it after twenty-five years, we will bond it over a period of time." There is a place right down there, West Bridge and Elm Street - It is beautiful, the topography goes down, you can have underground parking, you can have people coming to City Hall, where as now, you have got this place here -

you could probably, you know, rehab it, and you've got the annex, which is an eyesore, we are renting places all over, at the Hill Building, the Beacon Building, on Lowell Street, all over the place - We are spending money, you now, renting places - we could have a new City Hall, people could actually go to City Hall, you could have all of the departments, you could have Highway, Water, School - How much money did we put into that Ash Street School? I go by that thing, and I look at it, and it is like a big white elephant. I cannot believe the money we pumped into that thing, okay? And, then people complain about - there is no parking in downtown, okay? The City employees cannot park. You have got Pearl Street Parking lot that is less than ten percent full. Why can't we - when we build our new City Hall, they can park there and walk over to work, the people that have business in City Hall can go to City Hall and do their business. That is - Where is the vision? This stuff is - You know -

Commissioner Baines stated: We are going to write vision - we are going to put vision in the Charter, Paul.

Chairman Pappas stated: Thank you very much.

Commissioner Dykstra stated: Paul, you have got my vote, whatever you run.

Commissioner Baines stated: Vision. We are going to write a new Preamble with vision.

Mr. Martineau stated: And I will tell you what, Mayor Shaw - we had our differences, I don't know. Maybe, if he would have had to appoint me, I might have been a holdover, I don't know, but you knew where he stood, and that is the way it ought to be. Okay? And, he was not vindictive, and he was not, you know, petty. So at least he told you where the hell you came from, and that was okay with me.

Chairman Pappas stated: Alright, thank you very much. We are - We have a question. Commissioner Shaw.

Commissioner Shaw stated: I hope that ahh - It is nice that Channel 40 is here today, because I hope that some people take heart to what you have said, not about myself - But, vision. Vision cannot be put in this Charter, you know - It is -

And, you gave some examples of things that I am opposed to, but you also gave some examples of things that should have been done a long time ago. City Hall - one vote. I think it was in Mayor Benoit's time where it was one vote, it was short - for City Hall to go down to the Merrimack Commons area, you see? And the people are - This government has been nickeled and dimed by small minded people, it is too bad. But you did a nice job - did a nice job. And I will keep -

Mr. Martineau stated: I am not running for anything.

Commissioner Shaw stated: Well, that is the problem. That is the problem.

Mr. Martineau stated: You know, when I ran for the Charter, I think at that time there were probably only about thirty-four people that ran. This time a hundred and eight, my goodness. But again, there is a good cross-section. You have got people here with experience, you have got attorneys, you have got people who have lived in Manchester - well, of course, you would have to live in Manchester, but you have got - you know - former Aldermen, former Mayor, you know, school principal, attorneys - you know - Commissioner on the - holdover Commissioner on the Parks and Rec. You know -

Commissioner Dykstra stated: Well, we are going to take care of that.

Mr. Martineau stated: A County Commissioner, you know - Reps, State Reps, I mean, this is what you need, and like I say, when we formulated the Charter, it did not come out of thin air. You had people that, basically, had been working with the problems that the City was facing and they tried to address them that way. And, I think the one that Mike brought out, as far having some kind of a penalty or enforcement in there, that can always be written in.

Chairman Pappas stated: Maybe we should work on the vision thing, as George Bush used to say.

Commissioner Dykstra stated: You cannot legislate vision, can you?

Chairman Pappas stated: No. Thank you. Bill Lynch -

Discussion with Bill Lynch.

Mr. Lynch stated: I would compliment each of the members of your honorable Commission for the way you conduct your business. I think it is wonderful that you encourage so much public participation, I think that is great. And, I do believe in great public participation in all phases of City government, and for that reason, I do support Commissions. As a matter of fact, you are all volunteers, and recently we had the Honorable Mayor give commendations to a couple of volunteers in the City, and I recently saw this very appropriate editorial cartoon in the paper, which is attributed to - I will just read it here, this is "No one is useless in his world who lightens the burden of it for someone else," spoken by Benjamin Franklin. I think that is what you folks are doing, and I believe that that is what our Commissions are doing, our Commissioners. So that is - That is all I want to say about that part. And, I just want to be very brief in talking about the Board that I served on. I did serve on the Board of Assessors for a long period of time, previous to that I served as an Aldermen, and I served on many Boards and Commissions, including Planning, and Board of Registrars, and others. But, as far as the Board of Assessors is concerned, and I don't want to get into the day-to-day operation, I just want to focus on the advantage of having a full-time three member Board, with each having the authority in matters of - equal authority, in matters of assessment and abatements. This guarantees equal authority for the citizens of the City of Manchester who may have a greivance, actual or perceived, to come into the local Board and have a legal opinion rendered. This serves to save our tax payers unnecessary expenditures, such as having to hire - attorneys' fees, to represent them at a higher Board, either at the Board of Land and Tax Appeals, or Superior Court. Saves them, sometimes, an appraisal fee, sometimes a surveyor fee, and so forth. And, each member of the Board comes up every two years, so there is supervision on the part of the Board of Mayor and Aldermen. And that is all I have to say. As far as appointments to the City departments and the Boards and Commissions, I think the more that are done by the Board of Mayor and Aldermen, the better. If the Mayor brings in the appointment there is one person brought in. When the Aldermen are brought in - there are a variety of people to choose from, and I think that if it was in the Aldermens' hands, that would preclude holdovers. So, with that, I would like to close my comments, and thank you very much for your attention.

Chairman Pappas stated: Alright. May we ask you some questions, if there are any?

Mr. Lynch stated: If they are not too hard.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: I was going to say this after Mr. Martineau spoke, but I was so blown away by what he was saying about vision that I forgot to. I want to second the thought that this is a hard-working Board, that I do not see how you could - the Board of Assessors, that is - I do not see how the work could be done by part-timers. I do not see how, frankly, that pile of impossibility gets handled to begin with, and this has very little to do with the Charter, but I know the concerns that exist by the members of the Board of Assessors, and I think that somebody ought to say from this perspective that the hard work they have put in has been extraordinary, because they certainly have not given me everything I wanted over the years, but on the other hand, that is a very hard working group of people. I do not see how we could do it any other way. On the other hand, there are some issues of administration, in terms of the organization of the City, which have no - nothing to do with, and are not inconsistent with that, that we are trying to grapple with - how do you put in a charter, the organizational structure flexibility for a city, to be able to make changes, do things, and not be set in concrete. In other words, people have come before this commission, I think, saying, when you decide what the building blocks are going to look like, when you decide which departments are going to be, when you decide what the organizational structure is, I don't feel prepared and I think people should understand this. But, I think that what we are trying to do is come up with a mechanism and a structure or a process by which the City, and the City's officials can decide what that structure is going to look like, not what that structure is going to look like, and not putting that structure into concrete, because put - everything you put into concrete is going to take a major blast to change. So, I think the fact that people are talking about a mechanism by which change and reorganization can be made is not necessarily inconsistent with thanking and recognizing the hard work and good job that a lot of people have done over the years, I guess is my point.

Mr. Lynch stated: Well, I think that the Charter Commission has to be very definite in spelling out what each department is going to be expected - And, also, by not extending the life of a charter without some review over a long period of time, I think that you can accomplish the security and the guidance that is needed for department heads to carry on with some sense of security on the job. I think

that if the Charter is reviewed at shorter intervals than what it has been, I think that is kind of a built-in guarantee that nothing is forever, and nothing is going - eventually you are going to correct what is wrong.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: We are not here to debate, but I would like to agree with you Commissioner Cook. And that is why I have some doubts about giving power to one man, because I think what is going with the assessors right now is not really dealing with - at least in my perspective and my opinion - is not dealing whether it is a better - to do this, it is vindictiveness on the part of one person to one department. And that is my fear when we give power to one person without any consent by twelve other people, that this vindictiveness to people who do not have - who have the courage to stand up to the person in power, now have to worry about the security of their job, and that is what - that is why I am forever fearful, okay? Because you are right, I definitely believe we need a full-time Board of Assessors, and I definitely believe that Tony Simmon was let go because of vindictiveness. Now, whether that was a good consolidation or a bad consolidation, I am not going to say. It might have been a good consolidation, but the reason it occurred - and I was right off - I was off the Board right before it happened, was because of vindictiveness, and that is my fear when we give power to one person with no checks and balances.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: Just a comment, and maybe it is because - I don't know if there a full moon or not, but have I missed something? Have we decided someplace at a meeting that I was not at, to give the Mayor the authority on his own to do appointing?

Commissioner Dolman stated: No. No.

Commissioner Dykstra stated: No way.

Commissioner Dolman stated: Not at all - But I am just saying -

Commissioner Sullivan stated: Because I seem to - I have heard this sort of

recurring theme this evening, and frankly, it - This is something that I commented on probably about six weeks ago, that there seems to be a lot of discussion in the community that that is something that we are planning on doing, and I do not think that that is correct based on everything I have heard. That if, at most, what this Commission seems to be leaning towards - well - and I say leaning, because nothing is cast in concrete yet, is perhaps giving the Mayor authority to nominate, but with the approval of the Board of Aldermen. And as I said, unless I have missed something -

Chairman Pappas stated: I think you are right.

Commissioner Dykstra stated: You are correct, yes -

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: I agree with you. But now, let's take this one step further. If you have a mayor who is angry at a department head, or an assessor, do you think that person is going to nominate that assessor or that department head? It is not going to happen. And again - If it is not happening for the right reason - I think Clem Lemire said it, if there is a department head not doing his job, if it not happening for the right reason, then I agree with you, okay? Then it should - it should happen. But if it is happening just because of vindictiveness, then that should not happen. And how are we going to be able to prevent - That is my fear. And I know we have not cast anything, and I am not trying to say that we have, but I am just afraid that - you know - that we are going to have this problem, because we are already having it.

Commissioner Baines stated: We have someone that is here to answer questions, don't we?

Chairman Pappas stated: Yes. Would you like to respond to that question, or any of the ones -

Mr. Lynch stated: I would like to ask -

Commissioner Baines stated: If we are in the debating stage, then I would like to get in the middle of it. I did not know that we were there, yet.

Commissioner Dykstra stated: I think we are.

Chairman Pappas stated: Commissioner Shaw, do you have a question?

Commissioner Shaw stated: Well, I have a question. Do you think that terms should be given to department heads and assessors. In other words, do you think the six years - where you come up for renewal?

Mr. Lynch stated: I think that is fine, yes.

Commissioner Shaw stated: Do you think that - having done nothing wrong - Done a perfect job. But, ahh, my son would like to be an assessor, so I nominate my son and I have the votes, and you lose your job.

Mr. Lynch stated: This has been done -

Commissioner Shaw stated: Do you favor that type of system where the Mayor could just get rid of you, willy nilly, for no reason?

Mr. Lynch stated: Well, I - Un - Rather, fortunately, in the case of the assessors, the Aldermen nominate and they elect -

Commissioner Shaw stated: Yes, but we are not going to do that -

Mr. Lynch stated: - so we do not have that problem.

Commissioner Shaw stated: We are not going to do that, we are going to give the Mayor the right to do -

Commissioner Dykstra stated: Are we?

Mr. Lynch stated: Well, I am just saying, under the present system, there is safety in numbers. So, if an Aldermen is doing a good job, there may be a reason why a person would vote for somebody else, because it is from the - from a certain ward, or whatever the reason might be. But the consensus usually maintains that if you are doing a good job, you do not have to worry about being thrown out. And I think the - those members of your honorable Commission, that

have served on the Board with (inaudible) - That is what you - You were Mayor, you know how it goes.

Commissioner Shaw stated: But I never had seven people in the same party as I was in, but - I did nominate Parks Department Commissioner. It would have been possible for me to nominate five people over time to get rid of Clem when his term expired, giving my son the job, because he was the -

Mr. Lynch stated: Yes. Well, as I said originally, my belief is that the more nominations and elections that are held among the members of a Board of Mayor and Aldermen, the better off everybody is going to be.

Commissioner Shaw stated: It looks like my son is never going to get a job in the Parks -

Commissioner Dykstra stated: You have to win an election first, Bob. Well, to give him the job, he has got to be the Mayor, right? Unless we change the Charter completely.

Chairman Pappas stated: Further questions? Commissioner Lopez.

Commissioner Lopez stated: I just have one - Really, I just - just out of - maybe show importance on the assessors, and I do not know the answer, but I am sure that you do. Let's take a five-year span of assessors. Could you put a figure of the money that you think they have saved the City versus if they had a part-time or a - whatever - other case, like Nashua does? I am just trying to say - There is no testimony whatsoever as to what - You earn your keep, so to speak.

Mr. Lynch stated: Without batting an eyelash, I can tell you that over the last five years the assessors have saved the City three or four million dollars, easy. Just take a couple of - I am not going to name the cases publicly, but some of the cases - just staggering. But the way that the assessors handled the situation, in cooperation with civic minded commercial entities, the City has saved themselves a bundle of money, I can tell you that. It would have been a very drastic effect on the tax rate if they hadn't.

Commissioner Lopez stated: Thank you.

Chairman Pappas stated: Are there further questions? There being none, thank you very much.

Mr. Lynch stated: Thank you, Madam Chair.

Chairman Pappas stated: Are there any other folks here this evening that would like to speak.

Mr. Martineau stated: The Mayor has the veto power, so, you know - It, that is a very potent weapon there. And the other thing that I wanted to bring up, was that I know that John is concerned, and I have seen in testimony about ethics, and I saw some City employees talk about the moral and so forth. You can legislate moral and ethics. I mean, basically, I think that you have ordinances that can handle that. If you have got a moral problem you can have a policy and human resources that would try to handle that. If you have an ethics thing, I think that you can do that through ordinance and not through charter. Because again, like charter, it probably becomes part of the document, and that is one of my - one of the opinions, and I - you know - And, I think that the times are right, we have seen - you know - we have seen Milken and a lot of these other people, you know, with the securities frauds and so forth, that I think you have a Board that if you have an ordinance they would certainly pass it. Because one of the things is, "well, the Aldermen may not pass it." But I think that people are cognizant of what is happening there today, and that is one thing that could be done by ordinance. And, you have ordinances that can handle, you know, different problems also, which - which, you know - can be handled by the Board. It does not have to be technically in the Charter.

Chairman Pappas stated: Alright. Thank you for your comments. If there is no one else that wishes to speak, we will take all of your comments under advisement. If you have anything written, we will also accept written testimony. Thank you very much for coming this evening. You have been extremely helpful. Is there any further business to come before us? If not, we meet again on Tuesday evening. Commissioner Sullivan -

Commissioner Sullivan stated: Did you all talk, since I was late I don't know - did you all talk about finishing up the talk on the Ethics Board?

Commissioner Cook stated: Yes, we were going to get the opinion, but Commissioner Baines really had not seen it until tonight, so we really cannot comment on that.

Chairman Pappas stated: Alright.

Commissioner Cook stated: We should probably do that next week.

Commissioner Dolman stated: The only thing that I want to bring up for discussion, and just throw it out - I do not want to do it tonight, we do not have to do it - Just throw it out, is that we have had such low turn-outs at some of these public forums, as Commissioner Shaw said we would, and again, former Commissioner Basinow from the last Charter Committee made a suggestion, and he sent it to us in writing, and I do not normally agree with Mr. Basinow - I like the way that Mr. Martineau described him, probably the best way I have ever heard him described, but - you know - I think we need to get some voice of some that silent majority, if possible. And, I do not know how we could do that. But we are hearing from the same people. You look at - we have heard from the Chamber a lot. We are hearing from the same people all of the time. Is there a way to do some kind of a survey out there so that we can hear from some of these people that we do not hear from?

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: In the Bible, people would not go to the wedding feast. Okay? They went out in the street and they brought them in. So why - if you would like to have public input to this Commission, why don't we disband for a half hour or so some night, go out in the street, grab strangers and force them to come in and testify.

Chairman Pappas stated: Not a bad idea. Commissioner Baines.

Commissioner Baines stated: I think that we have had enough input at this particular time. I have got all of the information that I need to go forward and try to develop a consensus around the main bodies of thought that have been presented. Enough is enough.

Commissioner Cook stated: I agree with that.

Commissioner Shaw stated: - right.

Chairman Pappas stated: I - I think so, too. And we do have one more, just one, final meeting on May 15th for the financial issues.

Commissioner Baines stated: Oh, okay.

Chairman Pappas stated: That is our last one.

Commissioner Baines stated: Well, that is important. We really have not - That is a good point, we have not heard enough about that.

Chairman Pappas stated: And I think that anything further that we can do, maybe we should do through research, getting other charters and that sort of thing. But, we really have to get going on the drafting now. Commissioner Dykstra.

Commissioner Dykstra stated: Just a question, Madam Chairman. When we have the preliminary draft, don't we have another hearing -

Chairman Pappas stated: Yes -

Commissioner Dykstra stated: - so that the people can, like what Commissioner Dolman was saying, to take some kind of a poll. Wouldn't this basically be the same kind of thing, is - we get everything together, what we have come up with, then we have a hearing again, so that before the people vote on it, they will have some kind of an idea of where we are going?

Chairman Pappas stated: Absolutely.

Commissioner Dykstra stated: Do you know when that does take place, Madam Chairman?

Chairman Pappas stated: And I think that - Well, we have not set the date for it -

Commissioner Dykstra stated: We have not set it, okay.

Chairman Pappas stated: It will be after July -

Commissioner Dykstra stated: Make sure that we are all here. We are going to try to make sure that we are all here at that one.

Chairman Pappas stated: And I think that will bring people out.

Commissioner Dykstra stated: Right. I agree.

Chairman Pappas stated: When they start seeing what - The work we have done, they will either be for it or against it.

Commissioner Dykstra stated: Right. I think so.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: Just speaking of the Drafting Committee, and we do not have to do it right now, but I think that we should try to get the Drafting sub-committee to meet sometime in the very near future, so that we can figure out how we are going to attack the drafting, whether it is assigning sections to individuals on the Committee or whatever - And also on that note, Tony Simmon had called me about expressing the thought that it might be a good idea if he attended the first Drafting Committee meeting, and Commissioner Shaw had not wanted us to do anything in terms of expending legal dollars, without bringing it before the full Commission, so I just throw that out, whether it is a - the Commission thinks it is a good idea or not.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: Have we reached decisions yet where we could even draft anything? Are people going to go out and write stuff down as to - you know - what this Committee would like, without having taken some votes on this here? Or, are we doing everything by consensus?

Chairman Pappas stated: Well, I think at this point we have sent a few items to

the Drafting Committee -

Commissioner Shaw stated: Everybody threw up to me, each time that they - bust my remarks - that, well - you did not listen to those people that came forward thus, thus and thus. We probably had the best testimony tonight on the City Charter. People that might even understand it for gosh sakes. And, ahh - you know - based on their testimony, I think we should - should take some serious debates on issues that we would like to see changed. And I think we should make a motion that I change thus and thus, somebody seconds it and we take a vote, and then send it off to a committee when the majority says it should be changed, after debate of that particular issue and that particular clause in the Charter.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Well - I certainly do not think that we should expect, being one of the member, I think, of the Drafting Committee - the Drafting Committee to divine what people think, because we had a discussion sometime about something. Because, we are - As I understand what happened in the meetings when I was not here, you started down the list of issues that Commissioner Sullivan had identified, and tried to get consensus on some of them. But I do not think voting on a particular piece of language in the present Charter, rather than voting on an issue - how do we feel about an issue - makes too much sense, because until we see how everything fits together - I mean, the fact that we are in favor of keeping partisan elections or not having partisan elections, let's say - whatever the consensus is, does not mean that we are going to agree with how that is worded and fits in to a charter that has come up. It is like the good job the Ethics Committee did, didn't mean that everybody watching how it fit together thought it was perfect. So we are - I think we are in a multi-stage process. I think the first part of that process is the most important - Is to go down that list of issues and say what direction are we going in. If we don't do that, the Drafting Committee is going to be making something up. And, we can't do that. But I think that is the primary thing that we need to do. Yes, we have some things that I think the Drafting Committee should do, but what I took Commissioner Sullivan to mean was, that the Drafting Committee ought to get together and figure out what the approach is going to be so that when we, when the Commission throws a ball at them we will know what we are catching, I think.

Commissioner Shaw stated: I think that we should make motions on particular issues and take votes at some point in time.

Chairman Pappas stated: Well, I think we will. We will take votes. But we did agree at the beginning of this process that the votes are not permanent votes, that we may change our mind again down the road.

Commissioner Dykstra stated: That is right.

Chairman Pappas stated: And we have been taking straw polls. So, we have been going along -

Commissioner Dolman stated: That is right. We - And, I think we came to some agreements on some issues as we were going through -

Chairman Pappas stated: Yes we did.

Commissioner Dykstra stated: I bet we could even vote on the partisan issue right now. Not that we want to, but I think I know where I am going on that.

Commissioner Shaw stated: Then I think we should have motions.

Commissioner Dykstra stated: Well, make one.

Commissioner Baines stated: But, if you have an issue like, you know, should departments remain in the Charter, that is a major issue - a major vote. We really have not discussed that yet. The other thing, we got into a discussion earlier about - Mayor Shaw implied that we decided that the Mayor should appoint department heads. I don't think that we have even talked about that, I know that I have some very strong feelings that it perhaps should be taken out of that whole kind of a process anyway, and should be some kind of a human resources issue as opposed to people lobbying to get votes to become an assessor, or anything. I think that is an absurd way to run government. And we have not dealt with that issue yet -

Chairman Pappas stated: No, we have not.

Commissioner Baines stated: I think we have talked about Commissions, and there seems to be a consensus involving that - Commissioners should be appointed by the Mayor. There seems to be a consensus that the Commissions should remain.

Commissioner Dykstra stated: We did not take a vote on it, though.

Chairman Pappas stated: We did not -

Commissioner Baines stated: But I think there seems to be a consensus around that, but I think that we need to -

Chairman Pappas stated: We did take a straw poll that we did think the Commission system should stay in some form. I mean that was something that - actually took a straw poll.

Commissioner Baines stated: Brad disagrees with that.

Commissioner Cook stated: I was not here -

Chairman Pappas stated: You may not have been here, Commissioner Cook.

Commissioner Dykstra stated: And the mayor - And the mayor versus city manager, we voted on that.

Chairman Pappas stated: Well, we were in our first meeting and we were getting a sense, I think, of how the Committee felt at that point.

Commissioner Dykstra stated: Which is fine.

Chairman Pappas stated: Which is fine. And we agreed again, that that was not a permanent thought, but that is something at least to get us started. Commissioner Shaw.

Commissioner Shaw stated: Well, I don't think the Committee should go out and do work based on straw votes. I think Committees should go out and do their work based on - I make a motion, thus and thus. Somebody seconds it - or there

is no - And then we take a vote. Then the Committee comes back and drafts it - And, I mean, I was not there for the constitutional convention - People say I would have been a pain if I had been there.

Commissioner Dykstra stated: No -

Commissioner Shaw stated: But, I bet you a nickel they must have taken some votes, at some point in time.

Commissioner Dykstra stated: Do you really think that we are ready to vote now, Bob?

Commissioner Shaw stated: I think we are ready to vote on a lot of it -

Commissioner Cook stated: We are probably ready to vote on some issues.

Chairman Pappas stated: Some issues.

Commissioner Shaw stated: - on a lot of it.

Chairman Pappas stated: I think that - yes - the partisan issue, I think, but not on the make-up. Commissioner Lopez, and then Commissioner Stephen.

Commissioner Lopez stated: I think one of the areas that I dissented on was the consolidation aspect of putting something in the Charter, and I said at that time that - ahh - that the Board of Mayor and Aldermen, as long as the language was in there that I would probably concede to that fact. And that is on record, so until - If I went your way, I would have to vote no on just about everything, until I see what the final outcome - and what authority that we are giving the Mayor versus what we are giving the authority for the checks and balances for the Board of Mayor and Aldermen. So, I just could not - Unless the Drafting Committee - I think the direction that we are going, is to give them some sense to go back, just like the Ethics Committee, and let them come back and we can vote on it if it is a final draft from that Committee.

Chairman Pappas stated: May I intercede? Does the Drafting Committee have anything they want to respond to here? Do they want to meet to develop the

process?

Commissioner Baines stated: I had heard a rumor that I was appointed Chairman of the Drafting Committee, and I would like to have that reconsidered - But, who is on the Drafting Committee?

Commissioner Shaw stated: You don't want to know.

Commissioner Baines stated: I heard that Mayor Shaw was, and that is why I want to -

Chairman Pappas stated: Commissioner Cook, Commissioner Sullivan, Commissioner Stephen, and chaired by Commissioner Baines.

Commissioner Cook stated: I thought Shaw was on it.

Commissioner Baines stated: Once again?

Chairman Pappas stated: Commissioner Cook, Commissioner Shaw, Commissioner Stephen, and Commissioner Sullivan.

Commissioner Cook stated: And you [Commissioner Baines] are Chairman.

Commissioner Sullivan stated: Out of the deep respect and regard we had for you, Commissioner.

Commissioner Baines stated: I am sure that it was.

Commissioner Cook stated: And, you were not there that night.

Commissioner Baines stated: The only - You know, I am willing to start setting up meetings, but my problem at this time of year are nights. You know, we are getting into graduation season, senior activities like last night, and I am concerned about that. So, if we can work around that -

Chairman Pappas stated: How do you all feel about that, is that doable? Commissioner Sullivan.

Commissioner Sullivan stated: Yes, I think that it is doable, and I also hate to say, to suggest this, because it pains me, personally, but I think we may actually have to face having to maybe take a Saturday, and take a day to try to get through a lot of the things that we have not talked about yet, to try to come to some consensus, because we are not at what - May 8th? And, time is starting to pass quickly, and I think the drafting and the discussions after the drafting is going to take a while. I am not saying that we do this Saturday, but I think it may be something that we have to bite the bullet and we have to do. I will - You know, given the public nature of it I was - I guess we would have to do it someplace like this. I was going to say, you know, we could even do it at my house or something, just to make it more comfortable for people, but - we may have to do it in a setting like this.

Commissioner Cook stated: Well we are going to -

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: As I understand it, we are going to meet next Tuesday and next Wednesday. Wednesday we are meeting with the people to talk about finance. Tuesday, if we are not - I mean, the first thing as I understand it that is leftover business is to get the input from the Commissioners who were not there last night, which is the Chair and Mr. Baines, on the ethics issues so that the Ethics Committee will have their input when they go back and try to do some more work on their draft. After that, it seems to me, that we should all be prepared, and I know that we have thought about what we have heard now, hopefully the minutes from the meetings that I was not at will be out and I will have had a chance to read them by then. But, I do not think that that is going to have an overwhelming effect on what I think about some of these issues, so - I would suggest that on Tuesday we say, we try to get through as many of those issues which we can, with some - not motions and absolute votes that are stuck in concrete forever, but a consensus on as many of those issues as we can, so that we can give those to the Drafting Committee so we can start.

Chairman Pappas stated: That is a good idea. Commissioner Stephen.

Commissioner Stephen stated: I think that we are going to have minutes from last night's meeting, and I probably - so that we don't have any repetition, you

might want to allow the Commissioners that were not there to look at the minutes. If there is anything that we discussed that you would have discussed -

Commissioner Baines stated: Will we have it before then, because I know that it is difficult for them to turn over -

Commissioner Cook stated: They are several meetings behind -

Commissioner Stephen stated: They said that it would be about one week.

Commissioner Baines stated: Yes, but this is a tremendous task for that office. I am not sure they will have the minutes by next Tuesday. I doubt very much -

Chairman Pappas stated: I am not sure either.

Transcriptionist Taylor stated: I would be happy to set aside one set of minutes to do this set of minutes, so that you can have that, if that is helpful.

Commissioner Baines stated: That would be great.

Chairman Pappas stated: That would be very helpful.

Commissioner Stephen stated: It is just that we discussed a lot of issues and it may help you -

Chairman Pappas stated: So we will have that -

Commissioner Baines stated: Yes, that would be good, instead of covering - word of mouth.

Commissioner Stephen stated: And then we can discuss that.

Chairman Pappas stated: And I think that is -

Commissioner Cook stated: Weren't there a couple of specifics that we said we did not want to go forward until we had everybody's opinion? I may not - There is certainly - Everything you said is correct, that the full set of what was

discussed last night will help put it in context, but I believe - I believe you wanted the opinion of the final two Commissioners, and we all did, on whether there should or should not be an Ethics Board or it should be handled some other way - Before you went back - and I thought that was the key issue that we needed the input from those two on -

Commissioner Stephen stated: That is correct.

Commissioner Cook stated: I mean, everything else - Obviously, the minutes will be helpful to them, but I mean - That is the one that I think that we really need some consensus on next week.

Chairman Pappas stated: So we can do that on Tuesday.

Commissioner Baines stated: Okay.

Chairman Pappas stated: Commissioner Stephen has another question.

Commissioner Stephen stated: I just wanted to follow-up - Early on, I think February, when we first were meeting, I put together a list of things that - you know - I thought would be beneficial for us to look at, in a chronological type order, looking at the Articles of the Charter. You know, I think that there are some basic issues in each Article that we need to address, and then the Drafting Committee can then take those - once we have taken a vote - take those issues and then come up with some language. And if - you know - a few of us can identify that for our next meeting. I mean, I would be willing to work with someone and identify, and I think Commissioner Sullivan also identified in a subsequent letter to us - or actual memo - the issues that we need to address. So, possibly if we just come forward to the meeting with an organized fashion, a list of issues we need to address and then we can go from there to the drafting. I mean, we need to get that done quickly.

Chairman Pappas stated: Right. We actually did start going through the Charter - We did about three or four pages, and there were a few issues, but not enough really for the Drafting Committee to get started. So, I think one more Tuesday meeting would give you enough - your Committee enough to work on.

Commissioner Baines stated: Okay.

Chairman Pappas stated: And maybe the Saturday idea is a good idea, and that is something we should think about.

Commissioner Baines stated: But, I don't think that we can do it as you described, because it is a public meeting, so it has to be held in a public place, and we have to do it in the full view of the public.

Chairman Pappas stated: That is too bad. Maybe we can find a public place.

Commissioner Cook stated: We can do it - We can do it in the large conference room in my office, and just have it published and noticed, so if anybody wants to come and watch can come and watch.

Commissioner Baines stated: Right.

Commissioner Sullivan stated: You don't have a problem with people coming through your office on a Saturday?

Commissioner Cook stated: No. It is open on Saturday.

Chairman Pappas stated: Alright good. Let's think about what Saturday would be good for all of us, after we do our work on Tuesday.

Commissioner Baines stated: But - Can we talk about that Tuesday?

Chairman Pappas stated: On Tuesday.

Commissioner Baines stated: Yes. I will be prepared to deal with it -

Chairman Pappas stated: Commissioner Shaw. I am sorry, I can't see you over there.

Commissioner Shaw stated: That is good. I think there are two schools of thought here, and Commissioner Stephen has expressed one of them, and maybe many people agree with his - We were not elected to do nothing. That is

one thought. And there is my thought - We were elected like somebody going to a doctor for a health check. You look it all over and we find that yes, you are a little obese, but -

Commissioner Cook stated: Don't get personal.

Commissioner Shaw stated: But, you put yourself on a diet. I favor the later method that this City is not in poor health. There are - It does need some dieting, and I do not favor, under this Commission form of Charter revision major changes to be made that cannot adequately [tape ends] - citizens. I do not think that throwing in a whole bunch of things, you know, perceived problems, especially when it comes to the ethics issue, which should be a law and not a thing in the Charter, and then if it is in the Charter - if it is, there should definitely not be a commission established for it, okay? I do not believe that we need to have, as you keep asking - what method do we have to enforce the Charter? There are many methods to enforce the Charter. And, lawyers can probably explain it to us after the meeting, what the fee would be to do that.

Chairman Pappas stated: Commissioner Stephen.

Commissioner Stephen stated: And in all due respect, Commissioner Shaw, I again, echo my disagreement with you that there are certain provisions of ethics that the people, I think, want. And, they have expressed that at many of the meetings, and I think that the Ethics Code that we drafted was a reasonable code, and we are very amenable to going back and looking at - and considering all of the discussion and all of the ideas last night, we are going to - But, I think that in the long-run, it is a very good idea to change the document and enact a constitution for the City of Manchester that reflects honesty and integrity.

Commissioner Shaw stated: That is a given.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: Just a comment about that. We really have not heard a lot about ethics. I did not see a lot of people coming forth with concerns about ethics at all, John, through this whole process. There were some issues, and I tend to align myself with Mayor Shaw on this issue that I want to be very

careful that we do not make criminals out of good citizens of this community, and when you get into some of the issues that I have read in the proposal that you put forth, I think that is exactly what you are going to do. Because you have an aura in our society today, when somebody hears the word "ethics," there is an "ethics violation," they are a criminal. And this hangs over their head for long periods of time on minute issues that are not very important, and we have to be very, very cautious around this issue. We all believe in ethics, but you cannot legislate ethics, and if you open it up the way I think the proposal - as I have seen it - you are going to create a cloud over a lot of good people in this City, and we need to be cautious about that.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: I think that - two things - I think, Commissioner Baines, when you read the transcript from last night you will find out that a lot of those concerns were raised. The other thing, and only because my good friend, Commissioner Shaw, felt the necessity to restate his position, I will restate my point of view. We were elected with the knowledge of the citizens to look at it, and if we vote that the things that are in the Charter are the way they should be, we won't make changes. If we vote that the way things are in the Charter need some changes, we will either make great changes or minor changes.

Commissioner Shaw stated: And we should.

Commissioner Cook stated: But, we have the capacity, between the things at our disposal and the press in this community, and Channel 40, and the ability to go out and explain it, to explain this Charter, whatever we come up with, as well or better than anything is explained to the people of Manchester at the present time, and I think that your opinion that we will not be able to explain it adequately to the people as a reason we should not do anything, is balderdash.

Commissioner Baines stated: I will second that.

Chairman Pappas stated: We have four hands. Commissioner Stephen.

Commissioner Stephen stated: I would like to respond to Commissioner Baines statement. If you take a good look at that Code, and if you consider it, and I wish

you do, you would see that anybody that serves this City in an elected or appointed capacity, that has a problem with following a majority of those provision, should not be an elected or an appointed official in this City. And, I think that - and I am not talking - there were some great issues raised last night, and when you see the minutes you will see. We are going to go back and we are going to reshape some of those things. But, when it is reformed, I would ask you to consider putting some of the provisions that I think are very reasonable, voting for those in the Charter. And, when we talk - and we are going to discuss Ethics Board on Tuesday, and when you read that, consider the fact that, you know, this is a citizen oriented Board, that on its own discretion and also - by having input with the citizens, can issue advisory - only advisory opinions to the Board of Mayor and Aldermen. So, consider that. It is not - this is not a prosecutorial minded thing. It is a very reasonable thing. Thank you.

Chairman Pappas stated: I have four hands. Commissioner Dykstra.

Commissioner Dykstra stated: Thank you. Well, I guess I am going to have to disagree with you, Bob. And - both Bob's, probably. I think that - Respectfully, though. Forgot that part of it. No, no. Don't get nervous, really. The thing is that I do support an Ethics Commission and I think that it is important, and Bob, you mentioned the fact - Bob Shaw, Commissioner Shaw - that it should be done through an ordinance. And, as we know, ordinances can be made, they can be broke and they can be appealed and they can be amended. I feel important to put it - so important to put it in the Charter because in that way it cannot be tampered with, it is there, and if I feel so strongly that we need one - or this Commission does, then it should - it does belong in the Charter. There are other cities and towns that also have it within the Charter. So, I believe it is that important, and - Commissioner Baines, you had mentioned about - you know - we don't want people to feel there is a cloud over them. Well, I agree with you. But if there are people out there that are not doing the right thing, I think that it is going to be important for the citizens of this City to have a mechanism, in which they can go to a Commission and say that, "I have a problem. And I feel that there is a conflict. And, I want you to look into it." I don't think that should be a problem. Our conflict of interest ordinance that we have in the City now, the one that I authored, basically just allows the Board of Aldermen or the Commissioners, their own peers to basically question whether they are in conflict. And, I think that it is important that the people - that they a chance to have a

mechanism where they can go forth, and I do not think that it is going to - If we write it up correctly and look at the concerns that you have, I do not feel that there is going to be any abuse. And I feel the citizens are going to feel better about their government when they have a place that they can go to, or a Commission that they can go to - I - I don't understand the opposition to an Ethics Commission. I feel very strongly about it and will support it. As of now, I certainly do support it, and will.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: Since we are planning on discussing this next Tuesday night, I move we adjourn.

On motion of Commissioner Sullivan, duly seconded by Commissioner Cook, the meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Kathleen N. Sullivan

CHARTER REVIEW COMMISSION

5/14/96 **5:30 PM**

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll.

Present: Commss. Pappas, Baines, Cook, Lopez, Shaw, Stephen, Sullivan
Comms. Dolman arrived late.

Chairman Pappas advised that they had several sets of minutes to approve, April 10, 16 and 18.

On motion of Commissioner Sullivan, duly seconded by Commissioner Lopez, it was voted to approve the minutes.

Chairman Pappas addressed item 3 of the agenda:

Work session relative to information received to date.

Chairman Pappas advised that she had not been at the last work session of the Commission and asked Commissioner Sullivan to bring her up to date.

Commissioner Sullivan stated what had happened was the Commission had gone through the entire proposed Ethics Code, and agreed that the subcommittee should go back and work on certain provisions, however, when they reached the last section of the code relative to an Ethics Board, there had been a debate over whether or not there should be an Ethics Board, to summarize, Commissioner Shaw, Cook and Sullivan had reservations about an Ethics Board, Commissioners Dolman, Stephen, and Dykstra were in favor of an Ethics Board, and Commissioner Lopez was inclined to be in favor of an Ethics Board. At that point it was decided to seek the opinion of the Commissioners who had not been present at the last work session before trying to decide the consensus on the Ethics Board issue. She asked at this time for the opinions of Commissioners Pappas and Baines.

Commissioner Cook suggested that Commissioner Stephen give a summary of the rationale of the Ethics Board and how it would fit into the proposed Code.

Commissioner Dolman arrived.

Commissioner Stephen stated the subcommittee had looked at many different Cities and Towns and found that in many areas they had an Ethics Commission where the Commission was in charge of making sure that the provisions of the Ethics Code were adhered to. In some localities they had prosecutorial functions, and could subpoena and investigate, and had extensive powers, there were some towns that had City Solicitors oversee the Ethics Code and in some instances prosecute or submit recommendations to the Board of Mayor and Alderman. The City of Concord had a provision where citizens from the community would be appointed to serve in an advisory capacity. The subcommittee did not want to get too strict in this area, but keep it to where the citizens would have some input, secondly the Ethics Board would only issue an advisory opinion and leave the ultimate decision up to the Board of Mayor and Aldermen. The subcommittee had added a provision to their draft where the Ethics Board could, at their own discretion, either investigate a complaint or not if they felt a complaint was frivolous. The second important point for keeping the Ethics Board an advisory one was to give an independent body a chance to look at a complaint, secondly, if a fellow Alderman brought up an ethics issue relative to a colleague, they might feel inhibited in some way, it would be much easier for the person to ask for an independent decision from an advisory committee. In issuing matters to the Ethics Board, an Alderman could also get decisions on certain things that they could not agree on if there was an issue of some ethical nature. The issue was whether there should be an Ethics Board, or have the Board of Mayor and Aldermen oversee the Ethics Code. He asked for the opinions of Commissioner Baines and Pappas on this issue.

Commissioner Cook stated that there were some options, his concern over having a standing Ethics Board with a complex Ethics Code that applied not just to the Mayor and Aldermen, but every employee and commissioner and city official, but to have it cover all of those people and to have a standing Board, given the unfortunate culture we were in where people make accusations or see hobgoblins where there were none, it would just give a place to throw accusations at public officials. With a standing Board of people, who expected to do something because of having been

appointed to the Ethics Board, there would be somebody readily available to catch, the places where the Solicitor's office or a designated office, which could establish whether a complaint was valid before it ever went before a group of people who would deal with it, maybe like the Board of Recount in the City, where they would not meet unless the Clerk's office had already gone over an election and certified a result as a tie, and then the Board of Recount would meet when needed. If there was going to be a Board of people who would decide these things, there should at least be a review process to separate the wheat from the chaff, because otherwise there would be a bunch of people sitting there waiting for things to come along, and possibly spend a lot of time on a lot of fluff, and then there would be a lot of fluff throwers in town.

Commissioner Shaw stated a point that Commissioner Stephen made; how was it decided that a simple majority was enough to make a change to the constitution of this City, would they be allowed to say that they should have a super majority of commissioners versus a 5-4 vote. They had not even defined that they would be able to change the Charter on a 5-4 vote, or not change it on a 5-4 vote. The constitution of the United States or constitution of the State was not changed on a simple majority.

Chairman Pappas stated that they had agreed at the beginning of their work session that they would not set anything in stone, and may go one way tonight and another next week.

Commissioner Shaw stated his point was would a 5-4 vote be enough to pass something or should it be 7- 2.

Commissioner Dolman stated they had not decided that yet but felt they would need something more than a simple majority to do something, there would need to be a clear consensus in order to do anything with the Charter.

Commissioner Sullivan stated as a point of order, they should get back to the Ethics Board, although she understood what Commissioner Shaw was saying, before they decided on that she would like to hear Commissioner Pappas and Baines opinions of the Ethics Code.

Chairman Pappas stated that this was an important issue, they had all agreed in the beginning that none of these votes were final and they do not really want to vote on anything for quite a while.

Discussion ensued regarding number of votes needed to change charter.

Commissioner Baines stated that he needed to look at the entire scope of what had happened because based upon what had been presented he could not support the Ethics Code because he felt they would be making criminals out of a lot of good people in the City, and it would be a circus. Knowing this City, the Ethics Board would probably be the biggest show in town, people would be bringing forth frivolous charges, people would be accused of ethics violations, word would get around that someone was being investigated by the Ethics Board, and an innocent person would immediately be a criminal, he was very strongly opposed to that. He needed to see if the Ethics Code itself would focus on the big picture instead of the minute issues of people going to lunch together, or going to a convention hosted by a certain company, it was so ridiculous that no one would want to serve the City in government, no one would want to be an official with all these restrictions. Having been around government officials in different areas he felt they were very paranoid about certain circumstances, and it was so absurd to be so suspicious of one another, that he could not support something like that, he was concerned about campaign finance reporting, and conflicts of interest, but felt that this would be looking for problems and making problems out of something that was insignificant and would not affect City government at all. They need to look at the big picture, see where it came out, and then decide whether it was the City Solicitor's office or some other organization to deal with it, but did not see a citizen board, being subject to the whims of people in the community charging people with ethics violations to be the way to go.

Chairman Pappas stated that she somewhat agreed with Commissioner Baines opinion, like the financial disclosure form and some of the things that were in there would make people think twice before they would ever want to get involved in City government, some of these things in the Code went a little too far, and maybe just a little too strict, as far as the Ethics Board itself was concerned , she was unsure about that, it seemed there should be some sort of professional person who would look at an ethics violation first before it was given to a Board like the proposed one.

She would worry about the people appointed to the Ethics Board having the background to understand what a violation might be, if it were a frivolous one, she was unsure how she felt about the Board itself. If something were a violation, or if someone said there was a violation, somehow it should be filtered through either a city solicitor or someone else.

Commissioner Stephen stated the financial disclosure form section would be given to the City Clerk, if anything, so the financial disclosure would not be in the Code. Secondly, he understood what Commissioner Baines said but still thought this was a very fundamental thing that would need to have a review from an independent body, he was suggesting that somebody other than the Board of Mayor and Aldermen make some type of review or leave it up to the Board of Mayor and Aldermen.

Commissioner Sullivan stated the more she thought about this issue the more it troubled her. She agreed with Commissioner Baines and suggested something like having a provision in the Ethics Code that stated if, whether it was a solicitor or subcommittee of the Board of Mayor and Aldermen, received a complaint and found that it should be investigated further, then they could refer it to an Ethics Board and leave the provisions on how the Ethics Board would be appointed up to the Board of Mayor and Aldermen to adopt, through ordinance, because her concern was having someone like Eric Zimmerman, who would bring something before the Board, or some other person within the City who would bring people before the Board, even if there was a provision about kicking out frivolous cases, then they would get into a definition of what was frivolous, and believed it should not be made harder than necessary for people to serve on City government.

Commissioner Dolman stated he agreed 100%, but what happened with the Court House (District Court building fees were waived) was ethically wrong, and there was no way to deal with that based on the City's Charter, the building fees were monies the City should have received but did not.

Commissioner Cook asked which one of those people was a city official.

Commissioner Dolman answered Patrick Duffy was a commissioner of the Airport Authority, and used some influence somewhere, and the Mayor used some influence, because it never went to the Aldermen, it was a decision by the Mayor.

Commissioner Sullivan stated she was unsure if the Ethics Code would pick that up.

Commissioner Shaw stated changing the Charter because of a specific instance that someone perceived as wrong was wrong in itself. Putting someone in charge like the City Solicitor to investigate any charge that was brought and listing that in the charter as a requirement would be like having Janet Reno decide that Bill Clinton had not done anything wrong, and then having to appoint an independent council because she was a Democrat or she was a woman, or this or that, there were a thousand reasons why the decision made by the professional would be wrong. The Ethics Code would be trying to catch minnows who had absolutely no responsibility for feeding the public, the net was too small, the idea insane to even do this, and was taking up a tremendous amount of time and he hoped it would go nowhere, but then he would be mad if it went nowhere because he had wasted so much time.

Commissioner Pappas asked Commissioner Shaw were there not parts of the Code he had agreed on last week.

Commissioner Shaw stated he agreed with none of it.

Commissioner Stephen stated to Commissioner Shaw that he had agreed on certain things and even made them stronger than proposed.

Commissioner Shaw stated the Aldermen should pass a law if they wished to have ethics responsibility in the City, it was not in the U.S. or State constitution, and was not in the City constitution, period.

Commissioner Stephen stated the subcommittee had spent a lot of time on this, and would go back and work on other provisions and bring it back before the Commission.

Carol Johnson addressed the commission and stated she had not been part of the discussions on conflict of interest at all, or any of the ethics and so forth, and had not yet read through the minutes from last week, but from her perspective, and she had seen a few things happen during her tenure, and what Commissioner Baines said earlier was very true, a lot of good people would be brought to the rafters for no good reason, other than somebody having a misunderstanding of what that

person should be doing, or what their purpose was, or that sort of thing. She also understood what Commissioner Stephen was trying to say, that there should be something in the Charter, what Commissioner Sullivan stated about sending a complaint to the solicitor, she would not suggest it be in any single individual's hands. If there was going to be something internal a suggestion would be to look at the City officers, as a place to look at a complaint and report back whether it would need further attention. She would not want to see a big to-do done over every little proposed violation. We had a Finance Officer, City Clerk, Personnel Director, and City Coordinator, when funded. Investigations were normally done by the Police Department, if something went wrong within the City, and a report was made, the first thing to happen would be someone would call the Chief of Police and ask if the report warranted an investigation, it had occurred on a regular basis. The City Clerk himself went through three courts of law over something utterly ridiculous and it wasted a lot of money on the part of the City, and dragged in a lot of innocent people and really did a number on the department for a long period of time, and that was based on comp issues and having someone take a car home for the night to make sure she was there the next day for an election or the election would not go on because she was the programmer. She suggested the commission be very careful when drafting an Ethics Code.

Commissioner Sullivan stated the point of having a complaint go through the solicitor was so that not every complaint had to go before the Ethics Board, that there be somebody else to do a first cut before anything went before an independent Board to stop or push out the frivolous stuff. She agreed with the subcommittee that the City needed something, because it really irritated her to see an Aldermen sitting on something and not recusing himself when it involved a person he did business with and not have to disclose it. She believed something needed to be done about financial disclosure, people had fundraisers and testimonials but did not have to report who gave them money. She did not know how they would enforce these issues, through an Ethics Board through the Charter or give the Aldermen a chance to set up a system, by having a standard Ethics Board given the broadness of the proposed ethics code she would be extremely concerned. There was a lot of corruption in Manchester, video poker, bookies who were business men, and other things that they could do nothing about. She did not want hardworking people hurt by the code.

Commissioner Cook stated he was intrigued by the issue of people having a fund raiser before this week, and he assumed Commissioner Sullivan was talking about a City Official.

Commissioner Shaw stated it was Rivard, Bob Rivard, just say it.

Commissioner Cook stated so what if someone had a testimonial for Commissioner so and so, and it raised money for commissioner so and so, what was the point, a record of who gave the money so it would be a matter of public record, or that those people should not be able to do business with that department again.

Commissioner Sullivan stated the donations should be disclosed, but it was not uncommon for sitting, elected officials who were undeclared candidates who...

Discussion ensued about disclosure and filing requirements, whether it was State law or City.

Commissioner Sullivan stated there was somthing mentioned to her by an Alderman, that if there was money left over from a campaign, there was no requirement to disclose where the money went if it was not all used, a suggestion was made that there be ongoing disclosure until the campaign account was closed.

Chairman Pappas stated that was a problem at the State level.

Commissioner Stephen stated with regard to acknowledging campaign contributions, there was a section in the Charter right now about election, the subcommitte looked at that section and had some ideas but did not want to put that in the Ethics Code because it was already in the Charter under elections, they looked at the City of Concord's section on election provisions and they were taking in the contributions they had prior to announcing and the disclosure was prior to the election, and they had some good provisions in their that the subcommittee wanted to bring up when the section on elections was discussed.

Commissioner Lopez stated he had been thinking about the comment of everyone being a criminal and could see the point and Commissioner Stephen's point on an Ethics Board, but what was seen and heard was that there should be something

somewhere so that if an official did something wrong, whether it be an alderman or someone else, there ought to be a process, either by the City Solicitor, police or somebody, where something could be done, because from the testimony brought before this committee, people would favor an Ethics Board, they do not trust what was going on in this City. How to go about it was a big question, but there were house rules someplace like in the Congress and the United States Senate, where they police themselves.

Commissioner Shaw stated that his point was that it was not in the constitution, but Carol Johnson made the best point, that a lot of people do not know that this went on, it could be referred by the Mayor, the City Solicitor, and it could be referred by the City Clerk's office to the police department, many times as Mayor he had asked Chief Craig a question, and City officials had resigned because they were asked questions, so it was taken care of internally, not that someone was a criminal right away, it was just common sense that if the Mayor had asked a question, he should at least contact the City Solicitor, and check on things if they don't seem proper, he agreed with Leona and everyone, that there would be nothing wrong with the City having a strong view on ethics, but it should be done by the governing board of the City.

Commissioner Baines stated there was part of him that would like to agree on that but did not think that was ever going to happen, he would support some language in the Charter to deal with the big picture, but the proposed Ethics Code was too minute, and went in a ridiculous vein, if the most important issues were adhered to, he felt they would be home free with this issue, but he did not want to see people brought up on ethics charges because they went out to lunch with someone. People want to prohibit a relative of someone from holding a City job, but if someone was qualified they should be able to have the job.

Commissioner Dolman stated that was okay with him, it was time to move on, but he noted that as an alderman, he had heard from people many times that they thought he was getting something under the table for being an alderman, so if they had some sort of ethics in the Charter, it would help to get that impression out of there.

Commissioner Cook stated that was a mindset, there was a certain mindset in the world, generally from minds that were crooked, or at least would like to be, that thinks that everyone's motivations were the same as theirs, so when someone asked why they had run for the Charter Commission, they did not want to believe that it was done to improve the government for the City, they would rather believe it was for another motive, which was their problem.

Commissioner Stephen asked where they stood on the issue of an Ethics Board.

Commissioner Baines answered to look at the big picture and then decide how the big picture would be handled.

Commissioner Cook suggested the subcommittee come up with option A,B,C and D, and then the Commission could decide which way to go.

Commissioner Baines asked if this was adopted, would the police department have authority if there was a violation of the Charter.

Commissioner Cook answered no, there was a list of other state statutes that had to do with appropriate action by public officials, what Commissioner Shaw was talking about was when something came up that was a serious enough issue, he referred it to the police to see if there was any violation.

Commissioner Baines stated if the Mayor was the chief enforcer of the Charter, if someone had the opinion that the charter had been violated they would file a complaint with the Mayor, and then the Mayor could refer it to be investigated.

Commissioner Stephen stated he wanted to be clear, that this was not criminal in the sense that the only penalties were removal of office for the most severe, or suspension or some type of admonishment that something wrong was done.

Commissioner Cook stated that someone had to mind the store, if someone went to the Mayor to report that there may be a problem but did not want to talk about it in public, but it should be investigated, if the Mayor thought it was serious enough he could call the proper authority.

Commissioner Shaw stated he thought the subcommittee should go out with the thought that if they were to produce anything that had to do with ethics, it should fit on one page of the City Government book, if it was any longer than that it more clearly define the problem that should be looked at.

Carol Johnson addressed the Commission regarding their minutes, that they had been rather lengthy and there had been concern because the minutes had not been completed quickly enough and to address that issue there would be a couple more people working on them. The other issue was the budget and because the fiscal year for the City ends June 30, technically after that date the Charter Commission would not have funding.

Commissioner Cook asked how much was left in their budget.

Ms. Johnson replied that they had about $24,000 on paper but in actuality by the end of June she would estimate around $16,000.00 to $18,000.00. She suggested that a letter be given to the Board requesting that an appropriation be made in the FY97 budget of the $16,000 to $18,000 that would be left in the budget at the end of June, and volunteered to work with the Chairman to draft the letter.

Commissioner Baines stated he wished the minutes did not have to be done because it seemed wasteful.

Ms. Johnson stated that what she would try to do was have them transcribed at about 90% verbatim in order to get the points across but eliminate the unnecessary discussion.

Discussion ensued regarding the necessity of minutes and the format in which they were stored, the reason for saving them on paper.

Chairman Pappas asked where they were on reviewing the Charter.

Commissioner Sullivan answered the last item she had was Commissioner Shaw's suggestion at the Memorial High School meeting regarding having an employee of the department on the commission instead of the labor commissioner, there had been a lot of interest in that, and the idea was for that to go to the drafting committee to see what they could come up with.

Commissioner Dolman stated that they needed to decide whether to throw out Democrats and Republicans on commissions, a lot of that would go with whether or not there would be partisan elections. He wanted to get more feedback from people before making any final decisions on certain issues.

Commissioner Shaw stated what was the reason for having political representation on a commission, that the system could be unfair unless it was specified in the Charter how it could be fair, then it went beyond fairness to say that in addition to having Democrats and Republicans there had to be someone from labor, and this person had to be a union person.

Commissioner Stephen stated he was opposed to having an employee on the commission, but in response to Commissioner Dolman, he would like to leave the meeting knowing whether they were going to reform the commission system in any way, he felt ready to say what he thought the commission system should be like, but was waiting for input as to the language as far as an advisory board concept, and was leaning towards an advisory type capacity where the Mayor had more power than under this particular charter.

Mr. Groulx stated he had several examples of an advisory concept regarding written language and had written something for the commission to review that incorporated several different charters so that a lot of the points mentioned were incorporated, but that the Board itself was advisory and was called "consult and advise".

Commissioner Cook stated in answer to Commissioner Stephen, there were several ways to word it depending upon how detailed the charter would be, and how much discretion to give to someone to come up with how the organizational form of the City was going to look like working within the parameters of the charter, but assuming that departments were kept, his concept was the Mayor would have the right to hire or fire a department head, the department heads would be given the

right to run their department, there would be some type of check on the Mayor's unbridled discretion, so that if the Mayor would try to fire a department head for no reason, the Board of Aldermen would be able to step in, there were a lot of people in the City who had the expertise to advise departments on policy matters and procedures, it was to good administration to have the commissions somehow administering the personnel decisions of the departments, and at the request of the Board of Mayor and Aldermen or the Mayor, the advisory commission could also serve as an interviewing committee or nominating committee for a department head if so requested. There were two commissions that operate more as a business than the others, the Airport and the Waterworks, and there may be an exception made for them.

Commissioner Lopez stated he had originally thought an advisory commission would be the best, the process of the way the commission was going, what was to be decided on different subjects, instead of going through the Charter because as commissioner Dolman stated, if they decide on this subject it would reflect on something else further down the line, he was for keeping the commissioner because the tremendous amount of work that commissioners do for department heads, what he was afraid of with an advisory concept, it would not mean anything to the department heads, they were advised all the time but ultimately made their own decisions, if they have the Mayor do all the appointments, with approval by the Board of Aldermen, the problem would be that the Aldermen would not have the time to do what commissioners do. When it was discussed to eliminate commissioners, he felt they were speaking of the "Big Four", the Police, Highway, Fire, and Parks, all the others would not be given up because they play a valuable role to the Library or whatever the case may be, and some of the people appointed to the Planning Board were under State Statute, the major thing about commissioners was they were like staff to the Board of Mayor and Aldermen, if the BMA did not know how to use the commissioners, that was their problem, things in the City had moved forward with commissioners and department heads working together, Manchester was where it was because of commissioners and department heads working together, Aldermen had called on commissioners many times, therefore he was totally against an advisory concept.

Commissioner Cook stated what Commissioner Lopez said was what he meant by advisory. What he was talking about was taking the existing commissions and

taking the personnel and disciplinary function, maybe saying advisory was wrong, he was convinced that the commissioners served a big function, the Aldermen do not have any extra time to go out and do the research that commissioners do, it would not make sense to administration for that to get mixed up in the personnel function, the commissioners made the recommendations on what the policy should be to the Board of Mayor and Aldermen.

Commissioner Lopez stated that the last charter commission had recommended the same principal.

Commissioner Cook stated that the drafting committee would try to come up with the proper language to outline the commissioners' function.

Chairman Pappas asked the commission if they would like to discuss term limits.

Commissioner Baines stated he thought they had decided there would be Mayoral appointments subject to confirmation by the Aldermen.

Chairman Pappas stated they had not agreed but had some sort of consensus.

Commissioner Lopez stated he wished to discuss that again.

Commissioner Sullivan stated this was the commission appointments being discussed, the Mayor would nominate the commission appointments and the Aldermen would have to approve it, and if the Mayor did not bring a position forward within ninety days, then the Aldermen would have the right to bring a name forward, sort of a stronger Mayor and Aldermen form of government.

Commissioner Lopez stated that he agreed to that extent, but if they were to go to a non partisan election, he would totally agree with that, but to make a decision to draft that then come back with the same process, with Democrats and Republicans, he would change his mind.

Commissioner Dolman clarified that they agreed the Mayor would make the appointments but had not come to any agreements on the makeup of the commission, so even if they went along with the Mayoral appointments, they could still specify that there be a certain amount of Democrats and Republicans.

Commissioner Lopez stated they could take that one element and go right down the line, it was a major element, because what they decided to do at the top would affect everything else.

Commissioner Sullivan stated the big issues were partisan, non-partisan, term limits for mayor and aldermen, salary of the Mayor, and length of terms.

Commissioner Cook stated from the testimony he had heard, if the terms were extended from two to four years, there should be term limits.

Commissioner Shaw stated the Mayor should be able to hire but should only be able to fire for cause, which would have to be proven, any hiring or firing should have to be done by final vote of the aldermen, and if the Mayor hired department heads, the section of the charter regarding terms to department heads should be looked at, he though it was wrong for a person to think he had a job for six years and when the administration changed, this person would lose his job for no reason other than his time was up, they should be making a charter that was fair, the Mayor should have to prove his point in order to get rid of someone.

Commissioner Cook stated he did not agree, he would like to see a situation that had checks and balances, to fire someone for cause did not mean there was a reason, it meant only that the person firing had a reason to think the fired person did something wrong, getting the best government possible where everyone got along, with the best expertise possible, was not cause. The Aldermen should have the power to veto the decision to get rid of a department head.

Chairman Pappas addressed partisan, non-partisan elections.

Commissioner Shaw stated he was for partisan.

Commissioner Cook stated he was for non-partisan.

Commissioner Dolman stated he was undecided.

Commissioner Sullivan stated when she asked a question "what was the difference between the Democratic and Republican vision" the only thing anyone could say was a revenue policy. What the issue should be for local government should be what the vision was for the City, to have the best school system, to rejuvenate downtown, those were the issues that should be dealt with and they were not partisan issues, the problem within the City in the last few years was how political the BMA had become, how decisions were becoming Republican and Democrat, it was ridiculous in a City this size to have the politics it did.

Chairman Pappas stated Manchester was the last City in the State to have partisan elections.

Commissioner Stephen stated he felt it worked in the School Board, and no one had convinced him that there was any justifiable reason to have partisan elections, Commissioner Sullivan's discussion with the Republican Chairman explained that, he did not convince in a rational fashion why there should be partisan local elections.

Commissioner Dolman stated he was leaning towards non-partisan, but wanted to do more research and speak to more people before deciding that, as for term limits, for the most part people do make their choices and vote, there had been a turnaround for the most part in every election. He favored term limits for commissioners because they were appointed, what he had heard from public participation meetings was there were the same people all the time on the commissions, maybe there should be some length of time for them.

Commissioner Shaw stated he thought non-partisan would produce a whole board of directors who were little league coaches, that because they were so popular they could run a government of 100,000 people, in the partisan process, people needed to be more defined on what they stood for, partisan elections produced far better aldermen than school board members, school board members were the lowest common denominator, it was nothing more than a popularity contest within wards, it was not party driven. He did not favor partisan elections for school boards, and did not favor school boards.

Commissioner Sullivan stated there was a non-partisan election for this commission which was impressive as a group of well meaning, well intentioned, intelligent people who prepare for the meetings and look at things seriously.

Commissioner Shaw stated there were not the same number of people turning out per ward, ward 1 was the most vocal.

Commissioner Baines stated parties pulled people in strange directions, there were no parties pulling people in different directions on this commission.

Commissioner Stephen stated he believed non-partisan elections would involve more people in the City, more independent minded people who did not associate themselves with political parties getting involved in the process who were now inhibited by the politicalization of the process, and there would not be all the bickering there was now because aldermen so-and-so was a Democrat and this alderman was a Republican, maybe there would be more bickering about what was good for the City.

Commissioner Lopez stated Commissioner Shaw was non-partisan because he had been both a Democrat and a Republican. He had done some research that showed over the past ten years more and more people have changed to independent from the Democratic and Republican parties, and Commissioner Stephen was right, people did not want to get into the political process because the pressure was too much. He believed that the City needed to move forward and from watching the votes of the present aldermen, it seemed to be political pressure deciding the votes, not what would be good for the City. After going non-partisan, at first the label would still be there but research showed it would eventually go away.

Commissioner Shaw stated that under non-partisan elections the City had stagnated under the directorship of one Mayor, and since going to partisan elections, had stirred the soup many times with different philosophies and different people stepping into office. Non partisan would produce nothing.

Commissioner Dolman stated that the commission was making some valuable points but after being an alderman, and there were probably times he had voted along party lines from pressure, but for the most part, people vote as an independent person,

many times he had voted against what Alderman Cashin wanted as leader of the Democrats on the Board, many times he had voted against what the Republicans wanted, and he felt that for the most part, the issue at hand took precedence over party affiliations.

Commissioner Sullivan stated she wished the same could be said of all Aldermen, because there were some that would vote, right or wrong, with the Mayor all the time. She believed that the non-partisan election took away some of the pressure, after sitting through a focus group when Judy Reardon was considering running for Mayor, there were various parties that were brought in to talk about Manchester issues and the Board of Mayor and Aldermen, and it was sad to see a cross section of Manchester residents who said they had watched the Board of Mayor and Aldermen on channel 40 and thought it was a joke, that was a sad commentary on the City of Manchester, when they could see what was going on how much of it seemed to be political, not driven by the big picture, the best interest of the City of Manchester, if she had a choice, she would tear up the Charter and have a City Manager, and at large elections for all Aldermen. Non partisan elections make a statement to the citizens that elected the Charter Commission that they were looking at the big picture for the City of Manchester, to cast aside the politics and see what is best for the City.

Commissioner Cook stated the reason he would like to see non-partisan elections was not because he thought the first election after the change people would not know what party an Alderman belonged to, but there were a lot of people in the City who would like to serve the City but did not want to get involved in Ward politics in their party, who did not want to put up with that nonsense, but would like to get the best Board of Aldermen possible.

Commissioner Baines stated he was leaning toward non-partisan also because elections would be based on the quality of the people and not the party they represent, and thought non-partisan elections would be well received by the public.

Commissioner Stephen stated that when the newspaper listed the Charter candidates qualifications, they also asked for party affiliation, some candidates provided the information and some did not, he believed that the public looked at the quality of the candidate rather than the party affiliation.

Commissioner Shaw stated he did not vote in the Charter Commission election because he thought there were too many candidates to choose from, and because of the way the media structured things in the City, that the proper idea of what people stood for, some voters went to the polls and shot bullets (one candidate), if the goal of the Charter Commission was to improve the quality of people who run for office, there would need to be two changes made, one; hold the primary in June with the main election held in November, second; Aldermen should be required to meet at 3:00 in the afternoon. That would improve the type of people that would run.

Commissioner Dolman stated part of the problem they were blaming the parties for was the leadership sitting in the Mayor's office and on the Board itself, he was leaning towards non-partisan.

Mr. Groulx stated that traditionally during a non-partisan election, if a candidate received 50% + 1, there was no need to go to the general election, the runoffs happened when there was a plurality, in the State of Massachusetts there were only two locations that still had partisan elections.

Commissioner Cook stated the turnout in a primary for Aldermen was generally much smaller than the turnout in a general election, one of the problems with non-partisan elections was in cities that had well generated political parties, had a tendency to show a lower turnout.

Commissioner Stephen asked Commissioner Shaw if the constitution of the United States listed the times for meetings for the Senate and Congress. He wanted to ask if there was a way it could be proposed to the voters at the election to approve or disapprove the Charter, to vote either one system or another.

The rest of the commissioners present disagreed with the idea of proposing partisan, non-partisan to voters.

Commissioner Baines summarized the decisions thus far; keep the commissions, function as a board of directors, mayoral appointment for the commissioners, concept of 90 days with the authority to revert to the Aldermen, non-partisan elections, and they still needed to look at terms and length of terms.

Commissioner Cook asked about the holdover status.

Commissioner Dolman stated that it was discussed at one point in time that this kind of problem would be handled similar to what the vacancy solution was, that if someone was on holdover and went past ninety days, the mayor could try to make a selection and if the mayor did nothing the Aldermen could nominate someone.

Commissioner Cook stated he believed that when the term was up, it should be up, and the position should be vacant.

Commissioner Lopez suggested the stipulation "a commissioner shall continue to serve another term unless replaced in ninety days after a term had expired, upon replacing a commissioner a vote of the Mayor and Board of Aldermen must take place within 90 days".

Commissioner Sullivan stated she did not believe in clauses that set those types of time limits, because people forget or there was other pressing business and then the time limit passed, however she felt the City needed a procedure so that people did not get stuck in holdover status. She suggested something like if the Mayor did not nominate within 90 days the Aldermen could nominate someone.

Discussion ensued regarding the nomination process and the rules regarding same.

Commissioner Sullivan stated it was appalling to her that the City had gone this length of time without a City Coordinator, which if it was done correctly, could be one of the most important jobs in the City, if it was defined correctly.

Commissioner Baines asked Commissioner Cook if he could draft something for the commission regarding the holdover and nominations.

Discussion ensued regarding what subject to cover next, terms for office of commissioners, etc.

Chairman Pappas suggested they discuss the Mayor's term and rate of pay.

Commissioner Lopez explained the present pay system in place for the Mayor.

Commissioner Sullivan stated she believed the Mayor's salary should be increased because it would attract a better quality of mayoral candidate.

Commissioner Shaw stated he believed the correct amount to pay the mayor should be 90% of the governor's salary.

Commissioner Stephen stated he would like to find out how much the mayor's of other areas were paid, in New Hampshire and other states.

Commissioner Cook stated Commissioner Shaw's statement was a good one, the mayor's salary was too low, in order to attract quality people to the mayor's office the salary needed to be raised, and the Board of Mayor and Aldermen should set the salary every two years for the mayor coming into office and that salary would not be less than whatever criteria decided upon to determine it.

Commissioner Lopez stated if they went on the average pay grade for 16 years of service in the City, it would come out to $53,000 per year, which was too low.

Commissioner Dolman stated that they seem to have come to a consensus that the mayor's salary needed to be increased and they now had to work out the wording and particulars.

The commission took up the subject of terms and term limits at this point.

Commissioner Dolman stated he believed the two year terms were effective for the Aldermen because they had to go back to the public to get reelected, if longer terms were to be given, terms limits should be set.

Commissioner Baines stated he supported a four year term for mayor, but felt the commission should look at the configuration of the Aldermanic Board, possibly at large, or staggered terms. If the salary for the mayor was increased, which would attract better candidates, they should be given a four year term, if someone was willing to step out of the private sector to be mayor, it would be an incentive to do so.

Commissioner Stephen asked what would be stated in the Charter regarding the powers and duties of the mayor, because that would make a difference in what he decided regarding two or four year terms. He believed in a stronger mayor form of government.

Commissioner Cook stated he thought what they were saying was to keep the citizens involved but the mayor should have the line authority within the bounds of discretion and with checks, personnel authority to direct the City and run it, but not run amuck in it, so when the drafting committee began working on it, the language as it presently reads to be given some fact and some oomph.

Commissioner Stephen asked if the commission issued it's advisory decision as a board of directors, would the mayor, under the suggested system, have any say in what happened at that level.

Commissioner Cook answered they do now, if the Airport Authority were to say tomorrow that they were going to put a runway and cut down trees in ward 8, if the Parks and Recreation Department decided they were not going to charge for something and the Mayor and Aldermen said they were going to charge for it, the Parks & Rec would have to abide by the Mayor and Aldermen's decision.

Commissioner Stephen asked if the Mayor could, on his own, individually, if for example, the Highway Dept. had to decide whether to pave MTA parking lot, and Highway said yes, but the Mayor did not think they should pave the parking lot, would he have to convince the Aldermen.

Commissioner Baines answered yes, if the Aldermen wanted to micromanage to that point, they had the authority to do so.

Commissioner Shaw stated he would be for four year terms if the limit was two terms maximum.

Commissioner Lopez stated he had no problem with that but the survey he had done with people who were not in the system indicated they liked the idea of a two year term.

Commissioner Sullivan stated she would probably support keeping the two year terms.

Commissioner Shaw suggested four year terms for Aldermen, with six having to come up for re-election every two years, so as to change the composition of the Board.

Commissioner Cook stated he was unsure whether he would favor imposing term limits on the Aldermen, but would support term limits for the Mayor.

Commissioner Lopez asked Mr. Groulx for his input on term limits.

Mr. Groulx answered the only City with term limits were Claremont, but some municipalities in other areas had term limits.

Discussion ensued regarding term limits.

Commissioner Shaw asked if anyone had thought of four year terms with a recall provision.

Brief discussion ensued regarding the recall provision.

Commissioner Shaw stated she withdrew the notion of a recall provision.

Commissioner Lopez asked if they should continue to call the Board Aldermen, or call them by some other name.

It was generally agreed to keep the name Aldermen.

Discussion ensued regarding a meeting that was being planned for the drafting committee.

On motion of Commissioner Lopez, duly seconded by Commissioner Sullivan, it was voted to approve the presence of Tony Simon at the drafting committee meeting.

On motion of Commissioner Cook, duly seconded by Commissioner Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Commission

CHARTER REVIEW COMMISSION

MAY 21, 1996 **5:30 PM**

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll.

Present: Commissioners Pappas, Baines, Lopez, Shaw, Stephen, Sullivan

Mssrs. : John Groulx

Chairman Pappas addressed item 3 of the agenda:

Work session relative to information received to date.

Chairman Pappas asked the drafting committee to report on their work.

Commissioner Baines stated on Saturday the drafting committee made it through page 22, issues regarding runoff elections, and the wording to deal with that process, certain parts still needed to be resolved especially regarding Commissioners, term length, appointment process, holdover status, etc. The other item discussed was section 3.23 regarding city officers, what they had asked for was research and possibly legal opinions to look at the issue of whether the City Clerk could be appointed by the Mayor, or whether it had to be from the Aldermen as a "body politic".

Mr. Groulx stated he found a reference to an act establishing a board of police commissioners in 1893.

Shaw stated it was modified after that.

Mr. Groulx stated they had a referendum in 1975 regarding the Mayor appointing the Commission with approval of the council.

Comms. Baines stated the other issue was the City Solicitor, whether it was a required position under statute or could there be some other option for the City to look at other means of providing that service if the City chose to do so. In going through the issue of city officers the drafting committee though it would be interesting to get that information, and whether certain positions were required by statute, for example, deputy city clerks, did that have to be listed as a city officer, or was it something done through the charter or a State requirement.

Mr. Groulx stated the Board of Health was established by act of legislature.

Baines stated the drafting committee figured they would need to be aligned with what the State Statute required so that the Charter would actually say what it meant.

Commissioner Shaw stated he did not understand the Section 8.13 titled Special Acts, to him special acts meant legislative acts, "inconsistent with the provisions of this Charter are repealed to the extent of such inconsistency", how would a City say that special acts in Concord do not count.

Commissioner Sullivan stated she though they needed to ask Tony Simon about that, it was possible that some of the special legislation may have said that the City of Manchester, through its charter, could change certain things, or maybe some of them do not, maybe given the fact that the City had home rule, and have the ability to have our own charter, permits the City to do so.

Commissioner Shaw stated it may be that a lot of the stuff being talked about had been repealed.

Commissioner Baines stated another part of the drafting committee's discussion on Saturday was the issue of the School District, based upon Kevin Clougherty's testimony. He had never understood how Steve Dolman, or someone in the same position, could become an Alderman despite the fact that the Charter said that could not occur, it went back to a Superior Court decision that said they could serve because it was a School "District" that they worked for rather than the City, so there

was a precedent out there that was not challenged or appealed, it brought into question the authority of the Aldermen to set up a separate budget for athletics, it appeared they probably did not have the authority even though the School Committee seemed to have accepted it, the fact that the Finance Department duplicated everything that the financial unit at the School District did, he was not sure where they got the authority to do that because it was a School District, the Charter was very clear and stated that the School District represented whatever laws pertain to School Districts that were in force at the time the Charter was adopted. He felt it was a major issue to clarify in the charter that issue.

Commissioner Shaw asked the commissioners what they thought of the Aldermen having a special budget over and above.

Commissioner Baines answered politically it was probably a valid issue because it took it out of the debates, like discussions of budgets, historically in communities where budgets were under scrutiny at the school district level, it was very easy for a school district to rationalize cutting athletics and some of those programs, which every one agreed were important, therefore if the athletic budget was separate, it stayed out of discussion, so politically it was probably a wise thing, but legally it appeared that the Aldermen did not have the authority to do that.

Commissioner Shaw asked would it be wise to have in the Charter that athletics could be funded separately.
Commissioner Baines answered he though they could probably not do that because of the State statutes that define what the School District was and how it was responsible for its own finances.

Commissioner Shaw asked were athletics something the school had to provide.

Commissioner Baines answered no, absolutely not.

Commissioner Shaw stated if they do not put it in there, somewhere down the road athletics would disappear.

Commissioner Baines answered as long as the School Committee was going to accept that arrangement.

Commissioner Sullivan stated under State law, the city or any municipality was supposed to provide adequate funding for the schools, if the athletic budget was taken out of the school budget then one of the things that a municipality could not claim was that it was part of the academic funding, she felt the school board made a terrible mistake in not challenging the BMA on the budget they could give the school district as being inadequate, it had been done in Laconia once, the Supreme Court held that the school district had the authority to sue the city council for failing to provide...

Commissioner Shaw stated they believe that too, even in Manchester the School Board could sue the council.

Commissioner Sullivan stated that it had not happened, but by removing the athletic budget it was taken out of that whole issue, the other thing was what happened was in Manchester, like in many municipalities, the football budget could not be touched, the Booster Clubs raised a lot of money for athletics in Manchester, but did not know how much in comparison to donations for academics. She felt if the school athletic budget went back into the school district and the budget was cut, there would probably be some private money that would step up.

Commissioner Shaw asked should a community rely on charity to fund its athletics.

Commissioner Baines stated that history of that issue was exactly what happened, maybe around Commissioner Shaw's term as mayor, where there were some drastic cuts in the school district budget and some auto dealerships stepped forward and began raffles and things like that which developed into inequities, for example if there was an overzealous booster club at a high school, they could raise all the money necessary for the athletic teams where it might not exist at the other high schools, therefore the whole issue was revisited, he though that was how the separate budget came about.

Commissioner Shaw stated that was before his time.

Commissioner Baines stated it was a very difficult issue, he did not know how the commission could get at it, they would need some advice, the same with the water works, so that the wording in the charter would reflect the actuality of the situation.

Commissioner Lopez asked what the drafting committee had come up with in regard to teachers serving as aldermen.

Commissioner Baines stated based upon what they heard on Saturday there was a Supreme Court decision which allowed it.

Commissioner Shaw stated yes but it could be rewritten to stop it.

Commissioner Stephen stated he would be speaking to Tom Clark about that issue, he looked at that case again and though it was one that could be distinguished in this city because in our city the aldermen could have the final say on the budget, in that case, the City of Rochester did not have the final say on the budget...

Commissioner Sullivan stated she was confused, were they talking about the case that permitted...

Commissioner Stephen stated the Rochester case was the Supreme Court case, the precedent setting case, the McDonough case never went to the Supreme Court, and the City Solicitor was of the position that the Rochester case was much different than the situation we had here, because he felt here the control that the aldermen have over the school budget was much different and the school district in Rochester was more autonomous.

Commissioner Baines stated he felt the way the mayor and council controlled the budget in Rochester was the same as in Manchester.

Commissioner Stephen he would check on it.

Commissioner Shaw asked if there were a thousand teachers and all of them lived in Manchester, would they all be denied the right to serve on the aldermanic board, was that what the citizens wanted.

Commissioner Pappas answered it did not sound right.

Commissioner Shaw stated he did not think it came down to them voting on their salaries, but in general people did not want city employees to serve on the board.

Commissioner Baines stated they elect them.

Commissioner Lopez asked what about city employees, they were not allowed to serve.

Commissioner Baines stated a city employee could be on the school board. This was where they would get in to the debate on some of the legal issues, a Highway Department worker could serve on the school board, the charter prohibited a school district employee from serving on the Board of Mayor and Aldermen but there was a court decision that overturned that provision.

Commissioner Shaw stated but a city employee was still denied the right to run for school board.

Mr. Groulx stated RSA 671.18 talked about the aldermen serving on the school board "to become a candidate for any school district office a person must be registered to vote, no person holding the office of member of the school board shall at the same time hold the office of district moderator, treasurer, or auditor, no person employed on a salaried basis by a school administrative unit or by any school district within a school administrative unit shall be a school board member in any district of the school administration, salaried positions shall include but are not limited to the following: teacher, custodian, administrator, secretary, school bus driver, school lunch worker and teacher's aid".

Commissioner Shaw asked but can a Highway worker serve on the school board.

Commissioner Sullivan stated she thought anyone who was a resident of Manchester should be able to run for any office they want to no matter who they work for.

Commissioner Shaw stated that was a good point but it was not in the Charter.

Commissioner Sullivan stated she felt to the extent that they do not have to limit it, her position would be that they should not limit the categories of people who could run for office unless required to do so by state statute.

Commissioner Baines stated Section 805 Incompatibility "no compensated city employee including a certificated or non-certificated employee of the school department, shall be on the Board of Mayor and Aldermen nor the School Committee".

Commissioner Shaw stated it was something to do with the words "district" and "department".

Commissioner Stephen stated there was a statute with almost the same words as the section of the Charter except it stated "no compensated city employee, except school district officers, shall..." so it specifically exempted school district officers.

Commissioner Shaw stated either we do not want people who were paid a check by the taxpayers of the City of Manchester to serve on these two bodies, or we should allow it, one or the other.

Commissioner Lopez stated the only problem he had was if a school teacher could be an alderman, then a City employee should be able to be an alderman too.

Commissioner Sullivan stated but the statutes do not allow it.

Commissioner Stephen stated a city employee, by state statute, could not serve as a member of the Board of Mayor and Aldermen.

Commissioner Baines stated but they could serve on the Board of School Committee.

Mr. Groulx stated he thought it was the delineation because if it was a completely separate school district with its own taxing authority, then as a highway worker, you would be in a whole new ball game being on the school district, vice versa, if you were a school teacher and you were on the aldermen, because they were completely separate taxing authorities...

Commissioner Sullivan stated Commissioner Stephen was going to speak to Tom Clark, or have Tony Simon tell the Commission, based on the statutes, exactly what could and could not be done on this issue, because they could talk about no

limitations forever but if State law did not provide for it, there was no sense talking about it.

Commissioner Shaw stated what if State law allowed it but the City did not want it.

Commissioner Sullivan stated she did not think they should limit any category of any citizen of the City of Manchester from running for office.

Commissioner Baines stated he did not believe that a city employee should be allowed to be on the Board of Mayor and Aldermen, neither should a teacher or principal be on the School Board, it was a conflict of interest to do that, same for a city employee to be on the Board of Mayor and Aldermen, in the issue of the school district, all the Aldermen do was vote on the bottom line, they did not vote once the money was turned over to the School Committee, they no longer had jurisdiction over what was done.

Commissioner Shaw stated in past practice, whatever the teachers get would be passed on to the department.

Commissioner Baines stated the Aldermen historically voted on contracts, but that was not required, and they really should not vote on contracts.

Commissioner Shaw agreed.

Commissioner Baines stated when you take all of that out of there, there really was not a lot of conflicts, we had made conflicts by practice.

Commissioner Stephen stated he would call Tom Clark and get an answer on this issue for tomorrow night.

Commissioner Lopez stated a while ago, the commission said whatever they put in the Charter, and shipped it up there to the Secretary of State, if they allow it, where do we stand.

Commissioner Baines stated they should get some legal counsel and suggestions for language.

Brief discussion ensued regarding city employees who may have run for office in the past.

Commissioner Baines stated in Sec. 3.22 Department of Welfare, they needed to discuss whether the Commissioner of Welfare should be elected or appointed.

Commissioner Sullivan stated it was her recollection that there had not been a lot of support for going to an appointed position, Commissioner Cook faxed his comments and he believed that Welfare should be elected.

Commissioner Baines stated he supported elected because it maintained some independence in an area where independence was needed, in protecting the most fragile amongst us, unless there was a person who was independently elected, those people would not have the voice they now have.

Commissioner Stephen stated Commissioner Sullivan had brought up a point that there may be a state statute that said it had to be appointed, they would have to check into that.

Commissioner Baines stated another issue that was discussed was the fact that if a person wanted to be an assessor, they had to go out and campaign for the job to get the most votes for it, or if there was an opening for a department head, he felt the City would be more responsible for its citizenry if there were specific qualifications for every department with a strong Human Resources department that was responsible for recruiting and people applying through some sort of process, that at least removed itself somewhat from the politics.

Commissioner Shaw stated but the State operated that way, you would need three votes to win a State position on the executive council, the real point was the qualifications, the Mayor would have the right to appoint people, but there should be a process where it could be determined if that person had the proper qualifications.

Commissioner Stephen stated he did not know how everyone felt about the merit pay provisions but he was in favor of it, he looked at the RSA and felt the statute was a good one, and they should consider whether to put that into the Charter, one

of the things it said was to leave it up to the Board of Mayor and Aldermen, through an ordinance, within 9 months of the adoption of the Charter, the BMA shall adopt a merit plan, which would take into account promotions based upon qualifications, and it would list the qualifications, they could take that and come out with an ordinance, the Commission could write something up to mandate within 9 months they come up with some type of administrative code, Concord had an administrative code, in it would be the ordinance for qualifications for department heads.

Commissioner Sullivan asked what the impact of any collective bargaining agreements would be in terms of having a merit pay system adopted, they would need to be careful in the wording.

Commissioner Shaw stated there were job descriptions for people presently appointed, the question would be when the Mayor made nominations for those positions, were job descriptions required, assessors were not appointed based on job description.

Chairman Pappas asked are you saying some departments have job descriptions and others do not.

Commissioner Shaw answered any that have commissions have job descriptions, commissioners must appoint people based on the job descriptions.

Commissioner Lopez stated he had looked into the assessors a lot because he was curious about a department head, and the three people they had was a good system, because you would not want a department head telling two other people what to do, they must act as a board, that was under state statute, the job description they have was written back in 1968 or in the 1970's for all department heads, they all had job descriptions that were mandated to provide those to personnel, and it was accepted for the city assessors as well as parks and recreation or anyone else. The interesting thing about the assessors was the three people acting as a board versus a department, they were not a department, they only act as a department as three.

Commissioner Shaw stated they were a department for most of their work, they act as a department that keeps records and answers concerns of citizens and provides data to people, they act as a board only when setting rates to assess value, a good

example of the aldermen not being concerned about job descriptions or one even being written for the position would be the City Clerk's position, it was strictly 7 votes, 8 preferred because the Mayor could veto 7, not to criticize anyone who had the job, but the Mayor goes in under our system he could appoint anyone he wished if he could get 8 votes.

Commissioner Baines stated to clarify look at page 11, section 319, appointment of Department Heads, we had agreed on this wording "the department heads shall be nominated, based upon merit and qualifications, by the Mayor subject to confirmation by the Board of Mayor and Aldermen."

Commissioner Lopez stated we have not reached an agreement on eliminating commissioners.

Commissioner Baines stated no, they had been talking about Mayoral appointments of the commissions, they had reached a consensus that the commissions shall remain, and discussed making some things universal, for example under Section 307-308, there had been talk of striking 307 totally and putting some general statements in there about appointments by the Mayor that would reflect standardized appointments for all commissions that would take place at the same time.

Chairman Pappas stated they should also have qualifications.

Commissioner Stephen stated he strongly felt that they needed to add something that said when promotions come up within the department they be given by merit, the language used in the Concord Charter was qualifications based upon skill and training, and a few other things that could be used in Manchester's Charter.

Commissioner Lopez asked how the process was going to work as far as the drafting committee.

Mr. Groulx stated the draft was being scanned at Commissioner Cook's office and was not ready yet.

Commissioner Baines answered the draft would be kept on a database at Commissioner Cook's office, when it was done, some of the commissioners would

work with the staff at that office to strike out things that were being recommended and bring it before the committee section by section, with a before and after copy for comparison.

Commissioner Pappas stated they should begin voting on the changes soon.

Commissioner Lopez stated you're going to eliminate 307.

Commissioner Baines stated they were looking at some general wording dealing with all commissions.

Commissioner Lopez asked if the drafting committee had decided on whether the departments would still be listed in the charter.

Commissioner Baines answered yes, list all departments and offices, with discussion about how they should be listed.

Commissioner Shaw stated eliminate the descriptions, they were not necessary.

Commissioner Lopez stated in 301 it was indicated to eliminate all these departments, he wondered how that would be done, through the budget process or non-budget process, secondly, by not listing some of the departments, maybe some of them, just by being given a general statement that they could consolidate, maybe some of them should have asterisks next to them to show they can't consolidate.

Commissioner Baines stated they wanted to find out, by statute, what departments or offices were required.

Commissioner Sullivan stated for example, City Clerk was a statutory requirement, they were saying in the charter that in exercising the power to consolidate, for example "the Board of Mayor and Aldermen may not abolish any department established or in existence at the time of this Charter" and then list them, "except upon approval of 8 or more Aldermen". By being listed everyone knows on the day the new revisions are adopted what departments there are and what departments would require a vote of 8 Aldermen for consolidation or liquidation.

Commissioner Lopez asked if there would be any exceptions to the rule.

Commissioner Sullivan answered there may be exceptions as part of this, for example the City Clerk, Tax Collector, there had to be certain offices that could not be eliminated.

Commissioner Shaw stated the Board should be able to decide how to run the City, if grass could be cut automatically at 2:00 am by some mysterious method and as a result, we no longer needed Parks Department, the Aldermen should be able to eliminate Parks.

Commissioner Lopez stated he had no problem with certain departments but did not think one man should have the authority to cut.

Commss. Shaw and Sullivan answered it was not one, it was nine men and women.

Commissioner Baines stated there would have to be nine, and the reason they did not say 2/3 was because 2/3 could be interpreted differently, as in 2/3 of those present.

Commissioner Lopez stated for the sake of discussion, he was concerned that the Finance would be given the authority over tax, and/or assessors, that would not be right, because there had to be some sort of checks and balances.

Commissioner Stephen stated that the city departments, if they knew there was some chance that they may be consolidated, then each employee would work harder so that they don't get consolidated.

Commissioner Sullivan stated that's too bad if that happens because there were a lot of things she would like to see happen in the Charter that would not happen realistically, such as all at-large aldermen, a city manager, it would never pass, if the city employees decide to dupe this process base on their own short sighted motivations, even though it would be in the best interest of the city as a whole, that's too bad, and we would have spent a lot of time here in a noble but unsuccessful cause, but at least they could feel that they came up with something that was best for the City. In regard to the tax collector, under state statute, whoever the tax

collector is, would always have certain statutory powers and duties that the Finance Director could never take from them. The Finance Director, could not tell the tax collector to let someone not pay their taxes, it had been done in other municipalities like Nashua, who had a Finance Department, also a Community Development office that had Planning, Zoning and Building in one place, which was a good idea, it seemed to work okay, however the person in charge of Community Development could not go tell the building inspector to issue a building permit if it did not comply with the code.

Commissioner Lopez stated he agreed with Commissioner Sullivan, but what he was saying was if a department head was reporting to the Board of Mayor and Aldermen, and it happens so many times here, even with the official audit that was given to the City Assessors and the Tax Collectors offices, that information in that audit was given to the Finance Officer and it was reported to the Board of Mayor and Aldermen, and it was not correct information, and its public record, Paul Porter had to go before the Board and explain his position, and got the auditor to agree that they were wrong, the key element in anything was, there were twelve people sitting around there, and a department head telling the Board something that might not be true or misunderstood because of a lack of communication.

Commissioner Shaw stated he was hoping when they were finished here the Finance Director would be quite surprised, as he testified the other day, the more he testified the more it came to his attention that the commission would not want him to run the City of Manchester, but he read the old charter that way, that he runs the City.

Commissioner Sullivan stated they could not design the charter around one individual in office right now.

Commissioner Shaw stated they can make it clearer who is in charge.

Commissioner Baines asked them to look at section 3.01, "in addition to departments listed in this article, the Board of Mayor and Aldermen may establish by ordinance such other departments as may be needed to meet the future needs of the city and shall describe their functions. The Board of Mayor and Aldermen shall have the power to define the scope and extent of city departments which are now or hereafter may be established. Pursuant to this power, the Board may consolidate

similar functions performed by several departments in one or more departments, may transfer functions from one department to another, and in the interest of economy or efficiency or in keeping with good business practice may order a reorganization of departmental responsibilities" did the next statement contradict everything this section just said? It was bizarre that the charter commission back then said they could do everything the present commission was saying, but then threw in that last statement that prevented them from doing what they had been given power to do.

Commissioner Stephen stated he felt the reason for that might have been because maybe in the future there would be more departments.

Commissioner Lopez stated on many occasions they had consolidated functions.

Commissioner Baines stated he believed that in order for a government to function, you had to give power to the elected people.

Brief discussion regarding consolidations.

Commissioner Shaw stated he was not clear why the city had officers, was there a state requirement to have officers, he thought the city had departments, but did not realize the city also had officers, if they were not required to have officers he felt the city should just have departments.

Commissioner Sullivan stated in the case of certain positions such as the City Clerk, perhaps the City Solicitor, the concept of a city officer is someone who had certain duties, functions, abilities, responsibilities, that are somewhat independent of the Aldermen and Mayor, the city was a municipal corporation and as with any corporation there had to be officers, and especially in the case of the...

Commissioner Shaw asked what are the officers you might have?

Commissioner Sullivan answered president, secretary, treasurer may not be mandatory, the Clerk's position was like that of the corporate secretary, you need to have an officer who has the authority or responsibility to certify certain actions or documents of the City, which was part of the Clerk's function, a lot of it was

semantic, what should be looked at was whether there were certain positions, like the Clerk or Solicitor, that should be vested with some air of independent authority apart from the Board of Mayor and Aldermen because of the importance of that position.

Commissioner Shaw asked, how are they appointed, by the body itself.

Commissioner Sullivan stated they would be appointed the same way as the department head itself.

Discussion ensued regarding the functions of the Finance Department.

Commissioner Baines stated they had a copy of the Charter from Lewiston, Maine, which stated "whenever there was a vacancy of sixty days or more in any office created under this charter requiring appointment by the Mayor, such appointment shall be made by order of the city council and not the Mayor".

Commissioner Sullivan stated she thought what had happened was in the charter, the previous commission had tried to set up what is a traditional corporate system which is secretary, which is the Clerk, a treasurer, which is the Finance Officer, a general counsel, which is the Solicitor, and the Coordinator, as sort of a quasi president, and the Board of Mayor and Aldermen as the CEO and Board of Directors.

Commissioner Baines stated another issue that needed to be resolved was consensus so they could work some more with the wording, are two and four year terms.

Brief discussion ensued regarding terms, at large, expense of running for office.

Commissioner Baines asked if they would want to consider expanding the wards from 12 to 14, or more, he felt if they were going to go with at-large, they would need to have 14 or 15 aldermen.

Commissioner Sullivan stated that Commissioner Cook had written his opinion, which was 2 city wide elected added to the 12 wards, and Sullivans position was that they should all be at-large, however, because that would probably not happen, 2 or 3 at large would be acceptable.

Commissioner Baines stated he believed the City was beginning to transcend the east side/west side issues.

Commissioner Lopez stated he felt the non-partisan election was going to cover the City, getting more people on the Board was just going to throw everything into disarray, with two or three people fighting for the City and twelve fighting for their ward. He believed in two year non partisan election.

Commissioner Shaw stated there would be four aldermen in ward 1.

Commissioner Sullivan stated that did not happen on this commission.

Commissioner Shaw stated by coincidence.

Discussion ensued regarding election efforts for the charter commission.

Commissioner Shaw stated if there was at large elections for the whole city, over time it would be possible for ward 1 to get four aldermen.

Commissioner Baines stated he was leaning towards some sort of at-large configuration, and asked who was against at-large completely.

Commissioner Shaw stated he was against at large.

Commissioner Baines stated there seemed to be at least six commissioners leaning toward at-large.

Commissioner Shaw asked what were they trying to fix?

Commissioner Sullivan answered there was still some parochialism and ward bias in that there were situations in which some aldermen did vote not for the best interest of the city as a whole, but based upon their fear of not getting reelected, for example if an aldermen in a ward where a transfer station was proposed, even if the alderman though it was the best place for such a station, how likely was it that the alderman would support that location, because most of the voters in that ward were going to oppose it. That did not always happen, but the at-large aldermen could speak for the city as a whole.

Commissioner Shaw stated the first thing he learned as mayor was that certain aldermen felt it was their responsibility to be against certain things because of the voters in their ward, whatever, they expected from the other 11 that they would think of the issue in bigger terms, they have a sense amongst themselves on what is best for the City. The reason he did not favor at-large was that he felt it would solve no problems.

Commissioner Pappas asked if anyone had anything else to discuss.

Commissioner Lopez stated he wanted to hand out notes he had prepared outlining some of his ideas, such as outside legal counsel, enforcement of the City Charter, etc.

Brief discussion ensued regarding tax structure, the dump situation, and recycling.

Commissioner Lopez asked what about the decision regarding the Mayor's salary.

Commissioner Stephen stated he thought they should maybe put in a figure and let the Aldermen decide from then on, and the Mayor should be making at least as much if not more than the department heads.

Commissioner Sullivan stated not necessarily because the department heads were for the most part professional people, and the Mayor was a political position.

Commissioner Stephen stated but they were trying to make it not a political position by raising the pay to attract a more experience person for the office.

Discussion ensued regarding percentage of salary, whose salary the mayors should be higher and/or lower than, etc.

Commissioner Lopez stated Sylvio Dupuis's recommendation was that whatever is done with the salary should be done in increments, for the next three years, the salary would go up. In comparison to other elected officials, it should be more defined than saying the pay should be 90% of that of the Governor. He felt it should be grade 38 which was the highest pay grade in the city, approximately $61,000.00.

Discussion ensued regarding pay rates of mayors in other cities.

Commissioner Sullivan stated the only problem she had with using the pay grade was that by putting it in the charter, if the city pay structure changed, the charter would then have to be amended to provide for the mayor's salary. She would like to avoid putting specific dollar amounts in the charter because if it changed the charter would have to be amended.

Commissioner Shaw stated he believed the pay should be at least $70,000 for the mayor.

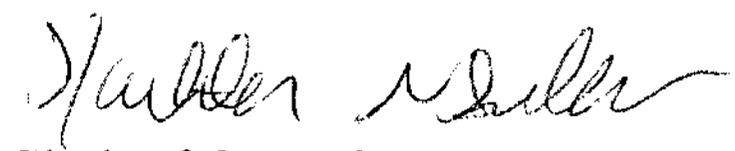
Commissioner Stephen stated he was surprised at Walter Stiles testimony, who stated he felt $70,000 was an appropriate number. He liked Commissioner Shaw's idea of 90% of the Governor's salary.

Commissioner Shaw stated the good thing about the Governor's salary was that it went up automatically if the state employees got a raise.

It was recommended refer the mayor's salary to the drafting committee for work.

There being no further business to come before the Charter Commission, on motion of Commissioner Sullivan, duly seconded by Commissioner Stephen, it was voted to adjourn.

A True Record. Attest.



Clerk of Committee