CHARTER REVIEW COMMISSION

May 22, 1996 5:30 P.M.

Commissioner Baines called the meeting to order.

Commissioner Stephen called the roll. There were six Commissioners present. Commissioner Sullivan arrived late.

PRESENT: Commissioners Baines, Cook, Lopez, Shaw, Stephen and Sullivan.

Commissioner Baines stated: Commissioner Pappas has indicated that she will be late for the meeting, she is up in Concord, and she will be here -

Commissioner Cook stated: And, Kathy Sullivan is at the Planning Board -

Commissioner Lopez stated: Just for the record - I know on three different occasions you asked for this information, and I wanted to give it to you because there has been some discussion about job description - I have a job description - as the Drafting Chairman, I would like to give that to you - All of the department heads and their job descriptions, okay? And, I also would like to pass on to this Commission - Discuss pay raises and that -

Commissioner Baines stated: Is there something that - Am I getting all of this, or - And you have the salaries at the top.

Commissioner Lopez stated: Right there is the salaries. Let me explain that to you.

Commissioner Baines stated: Here you go. So, we are looking now at a Department Head Job Specification and Salaries Report -

Commissioner Lopez stated: That is correct. The only thing we do not have is the complete job description of each department head, which I have given to the Drafting Chairman -

Commissioner Baines stated: Okay.

Commissioner Lopez stated: But I just - We talked about pay structure, and I just want to give it to you. I don't want to make a decision tonight, I wanted to give it to you so that you can see what is going to happen come 7/1/96 when all department heads, what their pay structures are going to be. And we have indicated that - We were talking about eighty percent, ninety percent of the governor's pay, so, I just wanted to give you all of the right information - I was dealing before off of 1989, and this is the updated version, the current salary and what is expected come 7/1/96. It is already approved by the Board of Mayor and Aldermen. And in the back you have the schedules of the wage table listing and the salary - weekly salaries listing of each grade, for your information.

Commissioner Baines stated: Thank you very much. And that will be very helpful as we get into that issue of the Mayor's salary.

Commissioner Cook stated: Yes, that is good.

Commissioner Baines stated: What I would like to do, just to start off the meeting, is that I have complied a list of unresolved issues. And I would like to get a working list going of unresolved issues, okay? Let me list them, and see if everybody agrees that these are unresolved issues. The incompatibility of officers issue, that relates to who can serve on the School Board, or who can serve on the Aldermen, and I guess, who can serve as a Commissioner, I guess - Unresolved issues - We all agree that that is one. The issue of two to four-year terms is unresolved. Terms of Commissioners and number of Commissioners is unresolved -

Commissioner Shaw stated: And the make-up of the body -

Commissioner Baines stated: - and composition. That is a good point.

Commissioner Shaw stated: Whether it should have a labor, I guess we decided

it should be [a] non-partisan Board, right?

Commissioner Baines stated: How we are going to list the City officers and departments is an issue. The statutory requirements of certain Boards is an unresolved issue. The date of finalization of the budget - whether it should be June 30th, or March 1st, or April, or May, or whatever, to allow more flexibility (inaudible) - whatever we decide, it is unresolved. Sick-leave provisions for non-affiliated in the Charter, whether that should remain or go out. The issue of the School District, what it is and what it means to - its relationship to the rest of the City. The issue of the Water Works, whether in fact the - Well, we know the Charter says something which it does not mean - or does not have the effect -

Commissioner Shaw stated: Might not be out - May not be listed.

Commissioner Baines stated: Right, it needs to be clarified. So that is unresolved. The Procurement Code, whether in fact that belongs in the Charter or not and some of the issues in the Procurement Code as it remains in the Charter. The Local Initiative Provision - I list that only because I am still confused about how we have a local initiative which would have been binding, when it says in the Charter that local initiative referendum type issues are advisory only - Still not clear on how, whether there is some State law that kicked in on the privatization issue of schools, you know, that that would have mandated to occur when the Charter says all votes are advisory - And the issue of salary of the Mayor. Now, I am sure there are others, and that if we could just build this list and then create a master list for future meetings so we can get this work done, I would appreciate it -

Commissioner Shaw stated: Well, to start with, I think you should divide the list into two parts. Those parts that we should be deciding, and those parts that need researchers to - whether a law or something - you know - is -

Commissioner Cook stated: The School District one, the Water Works one, there was one other -

Mr. Groulx stated: Water Works, School District, and Police Commission -

Commissioner Cook stated: We have - I am just trying to remember the things

we referred to.

Commissioner Shaw stated: No, but on your list - I just mean - The ones that you had there, there are some of them that we need to put a star - That we don't really, we can't do anything about -

Commissioner Baines stated: Okay. incompatibility of officers, we can deal with that issue.

Commissioner Cook stated: Yes, we can deal with that, yes.

Commissioner Baines stated: Two to four-year terms, that is us.

Commissioner Cook stated: We can deal with that.

Commissioner Baines stated: Terms of Commissioners, number of the Commissioners - Yes, we can deal with that. The list of City officers and department heads we can deal with. Statutory requirements, we need advice on. Okay. The date of finalization of the budget, we can agree on. Sick-leave provisions for non-affiliated - whether it stays in or out. The School District issue we need some advice on. Water Works (inaudible) - Procurement Code -

Commissioner Cook stated: Procurement Code the subcommittee is still working on. Kathy and I had a conversation about that -

Commissioner Baines stated: Okay, so that is our issue now. The Local Initiative Provision, which may or may not be an issue, it is an issue for me -

Commissioner Shaw stated: But you wanted to know why - Then you have to research that -

Commissioner Cook stated: Yes, that is research.

Commissioner Shaw stated: It is not something we need to decide, it is something we want -

Commissioner Cook stated: I mean, I have got, for an example, I have got no

problem with the thing that is in the Charter, but we should know if that is the exclusive remedy or not -

Commissioner Shaw stated: Well, do you want a different one, though, where it is mandatory?

Commissioner Baines stated: Right. Right. I mean we - And also the salary of the Mayor - Which is our issue - Now, any other "our issue" type things?

Commissioner Lopez stated: I would like to, maybe, put on the list there, outside legal counsel that we should deal with -

Commissioner Shaw stated: In the Charter?

Commissioner Lopez stated: In the Charter.

Commissioner Shaw stated: Why?

Commissioner Baines stated: City Solicitor issue?

Commissioner Lopez stated: Well, I want to talk about it - I gave you some paperwork last night on this -

Commissioner Baines stated: Yes, yes -

Commissioner Lopez stated: I gave it to some of the others - But -

Commissioner Shaw stated: Fine, I know what you mean, now.

Commissioner Baines stated: Because we did raise that as an issue -

Commissioner Lopez stated: It is an issue. Enforcement of the City Charter - Enforcement of the City Charter. No terms for department heads.

Commissioner Baines stated: We have -

Commissioner Shaw stated: But, doesn't that come back to the Mayor

(inaudible)? Have we resolved that, is the (inaudible). We never resolved all of the Mayor's powers and duties -

Commissioner Lopez stated: I don't think so -

Commissioner Baines stated: In terms of department heads. We do have some wording that we [are] work[ing] on that we will be prepared to bring to the Board on that, and we have suggested, in writing, that they serve at the pleasure of the Mayor, but they can only be removed by a vote of eight Aldermen, if we have twelve Aldermen. And that - We may fiddle with that wording -

Commissioner Lopez stated: Well, see what the Drafting -

Commissioner Baines stated: Right. So it - but that is an issue we have -

Commissioner Cook stated: I mean, everything is up in the air at the Drafting Committee - If we come back with the wrong wording, it -

Commissioner Baines stated: Changes what -

Commissioner Lopez stated: Now, the other one is whether a referendum question is non-binding or binding -

Commissioner Shaw stated: Well, that is a minority -

Commissioner Baines stated: That is a local initiative -

Commissioner Lopez stated: Okay, right. Maybe just some things that we should not have in the Charter, but make a recommendation list to the Board of Mayor and Aldermen -

Commissioner Cook stated: Okay, I think is a good point, because I think that things that we find in our process we might, you know, send them like a management letter on an audit -

Commissioner Baines stated: Yes -

Commissioner Cook stated: You know, we did not put these things in the Charter, but you guys ought to be concerned about the (inaudible). I think that is a good point.

Commissioner Baines stated: For example, we might be talking to them about developing an Ethics Code or something of that nature - No, actually, I am just joking.

Commissioner Stephen stated: We are going to develop an Ethics Code. The question is what we are going to have in it -

Commissioner Baines stated: Anything else, any Commissioners have any other things that we should -

Commissioner Stephen stated: Yes, I have a few things to - Did you talk about at-large? Because I don't know if we resolved that issue, that would seem to be a major one.

Commissioner Baines stated: That's right. At-large issue.

Commissioner Stephen stated: Yesterday we talked about that merit issue, I like the way - the language - But, I have written up something for you - for the Drafting Committee on merit of personal administration and you can just look at it and bring it to the meeting to make - to see if we want to put something like that - And this is very similar to 49-C with some - It is very similar. But in 49-C they talk about an administrative code. This more or less is not suggesting a code, but suggesting just that they put into effect - And I checked with Tom Clark on the collective bargaining question that Kathy Sullivan raised, and he indicated that it would conflict with the collective bargaining - But a collective bargaining agreed would out - would overrule it. And this would only apply to non-union employees without collective bargaining.

Commissioner Shaw stated: Why would you have something for a hundred employees and the rest -

Commissioner Stephen stated: I don't Bob, how many there are -

Commissioner Shaw stated: Well, say there were only a hundred that are not in a union, or two hundred that are not in a union -

Commissioner Stephen stated: See, I don't - I mean, I look at the Manchester Police Department -

Commissioner Shaw stated: They are all in the Union -

Commissioner Stephen stated: No, I don't think they are all in the Union - There is a lot -

Commissioner Shaw stated: Five or six -

Commissioner Stephen stated: Well, I would like to know how many employees are Union and how many non -

Commissioner Baines stated: See - Of course, collective bargaining becomes an issue that is covered by State statute, and - I know a number of states are now passing a law to restrict the laws in terms of collective bargaining for municipal employees and school district people and have started saying, "You can only negotiate over salary and fringe benefits, and those types of issues." So, I don't think we can do those types of things (inaudible) -

Commissioner Stephen stated: Right. I just - If I can just say one more thing. I think that all I remember is that the meeting we had, and I can't remember their names, but they came in - the two women from the non-affiliated, and then the Union spoke after. They were really one hundred percent positive for this particular provision, a merit promotion. The Union employees were vasciliating a little. They were a little hesitant. And that is why I raise this - I thought this was a good idea. And it is something that the City - Based on their testimony, the City employees would welcome.

Commissioner Baines stated: Basically what you are saying, for clarification then, then merit promotion is not based upon who you know and that sort of thing?

Commissioner Stephen stated: That is exactly what I am trying to do.

Commissioner Cook stated: One of the problems, and believe me, this is one of the few things I know anything about in life, because I have been counsel to the State Public Employee Labor Relations Board since 1976 - And, one of the things that is a problem is that when they passed 273-A, which is the Labor Relations Act, they passed it just like there were not any other laws. They kind of landed on all of the other laws of the State, like the law books were closed, and a granite block landed on 'em, and the Supreme Court and the Board have been trying to work it out with the Municipal Budget Act that the schools, teachers, procedures - with all of the other laws and city charters in this State. The problem with - There is no problem having a merit provision, and there is no problem having a provision in the Charter that says, "we won't - in essence - have chronyism," what we will have is - all of our promotions are on merit. If you try to get to detailed in the Charter, 273-A allows people to have collective bargaining agreements that take it out of the Charter and define it in the contract. And, I would rather not have a provision in the Charter that ninety-seven percent of the people do not follow because they have a right not to follow it, than to have one. If you have one that says, "We believe in merit. We don't believe in, you know, who you know," you are not going to say it that way -

Commissioner Stephen stated: But that is basically all it says, Brad -

Commissioner Cook stated: I am all for it. But if that is what it says, that is fine. But I think that we have to be cognizant of the fact that people say all kinds of things (inaudible) - I mean, we have a State labor statute in New Hampshire that is so different, for example, from the Federal Taft-Hartley law on private employees, which does not allow supervisors or managers to unionize, that we have a law that would allow our department heads to form a union. And form a union of their own, so then you would have a department head union negotiating with the Mayor, you got a principles union - And, finally the Supreme Court disagreed with [the] decision I wrote, saying they could be in the same union - But, the Supreme Court said that - So, they are in the teamsters - Well, that is okay - I mean, I was reading along - The Supreme Court wrote what the Legislature should have done. I don't disagree with the results. But the point is, we have got a funny law that really takes it out, so we have to think it through.

Commissioner Stephen stated: Okay. And again -

Commissioner Cook stated: But merit, obviously we are not -

Commissioner Shaw stated: I don't think anybody is against merit, but how - Sometimes I wonder how you define merit. I mean, what the Mayor sees as the merit of a person might not necessarily be what the person who did not get the position feels is merit - Well, that guy, you know - I mean, I know that his wife is up there in the nursing home, or some stupid thing, you know - I mean, they have got a thousand reasons why the appointment was made - Never based on - It is never based on merit, which amazes - But, aren't you taking away from the Mayor? It should be based solely on the basis of merit and only after appropriate examinations or review of the applicants relative knowledge, skills, abilities and experiences. You want to have somebody that heads the Finance Department, you know - You could either do it internally, or you can do it externally, bring somebody in.

Commissioner Stephen stated: But, I don't think that this would take any power away. He would just have to -

Commissioner Shaw stated: Does he have to hire somebody internally?

Commissioner Stephen stated: He can hire anyone internally, it all would have -

Commissioner Shaw stated: What if the person that he hires has less merit than - In other words, the other person has forty years experience -

Commissioner Stephen stated: It doesn't matter, but - This is not a situation based on less merit. This is - All this is saying is that the person who is appointed has some merit, has had appropriate education, or knowledge, skill, training - And it is basically a reflection on State law, anyway, as it stands today, Bob, since 1990 when they passed 49-C.

Commissioner Shaw stated: When you appoint department heads, is State law - When the Governor proposes somebody to the Council, does State law have something to do with the Governor's nomination?

Commissioner Stephen stated: The - 49-C only applies to cities, towns -

Commissioner Shaw stated: No, no, no. I need to know how merit works, or does the Governor require -

Commissioner Stephen stated: I am not sure, Brad might be able to - know that - I think the State has some type of merit plan -

Commissioner Cook stated: The State - Every - The State has language like the cities - I think - I don't remember, but I think the last time I read the Charter, I read something about merit. There is no contract with a union that does not say people get promoted based on their merit, so that there is nothing unfair - And it is - I don't have any problem with putting merit in. I don't want to make it too complex because, I have got to tell you, everybody is going to say, "I reviewed all of the available candidates, and this is the best one, and that means I got him on merit." So, this is not going to solve those types of problems -

Commissioner Stephen stated: No problem -

Commissioner Baines stated: I would like to make this suggestion. This is something that needs to go our Committee, we need to work on it, and then we can come back as opposed to trying to solve this issue here with five of us here - Commissioner Lopez.

Commissioner Cook stated: I don't think anybody is against it -

Commissioner Lopez stated: No, I don't - I am not against it, either, and I - I think it is pretty good. They do it - You know, a lot of other places look at whether the individual has been there for five or ten years, and what has he accomplished in that time to better himself to move up the ladder? So, I think, whether it is the educational aspect, or whether doing something else, accepting responsibility, that is all part of the play. I know that this was a major factor in selecting the department head for the Parks and Recreation between two individuals -

Commissioner Cook stated: And, obviously should be.

Commissioner Lopez stated: Yes, and it should be.

Commissioner Baines stated: And just to have a person who is involved in a lot of hiring - You look at people that merit and all of these qualifications, but they still [are] not - might not be the best person for the job.

Commissioner Lopez stated: That is true.

Commissioner Baines stated: Because the intangible things that you cannot put on paper, that - I mean, degrees, and everything else could be the worst person -

Commissioner Stephen stated: Oh, absolutely -

Commissioner Cook stated: And remember, when you talk about politics - When you talk about the politics in passing the Charter - Merit is one of those words in certain areas, especially in education, where merit pay, merit pay - Not merit promotion, not merit recognition, not eliminating cronyism, but merit pay, and therefore the word, "merit" is flag - And people jump up on two sides of the issue, right away when they hear it. The NEA jumps up and says, "This is a way to screw us," and the other people say, "This is the way to get the best possible results in the school." I got no problem with the concept. We don't want to put something in there people don't understand and therefore are against.

Commissioner Baines stated: We just want to make sure that it says what we mean that it says.

Commissioner Lopez stated: I have got one other question before we wind up on it. Would this also pertain to the school department?

Commissioner Stephen stated: Yes.

Commissioner Baines stated: No, because it says, "the City," does not pertain to the School District.

Commissioner Stephen stated: Would be City employees though - That is what we have to talk about. That is another issue that we have to discuss.

Commissioner Cook stated: I can see - That jury is out. We have got to wait for that jury to come in.

Commissioner Stephen stated: That issue we have got to discuss. Okay, I have got to finish my list -

Commissioner Shaw stated: Everybody over there is on merit -

Commissioner Baines stated: If we do anything tonight, I would like a list to come out of this meeting -

Commissioner Lopez stated: Yes -

Commissioner Stephen stated: Welfare Commissioner, and I know we discussed this last night, whether elected versus appointed. I spoke to Tom Clark, again, about that today, and his opinion is that we would be in violation of State law if we don't have it -

Commissioner Baines stated: And I think we came to a consensus that we wanted to leave that elected, anyway.

Commissioner Stephen stated: Okay.

Commissioner Shaw stated: What does Tom say?

Commissioner Stephen stated: Tom says we have got to have it appointed, or we are in violation. That is what he says.

Commissioner Shaw stated: I am just curious.

Commissioner Stephen stated: I am just letting you know.

Commissioner Baines stated: Have to have it appointed -

Commissioner Stephen stated: Yes -

Commissioner Shaw stated: Because under 49-C it requires -

Commissioner Cook stated: 49-C, it says, "All department heads are appointed by the Mayor."

Commissioner Stephen stated: Okay. I wanted you to know that, though.

Commissioner Shaw stated: Then - Welfare is not a department -

Commissioner Lopez stated: No, Welfare is not a department -

Commissioner Stephen stated: And one other thing that I would like to work on, myself, is the Campaign Reporting Act - And just come up with some language for reporting of campaign finances -

Commissioner Baines stated: Well, won't that be under the Ethics Code?

Commissioner Stephen stated: Well, no - That is in the Election section of the Charter.

Commissioner Baines stated: Should it be that way?

Commissioner Shaw stated: Throw that all out.

Commissioner Baines stated: But if you have a -

Commissioner Cook stated: Throw the Elections out?

Commissioner Stephen stated: No, I think we keep it in the Elections section. So, I wanted to have something in writing for tonight's meeting, but that is an issue that we need to keep looking at.

Commissioner Baines stated: Okay.

Commissioner Stephen stated: The other one here, about the City Coordinator versus the Deputy Mayor. Have we discussed that? I might not have been at that meeting.

Commissioner Baines stated: We have said, generally speaking, that the whole issue of departments and that thing is going to be an issue for the Board of Mayor and Aldermen to grapple with. I think we are going to list the existing departments, so if we are just going to list them, I don't think we would be

changing -

Commissioner Shaw stated: And, the Coordinator is not a department -

Commissioner Cook stated: I spent a long time Saturday, riding my bike home (inaudible) - But I got home and I sort of rethought that. I think that we should focus - I don't care, I am not as hung up on where we come out, but I think that the whole issue of administrative help to the City, we should not - I think we should at least revisit the discussion of whether we want to have that Deputy Mayor that Syl talked about, or that we want to have the City Coordinator - and whether we should have to just like our (inaudible) and that is why (inaudible) -

Commissioner Baines stated: So you think there should be some "have to's."

Commissioner Cook stated: I think we should at least think about it, and I think we should think about the City Solicitor, because it occurred to me that we said to John on the ethics situation, if you refer to the City Solicitor, you don't need an Ethics Board. And then we are saying we are leaving it to chance whether we have a City Solicitor. We ought to have some provision to have a chief legal officer in the City, whether it is contracted out, whether it is -

Commissioner Baines stated: I am going to put on the list, sort of - Just for the sake of (inaudible) on this - have to have, departments of officers, the issue of what we have to have in the Charter. That is an issue that we need to -

Commissioner Cook stated: I think we should solve it.

Commissioner Lopez stated: Well, I guess maybe you just answered - What I was going to say, is that, you mentioned something, you are just going to list the departments versus spelling out departments -

Commissioner Baines stated: That is what we talked about -

Commissioner Lopez stated: I am for spelling out the departments if we are going to give the authority up here, I think the department has got to be defined down here, that is my opinion.

Commissioner Cook stated: Well, what do you mean by spelling out, Mike? I don't understand -

Commissioner Baines stated: What they do?

Commissioner Lopez stated: Yes. I think spelling out -

Commissioner Baines stated: Is that common, John, in the charters for them to list the functions of the departments within the charter?

Mr. Groulx stated: Just those that - the group - who is the Commission, thought were critical. There are usually four or five that, almost every commission and charter will list -

Commissioner Baines stated: What are they?

Mr. Groulx stated: Lots of them will list Planning -

Commissioner Baines stated: Planning?

Mr. Groulx stated: Planning -

Commissioner Shaw stated: The Police -

Mr. Groulx stated: Zoning - Many do in this State, list Police Commission - Berlin, Laconia, Nashua, all of list Police Commission. I am trying to think off hand what some of the - After that it is sort of hit and miss. Some do mention a city solicitor, you will even get some that will list the Board of Library Trustees, but it - It all basically hinges on what you think are critical -

Commissioner Baines stated: Which means the issue they are talking about -

Commissioner Cook stated: I don't think there should be too many listed, but I think that - I think the City Coordinator - I think that either the Deputy Mayor or City Coordinator, we should talk about institutionalizing.

Commissioner Shaw stated: Why do we -

Commissioner Cook stated: I think that some kind of chief legal officer, we should talk about instituting.

Commissioner Shaw stated: But, at the same time, we were supposed to give to the Board of Mayor and Aldermen the right to reorganize it. Now, are you saying that, if you pick the Deputy Mayor, and it "shall," and "shall" would be defined - and they must do it, then at no time can they get rid of the Deputy Mayor as a position in the City, except by going to Charter revision, when we are trying to say the Aldermen and the Mayor should make those decisions?

Commissioner Cook stated: I think it - I think the reason I said that we ought to discuss it, and I didn't - I don't have an answer to that question - is I want to see what the whole thing looks like to see how it is going to work - I mean, I don't - I am not so stuck on it that I think (inaudible) -

Commissioner Baines stated: Instead of debating it again, that is an issue that we have to decide. Which positions shall be mandated by the Charter?

Commissioner Shaw stated: And I want to add one to the list, if I may.

Commissioner Baines stated: What is it?

Commissioner Shaw stated: Just one. And that is that the Mayor appoints a Superintendent of Schools and it takes eight School Board members to confirm it.

Commissioner Baines stated: That is a State statute under the school district laws.

Commissioner Shaw stated: - (inaudible) - say, why not, "good for the goose is good for the gander?"

Commissioner Baines stated: Can't do it, because it is a School District.

Commissioner Shaw stated: Should we ask that the Aldermen have the law changed so that the Mayor could - Because [in] Boston the School Board is appointed by the Mayor, so laws can be changed.

Commissioner Baines stated: That is correct.

Commissioner Shaw stated: So, would you say that we should ask the Aldermen to allow the Mayor to appoint the Superintendent of Schools and that that -

Commissioner Baines stated: I have to disqualify myself from answering that question, when I am -

Commissioner Stephen stated: He is right. You would have to. There would be a conflict.

Commissioner Baines stated: I think that that would be a really stupid idea -

Commissioner Shaw stated: But then you come back to the original thing -

Commissioner Cook stated: I would record that as a no -

Commissioner Shaw stated: Isn't that - Well, would you then favor - Who would you favor appoint the Superintendent of Schools?

Commissioner Cook stated: The School Board elects the Superintendent of Schools. That is why we elect a School Board.

Commissioner Lopez stated: We almost have two Charters -

Commissioner Shaw stated: Could we have - We have got to have that here for -

Commissioner Baines stated: Your point is well taken in that the Mayor is the Chairman of the School Board, and if took the concept that we are promoting here - The Mayor promotes - nominates department heads, you could take that in for School District, probably, but you cannot do it under existing State law - We can do, the Mayor will make (inaudible) -

Commissioner Shaw stated: Is that a law or is that - That might not be a law.

Commissioner Baines stated: Yes. Those are the R.S.A.'s -

Commissioner Shaw stated: It might be a rule.

Commissioner Baines stated: No, it is a law. It is under the R.S.A.'s on Appointment of the Superintendent, and it is done by the School Committee. So, we cannot deal with that as the Charter - We can deal with the Mayor on the City side for the department heads. So, I would suggest we leave that alone. When we get to the recommendation list for the Board of Mayor and Aldermen, that may be something you might want to recommend. You might want to recommend that the Board of Mayor and Aldermen seek legislation to abolish the local initiative to abolish the School Committee - I don't know if you - ask for that -

Commissioner Shaw stated: Or have the Mayor appoint Aldermen -

Commissioner Cook stated: I am in favor of Mayor staying Chairman of the School Board, but I don't know if we have ever resolved that issue as a group.

Commissioner Shaw stated: But Boston got a much better school board - a much better school -

Commissioner Baines stated: So, I will put that on my list.

Commissioner Shaw stated: By having the Mayor do the appointment of the school -

Commissioner Baines stated: I don't think we should ever use Boston as an example for us - On the record, I would like to say, I don't think we should ever use Boston as a basis of comparison for anything (inaudible) -

Commissioner Shaw stated: But for School Board nomination -

Commissioner Baines stated: Okay, the issue - I am going to put on the list the issue of whether the Mayor should chair the School Board, because that is something that we are going to have to talk about. Anything - I would like to state the list. Anything we need on [the] list that we can decide or what we need to refer for advice on how to decide - And what I am going to do after this meeting, is that I am going to come up with a computerized list of these things, alphabetically, and try to put some kind of a (inaudible) -

Commissioner Cook stated: After we go down the list and see if we can knock them off?

Commissioner Baines stated: Right.

Commissioner Stephen stated: The holdover issue, did we put that in there?

Commissioner Baines stated: I think we - We are working on some language -

Commissioner Cook stated: I think we referred that one to the Drafting Committee to come back and then look at what we have -

Commissioner Baines stated: Yes, and Brad is working on -

Commissioner Shaw stated: I thought sixty days -

Commissioner Baines stated: That is still out there, but it is -

Commissioner Stephen stated: Okay, well we are going to discuss that -

Commissioner Cook stated: Yes, we are going to discuss it again.

Commissioner Baines stated: We have come to a consensus I think, with this point, that there has to be some kind of provision to deal with holdovers, whether it is sixty days, ninety days - And, the thing is reverting and we are working on language on that. Mike -

Commissioner Lopez stated: I was just going to say, when we do - when we go through the process here, I think if we have a disagreement we just hold those and go through and get the ones out of the way, because there might want to be some information that we want to gather before we make the final decision.

Commissioner Baines stated: Fair enough -

Commissioner Cook stated: Yes, that is two. Every time we knock off a few - You know - Because the more stuff the Drafting Committee can have -

Commissioner Lopez stated: I mean, I can knock off six of these right now -

Commissioner Cook stated: - the faster this process is going to be over.

Commissioner Baines stated: John, can you think of anything that needs to be on this list from your participation?

Mr. Groulx stated: I was just curious to know what the decision of the capacity of the Commissions, Committees - what level of authority they got? I don't remember hearing you decide on -

Commissioner Baines stated: That is a good point. So, level of authority - I don't know, are we working on that - in wording -

Commissioner Cook stated: We are working on that -

Commissioner Baines stated: Yes, level of authority -

Commissioner Cook stated: I think we have a consensus on at least having the Drafting group try to come up with some annunciating -

Commissioner Shaw stated: We kind of went back to the original Charter -

Commissioner Baines stated: Well, I don't know what you mean, Bob -

Commissioner Stephen stated: On what?

Commissioner Cook stated: I thought we had a discussion that said what "policy" meant, and what "administration" meant, and until we saw it in black and white we were not going to be able to (inaudible)

Commissioner Baines stated: Whether they be advisory -

Commissioner Cook stated: - well we can talk about it. We can talk - What does "advisory" mean, and what does "administrative" mean, and all that other jazz, and until we saw it in black and white we would not be able to intelligently discuss it.

Commissioner Baines stated: See, when we went through this on Saturday morning, we took some exception here, and Brad was assigned the responsibility here of working on language in this whole section. When it talked about authority, "Except as otherwise limited in this Charter, each Board and Commission shall be vested with full control and management of its department." Well, I mean that - I mean, on the surface, that bothers me - and it bothers a number of us that Boards and Commissions would be managing. I think that is the wrong word. If you are a Board of Directors or a Board of School Committee, you are not managing. You are setting policy, you set procedure, but you don't manage the department - department will be given full authority for management, and then you are saying the Commissions manage - So, we need to - That is being worked on.

Commissioner Cook stated: Extending the Mayor's authority and making them advisory on policy, but what does that mean? And, until we see it in black and white, we do not know what it means.

Commissioner Lopez stated: Okay, that is fine. The way the Chairman has explained it - that is fine.

Commissioner Baines stated: Yes, okay. Any other things that you think that we should put on this list?

Commissioner Stephen stated: Well, I hope you put the ethics issue on - I have got - I am still working on it.

Commissioner Baines stated: I can assure you that that is on my list.

Commissioner Stephen stated: But, what I wanted to just - I guess one of the issues is that these Articles are broken up very nicely, and I know we have not - And, I put together a separate Article for the Ethics -

Commissioner Baines stated: Oh, you did -

Commissioner Stephen stated: And I want you to know that I think that is very important.

Commissioner Lopez stated: There was another one. I don't know if we addressed it. Maybe we have in some category, but Section 9.06 - What happens to the existing department heads on their terms and all of that?

Commissioner Baines stated: Is that the transition? Yes, that is a whole transition section.

Commissioner Lopez stated: Okay.

Commissioner Shaw stated: But there are no terms - They automatically -

Commissioner Cook stated: Well, the statute says - The statute says -

Commissioner Lopez stated: It says they keep their terms.

Commissioner Cook stated: It says they roll out their current terms -

Commissioner Lopez stated: Right -

Commissioner Cook stated: And if we are writing a document - What I would favor, let's forget anything else. What I would favor would be - We are not writing something for the next twenty minutes, we are writing something for the (inaudible), and just like if we did non-partisan elections, the first year they would be a lot more partisan than the second time, then the third time. We are trying to ease people into this thing as a Constitution, not as a statute for tomorrow afternoon. I would favor what - the approach that the State law has, which is anybody that has got a term today, I don't know about Commissioners - I don't care about Commissioners - but I think they are going to get terms anyway, but - On department heads, if they have got a term, I would let them complete their term. And then after that, they go into the new system. Not tomorrow afternoon you are in the new system -

Commissioner Baines stated: And after we agree to the wording, then somebody else - Then we are going to have to look at that section and see whatever we have done here and how we have to make a transition. I just added another, with your permission, to the list - The whole issue of periodic review. Could I raise that issue? Periodic review. If in fact we say in the Charter, this

come in an enforcement issue, not less than once every ten years the Board of Mayor and Aldermen "shall" appoint - I don't know how we work this to make - First of all, do we agree this should happen? To be honest with you, after going through this process, I might have some reservations about this thing being there, because I might be fearful what they are -

Commissioner Cook stated: The State law says that cities are going to have it every ten years -

Commissioner Shaw stated: First of all, take out the word "Board of Mayor," the "Mayor shall nominate and the Board" might -

Commissioner Cook stated: He is talking about a new Charter Commission -

Commissioner Baines stated: Why wouldn't you say - Now, let me just throw this out as an issue to think about. Why wouldn't we have in there that every ten years the City Solicitor, or the City Clerk shall enact the provisions of electing a Charter Commission to review the Charter? Just like we did this time, instead of that? And then it becomes part of your Charter, that on a certain date after the adoption of this Charter, that that happens? What would be wrong with that?

Commissioner Cook stated: The problem I think is, that the present Charter said, every ten years the Mayor and Aldermen (inaudible) -

Commissioner Shaw stated: Yes -

Commissioner Cook stated: So, if you say that the Charter says every ten years the City Clerk will (inaudible) - The Mayor and Aldermen direct the City Clerk not to do it.

Commissioner Baines stated: They can't do that -

Commissioner Cook stated: I mean, I presume that people are going to follow the rules -

Commissioner Baines stated: To conduct an election. If the Charter says, "The City Clerk shall," I don't know the right - the words would be - to conduct an

election, as we did this time, of a Charter Commission to review the Charter in accordance with R.S.A. (inaudible). Why wouldn't that be better than allowing some of these people to appoint five people with a political agenda, to do that?

Commissioner Shaw stated: I believe that they have instituted in this Charter, much like the U.S. Constitution, a method to amend itself, not - And I would not believe that the Charter needs to be amended every ten years, or every five - It could be amended ninety days after we are done - There is something amiss, okay? And so, you leave this in there and it allows the Aldermen to appoint five citizens - It is reviewed, it is publicized and then it is sent to the voters - You understand there is a clause missing there - It should be sent to the voters for review. But I would say this, that any Charter change that I saw in this thing should require more than a simple majority. I think that -

Commissioner Baines stated: So you think we can re-work this provision to make it clearer -

Commissioner Shaw stated: And make it harder to change the Charter, though -

Commissioner Baines stated: Okay -

Commissioner Shaw stated: Make it harder to change the Charter, unless the citizens by two-thirds, or - Well, I don't know what the number is to change the State Constitution -

Commissioner Baines stated: Oh, I see what you are saying. I get your thought now.

Commissioner Shaw stated: - more than a simple majority required.

Commissioner Cook stated: See, I think the State has - And all of this discussion that we have had is irrelevant, because we got picked under a certain process, and it is the process that follows the State law, and I don't care whether -

Commissioner Shaw stated: The Aldermen would not have chose us if they -

Commissioner Cook stated: But, I have got to tell you, I don't think our Charter

provision on the other way to do it is legal anymore. Because the State law came in after - I think it is baloney.

Commissioner Shaw stated: No it isn't - It is legal.

Commissioner Cook stated: I think it is as baloney as baloney can be, because I think what happened was, that was legal when the Charter was passed. The State law changed (inaudible), and I think one of the questions that we ought to ask the lawyer is, "What can we put in there so we don't put something in that is plainly illegal?" I may be wrong, I don't know -

Commissioner Baines stated: Now, is that something the Chair should refer to Tony Simmon? Is that your wish for me to ask him to look at Section 8.03 and see if this is compatible with State law?

Commissioner Cook stated: Yes, see what the legal -

Commissioner Stephen stated: I agree with that. I would add - If I could add - I think that under 49-B:3, like sort of what Bob is saying - I don't agree with this five-member Board that can be appointed -

Commissioner Baines stated: - be like running for office -

Commissioner Stephen stated: No, no - I just think that at any time, based upon State law, there can be a Charter revision sent to the voters, no matter what - Not withstanding this provision. This is -

Mr. Groulx stated: I am just trying to remember a few things. I remember Laconia getting from that - I think what the State law would allow - this to the extent that the appointed members could review the Charter and make recommendations that are not classified as a revision of the Charter, so you could make changes but you could revise - So the Aldermen could propose a one-line or two-line change, and that is okay.

Commissioner Cook stated: But review - review and amendment - Charter amendment, as opposed to Charter revision -

Mr. Groulx stated: Right. A Charter revision would follow -

Commissioner Cook stated: - would then be self-starting in the Aldermanic chamber -

Mr. Groulx stated: A Charter revision would follow what that law - I don't know what the number is, either.

Commissioner Baines stated: I am going to ask for the - I am going as Tony Simmon to look at [Section] 8.03 to see if it is compatible with State law. Tell us what he thinks or not, and recommend any changes if it is not compatible to make it compatible with State law.

Commissioner Shaw stated: But the City could have used [Section] 8.03 this time. The Aldermen were misled by a certain group of people that wanted to elect nine -

Commissioner Cook stated: All there were a certain group of people - but it was the - All that group's reports said, is that the City Solicitor ought to tell the City how the proper way to do it is, because we don't know.

Commissioner Baines stated: Okay, we are not going to solve that issue. Any other issues that need to go on our list, so that the next meeting we will start, hopefully, working on this list -

Commissioner Stephen stated: Well, you mention in enforcement (inaudible) - write that down, I mean, we have to have a section here, maybe in the transition part. I like Mike's idea. Maybe transition/miscellaneous. I don't know. But, something that talks about enforcement, because you know, I think that is something that we all agree on but the language is going to be difficult.

Commissioner Lopez stated: Yes. It is going to be - It is just an idea, but -

Commissioner Baines stated: Mike submitted this, just for you information, for the enforcement of City Charter - He wrote, "The enforcement of the City Charter will apply to all who are elected, appointed or hired by the City of Manchester. The Board of Aldermen shall, by ordinance, establish a Charter Commission

Board of five members from the Charter Commission to give an interpretation of any Article in the Charter when requested. A simple vote of the Aldermen to send a violation of the Charter to the Commission shall be in order."

Commissioner Shaw stated: There already is a provision in the Charter that says who shall enforce the Charter.

Commissioner Baines stated: Where is that?

Commissioner Shaw stated: It is under the Powers and Duties of the Mayor -

Commissioner Stephen stated: It is the Mayor. But what happens if he does not enforce it?

Mr. Groulx stated: I asked around about that and there are only relatively three ways in which you can enforce enforcement of the Charter. One is to have the council or whomever is in violation, somebody has to bring them up for removal - impeachment, more or less. And then, the second way was the recall, and the third way is what Bob has been saying all along, is that you have to bring an injunction - Somebody has to bring injunction before the courts.

Commissioner Stephen stated: In the Superior Court -

Commissioner Cook stated: I think it is important to recognize, whether it is the way it says it now, which the enforcement of the Charter is the responsibility of the Mayor - Or, some language that says, "The enforcement of this Charter is the responsibility of the Mayor, or failing that, the responsibility of any elected official or the people," that somehow there ought to be recognition that the Charter should be enforced -

Commissioner Shaw stated: My - I think it - a perfect point is what the Chairman brings up all of the time. Why don't they enforce the Charter when it comes to the Water Works or (inaudible) - because the thing is working the way it is. Now, he might like to have it done legally and correctly, you see, but the problem is, it works. And so nobody, nobody is going to go into court and enforce something that nobody wants. It would take a private citizen to say, "Water Works - got to have a budget."

Commissioner Baines stated: You are right.

Commissioner Stephen stated: In - When I was drafting the original Ethics Code, there was a section that I put in there about enforcement. I realize that, you know -

Commissioner Baines stated: About the Ethics Code -

Commissioner Stephen stated: Yes, we may put it somewhere else - But, it mentioned enforcement of the Charter. Because what I thought at that time was, if someone was not enforcing the Charter, then the matter can be recommended to the Ethics Board and the Board would issue an advisory opinion to the Board of Mayor and Aldermen. And advisory only. And what they can do are three things. They can issue an opinion as far as removal, as far as ordering some reprimand - some language, or ordering him to comply. And at least the issue would be brought up, it is an independent type Board, I mean there were provisions in there for that. And if -

Commissioner Shaw stated: But a busybody, sitting over in a high-school reading the Charter and saying they are not doing this correctly then could - But you see, when you get to ethics, the people are not doing - not doing their duty because there is some kind of a collusion here, it is because it works the way (inaudible) -

Commissioner Lopez stated: Well, we are looking for something - I know I read it someplace, there are penalties for violation of the City Charter and it is in one of the charters - No, you know the problem that we really have is that - is not - The Board of Mayor and Aldermen and the Mayor can violate the City Charter all they want. And nobody can do anything about it unless we spend money and go to court. That is -

Commissioner Stephen stated: That is what Bob wants to do, spend all kinds of money -

Commissioner Lopez stated: That is your solution.

Commissioner Shaw stated: Sometimes you can do it for nothing.

Commissioner Lopez stated: But people - people are not going to put their house on the line to take people to court, okay? In most cases - Okay - So, if there was a process within the Charter that is - That if Bob Shaw violates the City Charter as Mayor, and the Aldermen gives a simple vote to send that violation - and then the penalty, working it out - whatever it is - in the Charter, you - That would force the individual to stop violating the Charter. What is the sense of having a Charter if you are violating it?

Commissioner Shaw stated: Is there a for instance of non-compliance with the Charter that you - that somebody knows of, here? - (Inaudible) might be the most knowledgeable. Is there a for instance? Like, I heard that he did not appoint the Coordinator, and then Dykstra sat down and explained in a - in a kind of an interesting way - a different interpretation of it, which, you see, maybe the Mayor had already thought of - He didn't have to do it, wasn't going to do it - And if he did do it, he was only going to give him a buck, okay?

Commissioner Cook stated: Well, the question is - On every - The question on every appointment is whether it was mandatory to fill them and it happens (inaudible) all of the time - whether that is a violation of the Charter or what, I don't know. I think, and this is - And, I agree with everything you have about the Water Works - I think we should probably, if we are going to approve the Charter and the Water Works, we probably ought to conform the Charter to the fractures, not the fractures to the Charter. Because if it works, why screw it up? I mean, we are not sitting here to screw something up. But, the question is, somebody doesn't like the way the Water Works does not submit its budget and says, "They are not following the Charter. They are not acting like a City department." Now, it would seem to me smarter from Manchester's point of view, the first place you go with a question like that is not to the Superior Court. The first place you go on a question like that is to the Water Works Board, and you say, "Why aren't you doing it this way?" And they say, "Take a flying leap. We don't want to do it this way. We have an opinion from the McLane law firm that says we don't have to do it this way." So then you - you are still irritated by it, and you go to the Board of Mayor and Aldermen, who are supposed to run the City of Manchester, and you say, "I think there is a violation of the Charter." And they go to the Board of Mayor and Aldermen, and the Board of Mayor and Aldermen look into it and say, "We think there is." "We think there is not." "We can't tell," or "We are not going to talk to you." So then maybe you go to the City Solicitor, and then you go to

court. You don't go running off to court to begin with, and I think that if we put in - I don't have any objection to putting in some process that says if you think there is a violation of the City Charter - But I think the process should not be to create another entity. I think the process ought to be to require people who have a question about the enforcement of the Charter, to go to the entity in question, the department head in question, the Board of Mayor and Aldermen, who will refer the question to the City Solicitor, and then if the question is not resolved, having been brought up according to a process that exists, then somebody decides to go to court. Exhaust - and we were talking about this before, exhaust your administrative remedies, but we have enough processes that are supposed to be running the place that if somebody really has a point, and points it out to a bunch of people who allegedly have not thought of it - that - People don't violate the Charter because they want to. They violate the Charter because they don't know enough. And I would go right through - I would force them into the funnel that makes everybody - gets everybody's attention - Not make it go to court, first, and not pass by the process (inaudible) can fix it, because they may be - We accuse people all of the time of doing something because they thought of it - Most people make mistakes because they didn't think of it.

Commissioner Shaw stated: When I was Mayor of the City - And it was a new Charter when I was Mayor and I did not agree with Elmer's interpretation. I got legal counsel that the City did not pay for, to prove a point that the school department was independent of the Finance Department, okay - And then letters came forward to that effect. So in order to get, you know, the Charter implemented, which was my responsibility to do that - to do that - I was required to do that, but everybody else said I was wrong. And I kept saying, "No, I am not wrong," until somebody else finally - So, I am just saying that people need -

Commissioner Stephen stated: But you got legal advice, yourself -

Commissioner Shaw stated: Yes - But people cry all of the time, testing the system, pushing it, pushing and pushing and pushing - And then somebody comes along, and - geez, it never entered my mind that the Water Works was not complying, because I never knew that they were part of the City -

Commissioner Cook stated: And they weren't causing you any trouble - So why mess with it, right?

Commissioner Shaw stated: That's why - Nobody in his right mind - And if a busybody came along we would want the five Commissioners - we would quickly - to appoint somebody - change the damn Charter to get rid of the Water Works, so that, you know - Because we would not want to push them into a - We gave up the Airport, because we wanted to give it up, you know, as far as certain -

Commissioner Baines stated: Wouldn't you agree - Wouldn't you think that they almost want to do the same thing with the school district -

Commissioner Shaw stated: Well yes - I think they should, I told them that the other day -

Commissioner Cook stated: Except that it effects their tax rate -

Commissioner Shaw stated: I think that when we come to the school part - and people say, "I don't believe you are even thinking this way," I think we should maybe more clearly identify how separate the school is after we give them the money. But under no circumstances -

Commissioner Baines stated: Yes, and that is what I hope we can do - Because that will stop a lot of this -

Commissioner Cook stated: That is what an independent school district means -

Commissioner Shaw stated: I want to close the budget on the second Wednesday - The first Wednesday in April, which is just after - Because that is - They always meet the first Tuesday in April, you close the budget - It has to be closed by the first Wednesday in April - The Mayor - The Aldermen must be done with it. Now, we could allow the Aldermen to reopen the budget, but they can't reopen the school side. Once they have finalized the budget for the schools, I believe, that is the end of the (inaudible) - should be the end of the subject -

Commissioner Stephen stated: I just - I think that - I guess what I am getting at, and I think what Mike is trying to explain, too - I really don't care about the process, I just don't want to make it so that the citizens have to obtain legal advice, or even representation - That is all. And, I think like, when you bring up

an example - The School District example - the athletic program - is a great example. We see it, we have heard it, Bob.

Commissioner Baines stated: Could I ask - Offer this - the Chair - Could you research some examples of enforcement provisions - Come in with five, six - Whatever you think is a good number - from enforcement - Try to get, I mean, you may come in with two, but I am just saying, could you try to give us a good sampling of enforcement provisions that are in fact in different charters?

Mr. Groulx stated: I will look them all over again, and see what is on it - But, as I originally said, the three that stand out are to enforce, and not necessarily a provision, are those that one requires -

Commissioner Baines stated: Could the Municipal Association help us with this?

Commissioner Cook stated: I am sure they could -

Commissioner Baines stated: How do we go about asking -

Commissioner Cook stated: Call John Andrews and ask him if he has got stuff on enforcement of the charters?

Commissioner Baines stated: That will be a critical piece, because - I - You know, I tend to agree with Commissioner Stephen, there should be some provision to deal with the enforcement. It may not be perfect, but at least - If we mention that, and there is some kind of a vehicle it would be helpful to the citizens.

Commissioner Shaw stated: One of the things that would bother - That I would like to add to the Charter - or - with - when there - with regard to schools, and I want to give them total control - But then, I am worried about two parts of education, and when push comes to shove, and the Aldermen won't give enough money for "X," and that comes into the music program - well, three - The arts program, and sports. Those are always thrown out as - And that - In the City of Manchester, a hundred thousand people - in my opinion, a school system without arts, music and sports - Shouldn't even have a school system.

Commissioner Stephen stated: I agree, one hundred percent, Bob.

Commissioner Shaw stated: And not that I don't think kindergarten or the rest are important - So the Aldermen - The Aldermen, what they have done, and it is probably wrong, but to be absolutely sure they say, "This is how much we give you for education, and this is how much we give you for an extra-circular activity." But this - It is a codgers donation -

Commissioner Baines stated: And now they have set up a special fund for band uniforms, I mean -

Commissioner Shaw stated: But that is because you have leadership that believes in donations. I mean - Somebody would say, give up - Joe Main said that the other day, let's get - Why aren't we getting more donations for sports, as if charity is a method to fund government. I am opposed to charity funding government - I don't mind the (inaudible) - You know, that is a principle though -

Commissioner Stephen stated: That is good. We discussed this now -

Commissioner Baines stated: Okay, now, any other issues for our list, because what I would like to do is get the list and that - I think that is all we should do today, and then let's start next Tuesday, we will give the list to Commissioner Pappas, and say, "Let's start wacking at this list."

Commissioner Stephen stated: The only - There is only one other thing that I wanted to raise and I brought this up with looking at other Charters, Bob, would be the 6.01 Section on Budget Form and Procedure -

Commissioner Shaw stated: That is the most perfect section of the whole Charter -

Commissioner Stephen stated: Okay, but maybe it is - But I just think - I don't know, I can't come up with the language right now, but I looked at the Amesbury section of this Charter that John gave me to look at, and I have this section, it is 5.4, it is on the capital improvements section - where they talk about capital improvements - And you know, we hear so much about vision - To me, the capital improvement section in Amesbury, there is a lot of vision written in that

section - that small section, on what the finance - maybe by ordinance, we can do it by ordinance - But there has to - I would like something in there on a capital improvement program that establishes a vision. I would like to just have the Drafting Committee just look at it.

Commissioner Baines stated: Oh yes, right there, Capital Improvement Budget - It says, "The Mayor, upon consultation of the Finance Officer and City Coordinator, shall establish, unless otherwise established by ordinance," okay - "the form and organization of any procedures applicable to preparation and adoption of the annual budget, the capital improvement budget, and such other budget instruments and plans for future fiscal periods which he may deem appropriate."

Commissioner Shaw stated: The only parts - sections of that that should be removed, are those sections that require the Mayor to do it in concert with anybody else, other than his own office, because it says further down it shall be the Mayor's option. He shall inform, he should tell the Aldermen of the future needs of this City. That is the duty of the Mayor, and if you are going to make it powerful, he should do those things.

Commissioner Baines stated: But you don't think he should have to consult with the Finance Officer?

Commissioner Shaw stated: Nobody -

Commissioner Baines stated: Why?

Commissioner Shaw stated: He should do that because he needs to do that, not because he is required to do it.

Commissioner Stephen stated: I just want to add, I guess what I am discussing here, is to look into this issue. I saw this section, I want to read it to you. This is in a Charter. "Capital Improvements Program. Chief Financial Officer shall annually prepare and submit a capital improvement program to the municipal council at least ninety days prior to the date of submission of the operating budget, unless some other time is provided by ordinance. The capital improvement program shall include and itemization of all capital improvements

proposed to be undertaken for at least five fiscal years, with supporting data, cost estimates, methods of financing, estimated effect of such plan on the tax rate, and other features as deemed necessary by the Mayor or requested by the Municipal Council."

Commissioner Shaw stated: - throw it out - No, you should not do that.

Commissioner Lopez stated: Yes, we did find it. Something else, and I just want to bring your attention - on violation - "Any person who violates any provision of this Charter, unless otherwise provided, or violates any City ordinance for which no other punishment is provided, shall be guilty of a misdemeanor, and notwithstanding R.S.A. 651-2, shall be fined not more than Five Hundred Dollars or imprisoned not more than ninety days, or both." This is Concord's -

Commissioner Stephen stated: I don't want to make criminals out of good citizens -

Commissioner Cook stated: And it shall be the duty of the Attorney General (inaudible) enforce this provision -

Commissioner Sullivan stated: Or you can say, anyone who is a citizen in Manchester has to do ninety days -

Commissioner Lopez stated: But there is violations in other charters, too. I know that we have seen a couple over here - He will find them -

Commissioner Baines stated: Can you use a Charter to cause a misdemeanor?

Commissioner Cook stated: You can - If the State law allows you -

Commissioner Lopez stated: [R.S.A.] 651 does -

Commissioner Cook stated: If the City is allowed to enact its own local violations - you certainly can, because the City is a creature of the State. So in some states, they localities cannot enforce other crimes than exist at the state level. So you could, if you were allowed to -

Commissioner Shaw stated: This State might be one of them -

Commissioner Cook stated: Now, yes - I am not sure New Hampshire allows municipalities to come up with its own misdemeanor (inaudible) -

Commissioner Stephen stated: I don't think they can in New Hampshire -

Commissioner Lopez stated: But it would make somebody think twice - Let the record show that I am indicating that there should be a violation in our City Charter that there should be a penalty for it -

Commissioner Shaw stated: I think the duties of the Mayor are - and if we are going to expand on them - I think that those things that you are interested in are there - And he does those -

Commissioner Baines stated: Maybe we could work those in - So, John is going to research that for us and get back with some suggestions and then we can take a look at them. I think there is general agreement, with the exception of maybe one person, that there should be some kind of a mechanism for enforcement of the Charter -

Commissioner Cook stated: How about - I just wrote something down, this is no better than anything else - But I just think that we want to stay simple, and we want to keep the responsibility where it ought to be, and we should not presume that we need all kinds of draconian stuff - Enforcement of the Charter. "It shall be the responsibility of the Mayor and Aldermen to enforce the Charter. In the event there is an allegation of violation of the Charter, the allegation shall be referred to the Mayor who shall refer it to the City Solicitor, who shall report findings to the Mayor and Aldermen within ninety days. In the event a violation is found, the Mayor and Aldermen shall direct such changes and procedure to eliminate the violation."

Commissioner Lopez stated: Kick it around in drafting a little bit -

Commissioner Cook stated: Yes, it is not - I mean, there are too many ifs, ands or buts -

Commissioner Baines stated: But, could you work on that a little bit by next Tuesday, along with all of the other things that you are doing for us - and we should take a look at -

Commissioner Lopez stated: I just think that if everybody else is obligated to do these things by law, okay - And let's put everybody equal, if - somebody would think twice - because it has been said many a times on - and even under your regime - the City Solicitor said, "Well there is no provision."

Commissioner Baines stated: Okay, I think we have got that one so - What we have done, Commissioner Sullivan, we have compiled a list a dual list - And it is going to become an action list at our next meeting that we will submit to Commissioner Pappas, of things that we need to decide - issues that are unresolved, issues that have been referred that we are asking for advice on, and we would like to start taking some votes on these issues. And I will, just for the sake of review, before we come to close of this meeting, under "We need to decide," is the issue of the City Solicitor and the role, whether that is mandated in the Charter or not; enforcement issue of the Charter, which we have been discussing; terms of department heads, whether they serve at the pleasure of the Mayor, which the Drafting Committee is proposing; whether there shall or shall not be and - what kind of a code was that, you were talking about -

Mr. Groulx stated: Ethics code -

Commissioner Stephen stated: Misdemeanor code -

Commissioner Baines stated: - the issue of whether we would have at-large Aldermen, there was some discussion at yesterday's meeting about having twelve ward Aldermen and two at-large Aldermen, and there has also been discussion about having at-large Aldermen by sections of the City, so we need to settle that; campaign reporting language; a list of "have to have" for departments and officers - what departments and offices do we have to have that should be mandated by the Charter, and which should be left to the discretion of the Board of Mayor and Aldermen to decide and whether they want to consolidation, whether they want to throw out - whatever they want to do, we put in a proposed revision that the Mayor can, with the support of eight Aldermen, cause changes to occur within departments, but we may want to say that these things we have to

have; a list describing department functions, Commissioner Lopez is not sold on the idea that we just list departments, that he believes that there should still be some language to go along with the functions of departments - we need to resolve that, because we had talked earlier just listing; the issue of whether the Charter should require a Deputy Mayor or Coordinator or Administrator, or whatever that would be; whether the Mayor should be the Chair of the School Committee. We also need to decide the level of authority the Commissioners - whether advisory, what kind of role, we developed some inconsistencies for language where they say they manage the departments when the department heads manage their departments; the issue of periodic review, whether it should be done under the - every ten years, five - whether that is consistent with the existing State laws we are going to have to - Actually, that becomes a - We need some advice from the attorney on that - And we had already talked about the enforcement issue. Now, is there anything Commissioner Sullivan, that we have missed from your perspective?

Commissioner Sullivan stated: Did we talk about - Did you - Is term limits for Commissioners on that - to the list?

Commissioner Baines stated: We have listed the issue of terms of Commissioners, numbers of Commissioners and composition -

Commissioner Cook stated: Length and number of terms.

Commissioner Baines stated: Did we talk about the date of the finalization of the budget? That goes on the list, too. And that comes down to whether there is some - The consensus seems to be building away from the June 30th day up to Mayor Shaw's proposal of the second Wednesday -

Commissioner Shaw stated: No, first Wednesday -

Commissioner Baines stated: - in April.

Commissioner Shaw stated: Has to be done by the first Wednesday -

Commissioner Baines stated: There seems to be a consensus building that it should not be left to the last day of the fiscal year -

Commissioner Stephen stated: Absolutely -

Commissioner Lopez stated: I just - Just have one point - I would just like to find out how the - maybe some input from the tax base - how would tax bills go out, and stuff like that, before we make a decision on that -

Commissioner Cook stated: That would not effect it, because you tax bill in July is based on your tax - it is half of your tax bill from the year before, and then the adjustment is all made in the fall. So that would not have any effect.

Commissioner Sullivan stated: The tax year has nothing to do with the fiscal year.

Commissioner Baines stated: Okay. We also have the issue of the salary of the Mayor. There is a consensus that we are going to deal with the salary issue within the Charter, that the salary will be established by the Charter either with some kind of a -

Commissioner Cook stated: We have not figured out the language -

Commissioner Baines stated: We don't know how the language is going to work on that. We still have the deal with the issue of the Procurement Code, whether it belongs in or out of the Charter. We have to deal with the sick-leave provisions for non-affiliated, whether that should stay or in or out of the Charter. And, we have to decide whether we are going to have two or four-year terms, and we have to deal with the issue of incompatibility of offices, whether someone can serve on the Board of Mayor and Aldermen that works for the School District, whether somebody who works for the City can serve on the Board of School Committees, because the language is not clear and this is notwithstanding the Superior Court's decision. That is what I have got.

Commissioner Sullivan stated: I just have one thing that I don't - I also did not hear - and that is, have we - are we going to have any type of discussion about any types of residency requirements for Commissioners, and also minimum residency requirements for Mayor - Aldermen - any other elected positions?

Commissioner Baines stated: Okay, residency requirements for the

Commissioners and Mayor and Aldermen, right?

Commissioner Sullivan stated: Yes, because there may be some Commissions that we think should be opened up to non-residents such as, as you know, the Airport is one, perhaps Water Works - or maybe not -

Commissioner Cook stated: We have an inter-municipal agreement with the Airport, with the City - (inaudible) -

Commissioner Baines stated: So, if that is in existence and that is the way that it should be, that should be in the Charter written that way.

Commissioner Cook stated: It is now -

Mr. Girard stated: I do have some concern with the thought that perhaps the entire City budget should be completed by the first Wednesday in April.

Commissioner Baines stated: Oh we know, we are going to be debating that. We are just putting out there as an issue, and we have heard the arguments for and against that, but we have - And that is what we, as the Commission, are going to reconcile with - We know some of the issues, but we have also listened to a lot of testimony urging changes, we have heard from former Aldermen Rinker about how the process works in the towns, and we are going to try to come up with some language that reconciles some of the concerns of the School District and others related to developing a budget at the eleventh hour, which I think most Commissioners feel is (inaudible) -

Commissioner Cook stated: Can I make a suggestion on your list?

Commissioner Baines stated: Yes.

Commissioner Baines stated: Maybe John could take the list, get it typed up and get it to all of us - I mean, I know this is Wednesday, but if we could have it by Friday so that we could - I mean, I don't think it is going to be too hard for all of us - We have been thinking about these issues long enough - If everybody took this list and wrote their answer on it so that we could come in here next week -

Commissioner Baines stated: I am going to do this - You know, I am going to do this on my wordprocessor myself, and I will get it out -

Commissioner Shaw stated: Start on it Tuesday -

Commissioner Cook stated: If we could have it before the weekend, it would be awfully nice.

Commissioner Baines stated: Rich, to take a - Not to have a long discussion about that, if you have any concerns about that, could you put that in writing and send it to the Commission about -

Mr. Girard stated: I would be happy to do that -

Commissioner Baines stated: Especially dealing with the issue of time lines, since you work with the budget and just any concerns that you have, but you need to know up front, that I don't think that the Commission is going to settle on the eleventh hour of the eleventh day in terms of dealing with this issue.

Mr. Girard stated: And that is fine -

Commissioner Baines stated: When it is - Is, you know, if you wanted to present some arguments -

Mr. Girard stated: The Mayor right now, has to have his budget by the beginning part of - by the first - the way the time line works out - it is always beginning - the first Tuesday in April -

Commissioner Baines stated: Oh yes, we have been through all of that -

Mr. Girard stated: And there is a tremendous shift between the Mayor's numbers and the end of the (inaudible) -

Commissioner Baines stated: And that is the type of thing that you might give us a perspective on -

Commissioner Shaw stated: Towns finish their budget in March -

Commissioner Cook stated: Yes, but they adopt their budgets right away -

Commissioner Shaw stated: They adopt their budgets in March. I mean, if a town can adopt its budget in March, the City can adopt its budget -

Commissioner Cook stated: But, do they have a fiscal year that starts the same time as we do?

Commissioner Shaw stated: Yes.

Commissioner Baines stated: Yes.

Commissioner Cook stated: So they adopt it in March, but it is for July 1st?

Commissioner Shaw stated: Yes -

Commissioner Baines stated: John -

Mr. Groulx stated: The Town of Londonderry's fiscal year, July 1, and the budget is adopted in the second week - the second Saturday in March.

Commissioner Cook stated: Right. That is good to know.

Commissioner Shaw stated: That is a - Almost all towns in the State do that.

Mr. Groulx stated: No, not almost all of them are, Bob. Because a lot of them are on calendar years and they have to (inaudible) -

Commissioner Sullivan stated: Well, maybe instead of debating this, maybe - let's just get the list and we can get some information from Richard's office, and -

Commissioner Baines stated: Yes, we are going to get the - But seriously, now, we would like to have your perspective on that, that would be helpful to us when we debate that issue.

Mr. Girard stated: - (Inaudible) going to be asking departments to have their submissions to the Mayor by the end of, by November or December of the prior

year and that is -

Commissioner Baines stated: Right -

Commissioner Cook stated: Well, it is only - it is a one-time change -

Commissioner Sullivan stated: Let's just get the information, let's not argue about it -

Commissioner Baines stated: The other thing is, John, in Nashua, do you have any - do they have provisions within their Charter dealing with time lines on budgets? Let's look at a city similar in size. While he is checking that, any other issues that you have (inaudible) - I get the list typed up, and you get it, we will add to it whatever, but I think this would be a good approach, to get this task done.

Commissioner Cook stated: And if we come in - If we get this list soon, if we get a consensus - it is not set in concrete, we are not voting on this thing until we see the whole thing -

Commissioner Baines stated: We might take a couple of weeks off while we -

Commissioner Cook stated: While the Drafting Committee meets, and the Drafting Committee might want to meet on the alternate dates, because we don't have to have these club meetings and come around and tell war stories. What we need to do is get a consensus on these things, have it drafted, and get back together and vote on it -

Commissioner Baines stated: I like that - I like that suggest, too. I, you know, let's not loose sight of that. If we looked at, you know, we have to obviously consult with our Chairman here, but - if we looked at the Tuesday being the meeting, and the Wednesday being drafting, then we can really set ourselves on task here. I like that idea -

Commissioner Cook stated: I have no problem with scheduling it so all the world can see that we are going to be there Tuesday, and the Drafting Committee is going to be there Wednesday -

Commissioner Sullivan stated: But, we will post it -

Commissioner Baines stated: We have a unanimous agreement that effective next week on Tuesday will be a general meeting, Wednesday will be a drafting meeting, until further notice.

On motion of Commissioner Lopez, duly seconded by Commissioner Sullivan, it was so voted.

Commissioner Stephen stated: The only issue is you asked me to check with Tom Clark about the School District Officer issue - I have got all of the pleadings in the McDonough case, and I am going to review those - I also spoke to him on the phone. I think I have a pretty good understanding of the issue, so I will wait to discuss it at the time we go over -

Commissioner Cook stated: You might want to talk to Tony about it, because he is going too -

Commissioner Stephen stated: He is going to look at it next, but -

Commissioner Baines stated: Could I ask you to do this - Because you are involved in (inaudible) legal opinions, could you look at that section on the School District and come up with some proposed language to deal with that issue, and have it for next Wednesday's -

Commissioner Stephen stated: And I will take care of that -

Commissioner Baines stated: Any other issues?

Commissioner Lopez stated: Just one - I just want to - Just for clarification, does the Drafting Committee - only address the items that we are addressing as a body -

Commissioner Baines stated: Yes. What - This is what we are going to do. We are going to start - I don't know where we are in terms of inputting all of the information - The record - Once it is in the data base, we are going to be looking at existing language, proposed changes, and we will start going through it,

section by section - And we -

Commissioner Cook stated: And we are not doing sections until (inaudible) we do anything -

Commissioner Baines stated: So we will go up, down, change words or whatever - We are not - And, there may be some things as we get into it, where we have not fully resolved it - We will recognize that. Everything will come back to the Committee -

Commissioner Stephen stated: I just thought of something you might want to add to the list is - Bob Shaw brought up this, needing a super majority for something to be changed in the Charter -

Commissioner Baines stated: That is right -

Commissioner Stephen stated: We have not decided yet if it is going to be five-four versus -

Commissioner Shaw stated: If all of us are there Tuesday, why don't we decide -

Commissioner Stephen stated: That is an issue, all I am saying -

Commissioner Cook stated: I mean, I would like to say, folks, that I would like to - the reason that I want to have Commissioner Baines list early, is so that I can spend this weekend writing down, right next to the list, what I think it ought to be. We can come in, we can get a consensus on these things. We don't have to agonize over these for the rest of the time -

Commissioner Sullivan stated: That is right -

Commissioner Cook stated: And then the next time we have a regular meeting, we can start working on the language we come with - Let's get the consensus -

Commissioner Baines stated: But I will add that to the list and I will put that at the top of the list -

Commissioner Shaw stated: I will tell you that I think it should take six votes to change anything -

Commissioner Baines stated: We are going to discuss that next Tuesday.

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

Respectfully submitted,

Kathleen N. Sullivan

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CHARTER REVIEW COMMISSION

May 28, 1996 5:30 P.M.

Chairman Pappas called the meeting to order.

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

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

Chairman Pappas stated: We have all kinds of things to talk about. We have correspondence from Harold Levine and correspondence from the Manchester Central Labor Council, which we can take under advisement -

Commissioner Baines stated: - file it.

Chairman Pappas stated: Alright, we will file it.

Commissioner Dolman stated: But we just received it today. I think we should -

Chairman Pappas stated: I think we should take it under advisement and look at it and bring it up next week.

Commissioner Shaw stated: When is their testimony.

Chairman Pappas stated: We - Now, I think we have added more things to their testimony. I was not here at our last meeting, but I did speak with Vice Chairman Baines about what went - about what work was completed during that meeting, which I think was great, and then not too many days later I received this fine list of items that we need to address, but before we do that I did have a chance to

speak with John when I first came in, and I do not know if you want to talk about that - this first, but there is concern again about [R.S.A.] 49-C.

Commissioner Dolman stated: Thought we put that to rest.

Chairman Pappas stated: Is that something to talk about, or do you want to -

Commissioner Cook stated: No. We do not have any concern about [R.S.A.] 49-C.

Commissioner Shaw stated: Yes, we do not.

Chairman Pappas stated: We do not have any concerns about [R.S.A.] 49-C.

Commissioner Sullivan stated: Well, can I ask one question? Who's concern is it?

Chairman Pappas stated: Could you tell me again what our City Solicitor had to say, John?

Mr. Groulx stated: Tom Clark just said that he believed the Charter - [R.S.A.] 49-C will apply to this Charter.

Commissioner Shaw stated: The new Charter -

Mr. Groulx stated: The new Charter.

Chairman Pappas stated: The new Charter.

Commissioner Sullivan stated: Well, that is not what we have been told by the -

Commissioner Dolman stated: Let's just proceed and we will see what happens.

Commissioner Baines stated: I would like to know where he gets his information. Who is he talking to and why isn't he talking to the Secretary of State, who has given us different information?

Mr. Groulx stated: An attorney from the Attorney General's Office, but he could not give me the number.

Commissioner Stephen stated: There is also an issue of whether or not we are even going to be in violation of the terms.

Commissioner Lopez stated: I sort of have a housecleaning problem, so to speak of and I would like to bring it up. I think we should - The number one thing that needs to be answered is the number of votes that is going to take and what the majority is here. I have a problem with five Commissioners on the Drafting Committee. I really do. I think that we have to determine how many votes, first of all, that we are going to have in order to recommend a change in the Charter, whether it be five-four, six-three, as Commissioner Shaw has indicated -

Commissioner Baines stated: That is number one on the list, here.

Commissioner Lopez stated: - right. As we talked about, maybe six-three with five people on the Drafting Committee with the wording that they want to put - You only need one other vote and the other three Commissioners do not really care. I mean - What happened? So -

Commissioner Sullivan stated: I will be glad to step down -

Commissioner Shaw stated: No.

Commissioner Lopez stated: I want to discuss it and I really do not - I do not like the idea of five Commissioners on the Drafting Committee.

Commissioner Sullivan stated: I will be happy to step down -

Commissioner Shaw stated: But - No.

Commissioner Baines stated: Yes, I think there is a good response to this, though.

Commissioner Cook stated: Yes, exactly.

Chairman Pappas stated: Before we all speak at once. The reason that I have not even brought this up as Chairman is because I thought that nothing is set in stone yet, and that whatever the Drafting Committee comes back with, it is just regurgitating, so to speak, what we have let - what we have directed them to do, and -

Commissioner Baines stated: That is correct.

Commissioner Lopez stated: Can I finish?

Commissioner Baines stated: Just as Chairman Pappas indicated, we are word-smithing what have [sic] been given to us by you to work on and I - I am going to assume that there are things that we are going to write that we might disagree with once we get into the deliberative mode. We are just writing the words, we are going to bring back - page by page basis - and we are going to sift through them and I could see myself not agreeing with some of the words that have been written because there is some consensus evolving here that may or may not become reality at the end. And I do not think that any of us are approaching this with the notion that we are locking in any words from anybody. And, I think - you know - the old - I think you really need to trust in terms of this one, it is a very open process.

Chairman Pappas stated: And everyone I am sure is welcome to join -

Commissioner Baines stated: Gosh, yes.

Commissioner Lopez stated: Oh, okay.

Chairman Pappas stated: - if you would like to be at the meetings, it is just that I did not think that you all wanted to sit down and actually write.

Commissioner Shaw stated: Well I just want to reemphasize what Commissioner Baines has said. We are not making any decisions over there. We are only writing down what the people over here - not the audience said - not what we heard, but what we heard in this room by the nine people. So we are not writing anything.

Commissioner Lopez stated: That - I really think that three people could do that, other than five people, you know? I have a feeling inside that, and - with all due respect of what you said, if five Commissioners are sitting down and they agree how certain things should be written, that is an agreement, okay? It is all of an endorsement to the fact that - whatever - Let's take for an example, the two-thirds vote that it takes before you can abolish a department. Which you probably have all agreement there, so that is five. The only thing that we have to determine - what is the majority going to be? Is it going to be six, is it going to be seven? I would like to see nine before any recommendation because I think this Charter is - The Charter is, you know - Commissioner Shaw, you have said many times that the Constitution is very, very fragile. And so is many testimony [sic] people have said. Now, this Constitution that we have within this City, it took fourteen years before they even read some parts of this that they have complete authority to do a lot - But, I am just - I am looking at it in a different approach, here. I think that there is three qualified individuals capable of writing a draft of what we decide.

Commissioner Cook stated: I agree with what Commissioner Baines said. I would add two things. One is, we have only had one meeting of the Drafting Committee in which we took about five different items that came up and said, "the Commission has not decided those yet, so we will not even talk about them," number one. Number two, in terms of what vote it takes, I mean, I wrote down the answer to Bob's list of questions just because I wanted to remember what I thought - Obviously, it only takes five votes for an issue to win. I do not remember having come to any consensus in this Commission, however, yet, where we said, "okay, that issue seems to be decided," and go where it has not been a whole lot more - I do not think that we have had five-four's, at all - and the other thing I wrote down here is, five are needed - obviously, that is a majority of nine - I do not think we change that if we wanted to. But, if I was one of the five and four people voted against it, I would move to reconsider it. Because, I have got to tell you, we have got to go out of here with consensus on issues, and we would have to talk them through until we got consensus, or I do not think that we ought to do it, because I think that is where we started. I mean, legally, fine. But if I was one of five and I saw four people that did not want to do it, and I wanted to go sell this Charter, I would keep talking about the issue.

Commissioner Dolman stated: Okay. I agree. Commissioner Cook, I agree with

you one hundred percent and I think that that is what we are here for and I think that so far I see us - We have not done any consensus on anything yet except some ideas. We have not taken any votes. But I understand where Commissioner Lopez is coming from. He has a fear that he is afraid - and I do not blame him that it - if five people get together, because that is what you need, like you said, is a simple majority, then you - And based on experience in government, some negative, not all positive, where a committee could before us with a five - five - recommendation, that you have your majority coming out of that committee already, for a full board vote, then that committee has done the work of the full board, and I that is just what I think that he is trying to say. He is afraid that if the Committee does the work, when it comes to the writing, then the rest of the Commission members here will not have any say in that. And I - Well, I try to alleviate his fears, but I understand that what he is trying to bring up is a fear, and I think it is a legitimate fear, it has happened in times in government where committees have come out with a report and -

Commissioner Stephen stated: I would be happy stepping down from that Committee. I did not go to that first meeting, because I was away fishing - and I did not catch anything - but in any event, I - I am on the Ethics Committee and that to me is the most important function, right now, for me, and I am trying to draft something that everyone can comply with and I would rather do that right now, and then see what the Drafting Committee comes up with.

Commissioner Sullivan stated: And I would be happy to step down too, if you feel three -

Commissioner Shaw stated: That would be bad. We all were asked if we wanted to serve on the Drafting Committee, you know, and when I spoke up that I wanted to, Commissioner Sullivan gave me the ground rules. I went there for the same reason that you might have concerns. On a Saturday, especially. And so I went there, like your eyes, and I - you know - and we had - If anybody was a fly on the wall and thought we made any decisions that - or intended to make any decisions, they are wrong, and to have certain people - I do not want to drop off, because I do want to drop off, because I do want to be the fly on the wall, alright - And I am willing to sacrifice my Saturday for that, and the people that were there, my gosh, you know - I came walking away impressed. I told the people there that I was scared that I would not be able to explain why I was going to vote for

the stupid thing, okay? That is the problem with this Charter. As the thing is discussed among nine - eight reasonable people, I am more amazed at the process. I do not think that you need to worry. And you can come.

Commissioner Cook stated: Yes, we are having a meeting tomorrow night.

Discussion ensued regarding coverage of the Draft Committee meetings, where it was concluded a clerk would be present to record the minutes.

Commissioner Sullivan stated: I cannot help myself. You know, one of the things that I have said - One of the reasons that I ran for this Commission is because of the lack of trust that I often have sensed in the City of Manchester in City Government. And all I can say, Mike, is after working with us for the number of months that we have, I think that you have got to trust us, that we are not going to do something that flies in the face of what I think that we have all been here for, which is - let's - you know - working together, doing what is in the best interest for
the City of Manchester. And, I think that is what, you know, you have got to have - there has got to be some trust here, amongst all of us, and I think that we have all worked very well together and I hope that - I know there has been, at least before the election and perhaps since the election, there has been, you know, things floating around in the community which have bothered me very much. A sense that there is a - some sort of conspiracy, whether it is the Chamber of Commerce, whether it is - you know - Okay, then there was the downtown lawyers, and then there was - I was - I was involved - I understood I was on, you know, I had four different slates that I was a part of, none of which seemed to pull together, and I am still trying to figure out how that happened, but - All of which was baloney. You know, that was all baloney, and I think that we have got to try to get that behind us and that none of us here with any great agenda. I mean, I came into this thing probably thinking that we did not need many changes at all in the Charter. Now, at the end of the project, I am saying we should probably - you know - I am probably taking the most radical position of all. But you see though - just work with us and trust us and I think that is the process that we have to go through. And, if you want to come to the meetings, fine. You know, everybody is welcome to come - The public can come.

Commissioner Cook stated: Yes, they are open meetings -

Commissioner Lopez stated: Well, I think - Yes, if it is Wednesday nights - Saturday - but there is work and play - and it is not the idea of not trusting anybody, believe me. And that is not the case whatsoever. I just wanted to bring it out, get it off of my chest because as we go into the process here that - where we are going to start making decisions, I want to know what the votes are going to be, first of all - And, I have some thoughts on that as we go through the process here, but to be - If you are still going to have five people on the Drafting Committee, then surely I should not go along with six to three vote [sic].

Chairman Pappas stated: Well, I personally think that we need to be unanimous or almost unanimous before we make a decision.

Commissioner Lopez stated: I agree there.

Commissioner Shaw stated: I wanted to talk about a - in - which is in line with what he wants to do, but on this list here. And in the Charter, itself, as we go down it - Just to pick an example, we should have fourteen Aldermen versus twelve. The question I would ask each person to think in his mind [sic], is "Why are you thinking that way? What is broke? What is it that you want to fix? And, why will fourteen be better than twelve?" I mean - these are - that is just one example of a thing that is - Who told you that it was good. I mean, I think people should speak up and say, "Who told you that it doesn't work this or thus way?" Alright, so there - In other words, you should not be fixing something that ain't broke and that - Each issue should be faced on that basis, so that in your - our minds, we can understand where people are coming from, you know - I mean, what is our agenda? That is my point.

Commissioner Baines stated: We should start chipping away at this list.

Commissioner Shaw stated: That is what I want.

Chairman Pappas stated: Okay. Do you want to talk about the first item on this?

Commissioner Baines stated: What I would like to suggest - I am not fixed on a number. I always like [the] process of working towards consensus. And in my

experience in working with committees on personnel selection, or whatever it might be, is that we always work towards consensus. And, if we use that as an approach and we have a good faith agreement that we are going to work very, very hard to develop a consensus, that to me does not mean five-four, six-four or whatever - that we need to work very, very hard on this issue. So, I would like to approach the issues working towards consensus, and if it breaks down, then we - If we find it breaking down and we have some problems, then deal with that issue. That would be my own personal approach. Because I think that on most issues, probably with the exception of John's committee - Just kidding, John - That we are going to be able to develop consensus. I don't know, maybe I am wrong. Maybe we should try a couple of these and see what happens -

Commissioner Cook stated: If we cannot get consensus -

Commissioner Dolman stated: How are we ever going to -

Commissioner Cook stated: - when we get to the final point of whatever, to come up with something, and we - you know - and I want - you know - three of us are holding out for a city manager come hell or high water -

Commissioner Shaw stated: Four -

Commissioner Cook stated: - or four people - Four people are holding out for a city manager - And they are - It still - you know - They are going to lose. There is only four - and they are holding out for a city manager, even though there is no consensus that we ought to keep a mayor - those people are going to lose. But, we will have least of tried to get a consensus on this thing.

Commissioner Shaw stated: If there are five for city manager, would you consider that a consensus? Just the opposite?

Commissioner Cook stated: If there were five for city manager, I think I would stay with a mayor.

Commissioner Baines stated: I would too.

Commissioner Sullivan stated: Yes, I mean I think -

Chairman Pappas stated: I would too.

Commissioner Dolman stated: Yes, you need to - I think you have to have at least a six vote to -

Commissioner Shaw stated: So then that six votes would be bigger than five?

Commissioner Dolman stated: - (inaudible) the majority - You need to have two-thirds -

Commissioner Baines stated: I said I think it would -

Commissioner Shaw stated: It could be five if it includes Shaw -

Commissioner Baines stated: But you could have soft votes, too. You know, there are going to be soft votes, too. That is the other thing is - There are certain things that I feel very strongly about and others that I don't. I mean, you could get into - let's say the at-large issue - I mean, you may think, "Well, it is a good idea, but, do I really want to go to the mat with it?" So you are going to have soft votes, and I would say, "Well, what difference does it make? Let's support that." So I prefer that approach. Like city manager. I think that there are going to be hard votes on those issues. I mean, people are going to believe those things one way or the other. But a lot of these other issues, I don't think that if there were -

Commissioner Shaw stated: If there were at-large aldermen, the vote was five to four, you think that that is enough to pass it?

Commissioner Baines stated: No, I would have a problem with that.

Commissioner Sullivan stated: No.

Commissioner Shaw stated: You would have a problem?

Chairman Pappas stated: I think that we all would.

Commissioner Dolman stated: I think that what we are saying here is that we need a clear consensus - And when it comes down to that -

Commissioner Stephen stated: Well, what is it?

Commissioner Dolman stated: A clear consensus? It has to be at least two-thirds. At least two-thirds is what we are trying to say -

Commissioner Cook stated: But what we have been doing so far is, if we had an issue where we were still failing to get to a consensus, we have said, "let's put it over here," and do it, so that we can the maximum number of things to the Drafting Committee to knock off the things that we have got -

Commissioner Baines stated: We could go through these things and reach strong consensus on these things, and just put them aside and get rid of them, and then leave those hardcore issues, so to speak, and let's - chip away at them.

Commissioner Shaw stated: If the vote was six to three - you know -

Commissioner Lopez stated: I agree with Commissioner Baines, if you - just exactly what he said - We will go through - I would just like to add one other point, whether it be in the Drafting or whether it be when it comes back, that if there is a five-four that we continue to move on to those easy issues and then maybe come to those three important items that we want to come out of here. Because if we come out of here with a five-four - All this work is down the drain.

Commissioner Dolman stated: Right, I think that we are all agreeing on that. Let's move on.

Commissioner Shaw stated: Well, my point is, that if a vote was six to three and I was part of the three, I would not be opposed to what the six wanted. But if the vote was five to four, and I was part of the four, I would be opposed to what the five wanted. I would be opposed to changes in the Charter - So, six to me means I lost.

Commissioner Sullivan stated: That is fair. That is fair enough, yes.

Commissioner Lopez stated: Seven -

Commissioner Dolman stated: - have to have at least six -

Commissioner Stephen stated: I with Commissioner Shaw and for the record, I would like to have a copy of that exact statement.

Commissioner Dolman stated: Okay, incompatibility? Which ones did we go - that you know will go?

Commissioner Lopez stated: Two years.

Commissioner Dolman stated: Two or four-year terms?

Chairman Pappas stated: Incompatibility of offices.

Commissioner Cook stated: Now we are going to go for the - We have got seventeen questions - Eighteen questions. Let's do them from the top. Why don't we just do them from the top?

Commissioner Sullivan stated: Okay, where do you want to start?

Commissioner Dolman stated: Like I said - Well, we just did number one -

Commissioner Baines stated: Number one is done.

Commissioner Cook stated: We did number one, so number two -

Chairman Pappas stated: Two -

Commissioner Baines stated: Incompatibility of officers. Now, that refers to the issue of School Board members - I mean Aldermen - School department people, and see - So you may have to deal with another issue before you deal with that one.

Commissioner Dolman stated: But - That is right. I think that you are going to (inaudible) opposition is to - sit - to do this with the School District -

Commissioner Stephen stated: Well, I would like to comment on that - Because I did some research on this issue. I know that eventually we are going to send this issue to Tony Simon -

Commissioner Baines stated: He has already got it.

Commissioner Stephen stated: I gave all of the memorandas [sic] and everything to him. The way that I look at this and construing the Tappin case, because that is what Judge Murphy did - I think that the bottom line it comes down to in trying to sort out through all of the legal jargon, is that the Charter did not specifically - or specifically enough, say that school employees or school teachers were not - were school employees or City employees. So, it is the definition of city employees that becomes very important here.

Commissioner Shaw stated: Why didn't you state that?

Commissioner Stephen stated: If, in the Charter, we could define city employees to include school teachers -

Commissioner Shaw stated: No, I - Why don't you say that? City employees and school employees cannot be Aldermen -

Commissioner Stephen stated: - or just say it. And just say the word, "school teachers," if that is what this Committee [sic] wants to do. I am just saying, that is what it really - I think the issue comes down to - The Charter not being specific enough in setting forth that school teachers are employees, that is all -

Chairman Pappas stated: Yes - Commissioner -

Commissioner Dolman stated: I have no problem with that if wants it - (inaudible) going to take, okay? I will take myself - But we are looking at the issue of school districts, and if what we are trying to find out legally, that Manchester is a separate School District, and there has been the problems [sic] that it is not a department, then we are talking about something completely different. I think that we really have to wait and see what the status of "school district" is, just for the legalities of it - and the research -

Commissioner Stephen stated: Real quick - You are talking about incompatibility of office though, rather than the entire issue of school district - You could still have it - the school - separate school district, but yet, set a policy that you do not think that school teachers should run for elective office.

Commissioner Baines stated: But then there is -

Commissioner Shaw stated: School employees -

Commissioner Dolman stated: What is the real reason for school district employees running for office if it is just - If there is really no incompatibility of office, if there is a separate school district?

Commissioner Sullivan stated: I think that we have spent a lot of time at various meetings talking about this one. I would be interested in maybe, if it is appropriate, a (inaudible) show of hands, because it - I think there are - People are probably pretty much set in what their position is on this one, and I would be interested to see whether we should - if there is interest in going forward with a policy like that or not -

Commissioner Shaw stated: What is the policy?

Chairman Pappas stated: Alright, do you want to put it - throw a poll out, here -

Commissioner Shaw stated: Yes, I would - Let's - A straw poll on whether this -

Chairman Pappas stated: - we want city employees to work - to a -

Commissioner Cook stated: You need to - I think there are three options -

Commissioner Shaw stated: I thought it was school -

Commissioner Cook stated: Nobody who gets paid by the City, including school teachers - In other words, city employees and school department employees - whatever the school district is -

Commissioner Shaw stated: Employees -

Commissioner Sullivan stated: Alright.

Commissioner Cook stated: - or just school - I mean, just city employees - forget the school, and anybody the voters want to elect they can elect -

Commissioner Sullivan stated: Right. I thought about this -

Commissioner Cook stated: I think those are the three positions.

Commissioner Shaw stated: Three issues -

Chairman Pappas stated: How many are in favor of the third one?

Commissioner Cook stated: I am.

Commissioner Dolman stated: Which was the third one, again?

Commissioner Shaw stated: Which is anybody -

Chairman Pappas stated: - anyone.

Commissioner Cook stated: Anybody they want to elect they can elect.

Chairman Pappas stated: Anybody can run for office -

Commissioner Shaw stated: Even an - Even for aldermen.

Commissioner Sullivan stated: Yes, anything.

Chairman Pappas stated: Anything.

Commissioner Shaw stated: Can we see how the (inaudible) -

Commissioner Cook stated: Except what the State law may say, which we are asking to be looked at.

Commissioner Sullivan stated: Right.

Commissioner Shaw stated: So, can school board -

Commissioner Baines stated: I am leaning towards that position, but I would - I need clarification because - I am just tying to think - You wouldn't - You would

allow a school teacher to run for School Board?

Commissioner Cook stated: No, I thought we were talking about aldermen.

Commissioner Baines stated: Okay. Because - Then I am in favor of what you just - you just stated -

Commissioner Shaw stated: Anybody can run for aldermen, including the guy that picks up rubbish.

Commissioner Cook stated: Anybody.

Commissioner Shaw stated: - anybody.

Commissioner Sullivan stated: So who - How many people had their hands up?

Commissioner Shaw stated: Isn't that funny that that is what (inaudible) -

Commissioner Dolman stated: You had your hand up, Bob?

Commissioner Baines stated: I am soft on that - That is a soft -

Commissioner Sullivan stated: So that is four -

Chairman Pappas stated: Alright. So that doesn't say much -

Commissioner Dolman stated: Approximate - I am not going to (inaudible) - approximate -

Commissioner Shaw stated: You know what is - What is interesting about that is that the law does not allow school teachers - The law of the State of New Hampshire does not allow school teachers -

Commissioner Cook stated: - (inaudible) I say - It says it as a law -

Commissioner Sullivan stated: It is a law -

Commissioner Shaw stated: - to serve on -

Commissioner Baines stated: Yes, see that is -

Commissioner Shaw stated: Well, but we are making the law -

Commissioner Cook stated: No but there - I think that there may be a State law that says that is not acceptable - And if there is a State law that says that is not acceptable, then we cannot do it.

Commissioner Baines stated: I think that we should set this aside and come back to it.

Chairman Pappas stated: Set it - Yes. I -

Commissioner Baines stated: We are not going to solve it. So I think that this is a good process if we get that - Let's set it aside and have to revisit it.

Chairman Pappas stated: Going nowhere at this point.

Commissioner Baines stated: That is right.

Commissioner Cook stated: If the voters want to elect somebody, they can elect -

Commissioner Sullivan stated: That is how I feel.

Chairman Pappas stated: Two or four-year terms. Do you want to start with the Mayor, or how do you want to address this?

Commissioner Baines stated: Let's take the Mayor -

Commissioner Lopez stated: Two-year terms.

Commissioner Baines stated: Let's ask - I will pass -

Chairman Pappas stated: Mayor, first?

Commissioner Shaw stated: Do you want to pass, or are you going to -

Commissioner Baines stated: No, I want to ask how many want a two-year term for Mayor?

Commissioner Stephen stated: How many want a two-year term?

Commissioner Lopez stated: Two-year -

Commissioner Shaw stated: Two years - Like we have it. It ain't broke -

Chairman Pappas stated: Four years. - like two is ahead, here.

Commissioner Shaw stated: Yes, okay, but - And I was in the majority, too -

Chairman Pappas stated: Aldermen, any difference?

Commissioner Dolman stated: I think the aldermen should be the - Two-year term. Two years -

Commissioner Shaw stated: What?

Chairman Pappas stated: Two years, also?

Commissioner Dolman stated: Aldermen should be a two-year term, also -

Commissioner Baines stated: Two years?

Commissioner Cook stated: Well, if you are going to be a mayor (inaudible) -

Commissioner Shaw stated: Two years we voted on -

Commissioner Dolman stated: We just voted for the mayor for two years - I would say the aldermen should be a two-year term, also -

Commissioner Shaw stated: Oh yes, okay -

Commissioner Dolman stated: Two-year term for aldermen -

Commissioner Lopez stated: Three years -

Commissioner Cook stated: If the mayor is going to be two, then I want the aldermen to be two - I mean there is -

Commissioner Shaw stated: So two is - We are staying with a two-year term -

Chairman Pappas stated: And I have the - School Board is the same -

Commissioner Dolman stated: School Board's the same thing -

Commissioner Cook stated: If the mayor (inaudible) - Can we just stop for a second? If the mayor was going to be four, I think that the aldermen ought to be four, but staggered - So, I mean, I think that we have to find out where we come out on the issue. I suspect two is more politically acceptable for this Charter.

Commissioner Baines stated: Which one would you stagger?

Commissioner Cook stated: I would stagger the aldermen. How are you going to stagger the mayor?

Chairman Pappas stated: Well, I base it on the fact that I do not think that anything can - the mayor cannot get anything done in two years. I think that he needs four years to accomplish his long-term goals, and he should be allowed to have the time to, you know, work to reach those goals. It takes more than two years. Plus running again for reelection -

Commissioner Shaw stated: We don't even do that for the Governor -

Chairman Pappas stated: - I think, puts him in a political - political turmoil, too soon, where he might be doing things that he normally - He might be making decisions which are impacted for - by his wanting to get reelected. Do you want to address that, also?

Commissioner Sullivan stated: - basically the same things, and plus, I think that

for the possibility of a new mayor every two years, I think it could be - depending on the quality of the person who is the mayor, we could have some problems with the learning curve for the budget process -

Commissioner Shaw stated: There is only two mayors that served two terms - one term, rather - Almost all mayors have had four years.

Commissioner Stephen stated: I would ask - By increasing the salary, as we expect to do, I think that you are going to get more qualified people, and that way, I think, the learning curve, I think, would be met at a much earlier stage.

Commissioner Cook stated: Most mayors, like most governors, get reelected. I think that the *Union Leader* would come down on us like a ton of bricks if we had four-year terms -

Commissioner Dolman stated: I mean, the Governor is only every two-years, too - So, I mean, this is going to be a harder sell -

Chairman Pappas stated: An assignment is like every two years.

Commissioner Sullivan stated: That is true. A passive economy.

Commissioner Baines stated: That is right. They like bank mergers, too. Sign makers like bank mergers, too.

Commissioner Lopez stated: We can come back to it. Maybe by the time we go back to it - I like to think, and am going to write something up on it, in reference to - I brought up before, whether he is the principal officer or chief executive officer. I mean, we look at this thing - I look at it differently, personally. A board of directors hires a chief executive officer and there has been testimony and - if we were to hire a chief executive officer or a city manager, he would have the experience of maybe fourteen, sixteen, eighteen years experience in government, and would have a lot more than a person elected mayor. I think we have to look at very carefully where a mayor coming in, i.e., can be anybody, as long as he gets one vote more than the other guy - it is only two people - there is no qualifications to run for mayor - So, you know - And we have had testimony that four other mayors have had no problem with the existing - and that is going into

another subject, but, I just wanted to point that out, and I will write something on that particular principal officer versus a CEO that we talked about in the (inaudible).

Chairman Pappas stated: Okay. Alright, that would be good.

Commissioner Dolman stated: So we get - We have a consensus, at least a soft one, for a two-year -

Chairman Pappas stated: I think so, yes - The two-year -

Commissioner Shaw stated: Soft? I thought -

Commissioner Sullivan stated: It was pretty hard -

Commissioner Shaw stated: We are not going to come back to that are we?

Commissioner Sullivan stated: I think two-years - Two-years goes -

Commissioner Baines stated: That is pretty good.

Commissioner Dolman stated: Okay, alright -

Commissioner Cook stated: Because I am not that strong on that subject - I will go with Bob Shaw.

Chairman Pappas stated: I will change - I think two years -

Commissioner Lopez stated: Hey, we got one through - Two-years - You guys can write two years -

Commissioner Baines stated: Thanks.

Chairman Pappas stated: Do we think staggered terms, or a -

Commissioner Sullivan stated: Not for two years.

Commissioner Cook stated: Not for two years.

Commissioner Shaw stated: Not two years, no.

Commissioner Cook stated: An election every year -

Chairman Pappas stated: No, I mean for the Aldermen. No that would not work, either. Forget it.

Commissioner Cook stated: No, no need.

Commissioner Shaw stated: Half every year - That is no good. Elections are all in November.

Chairman Pappas stated: Number four, Commissions terms, numbers, composition, residency, etcetera. Anyone to take a stab at this?

Commissioner Cook stated: I would say - My opinion would be three-year terms for Commissioners. I am not a big fan of term limits myself, but I have no objection to two-term term limits.

Commissioner Shaw stated: Six years total.

Commissioner Cook stated: Six years total.

Commissioner Shaw stated: Are you protected for six years?

Chairman Pappas stated: Oh sure -

Commissioner Cook stated: And then I would say, you know, you would have to sit out a year if you went back on, you went on the - you cannot prohibit - two consecutive terms. And, you know what I think on composition. I would not put any composition requirements on there, except that all members of the Commission could not be members of the same political party.

Commissioner Shaw stated: Portable -

Commissioner Stephen stated: I would agree - Syl Dupuis, I thought, convinced me on the two consecutive terms of three years, that at the expiration of the term, you are not eligible for two years. That is what he proposed. And I like two years because I saw that in a lot of ethics codes that I was working on. But I would also say that, as far as the composition, we need to really, seriously look at the labors testimony where they asked if, you know, they wanted to have some type of input if we are going to retain a labor representative on the Commissions, that they have input as to who the person is that gets selected. That is the only -

Commissioner Baines stated: Can we deal just like - Can we deal with these categories like terms, and then number, compositions and authority?

Commissioner Stephen stated: Terms, I would do two consecutive terms for three years.

Commissioner Dolman stated: I have no problem with that, I mean - I will go along with that.

Commissioner Lopez stated: I do have a problem with it, but if it is - everybody has a term limit, I can concede to that fact to make it unanimous. I have my position on Commissioners and I am in the process of writing something up, and I plan to send each one of you a copy of it.

Chairman Pappas stated: Anyone else wish to add anything to the terms? Bob -

Commissioner Shaw stated: Would - Well only in the - and maybe it is further down and - you know, is a - It seems to me that anybody that is a Commissioner now has already completed one term by the terms of this Charter - In other words, he could get one more. That he cannot stay for six years after the Charter is passed, do you agree?

Commissioner Cook stated: Well some of the terms of present Commissions -

Chairman Pappas stated: Yes you can -

Commissioner Baines stated: We are going to deal with that under a separate section -

Commissioner Shaw stated: Are we? Okay.

Commissioner Cook stated: Yes, we are going to deal with that on a transitional (inaudible) -

Commissioner Sullivan stated: Transitional - Yes -

Commissioner Shaw stated: This is applied to the airport, libraries -

Commissioner Dolman stated: Everybody - All of them -

Commissioner Sullivan stated: I do not think that it applies to the library -

Commissioner Cook stated: Depends. If we decide - No, remember we said - We said at the - One of the things that we still have to decide and the reason we sent out to - No, the reason we sent out to Tony, questions, were, "Are there departments we have to have, and are there departments we want to have that are more than the other boards and Commission?" Whatever ones are the straight Commissioners we do - and I have no problem with applying to that, frankly.

Commissioner Shaw stated: In joshing with Commissioner Sullivan here, it seems that it would not apply - I do not know why we would make a rule that applies to one group of Commissioners because - You know, the Highway Commissioners and the Parks Commissioners, and a few of these others - they are just made up of yeack - But, the airports, the libraries, the Water Works, these are sacristies -

Commissioner Cook stated: It is library -

Commissioner Shaw stated: And, I do not believe that should be true. If it is good for the goose, as my father once told me, good for the goose, then it is good for the gander. In other words, we should not make a term limit that applies to anybody in the City of Manchester unless it applies across the board.

Commissioner Dolman stated: Question - One other question - For the Airport Authority, when Londonderry makes their appointment - has to make an

appointment, correct?

Commissioner Shaw stated: They don't make any. Nobody -

Commissioner Cook stated: Londonderry does not make an appointment. Londonderry recommends to the Mayor, who makes an appointment.

Commissioner Dolman stated: Oh, I see, okay. So they can go on their own qualifications and if we agree on this -

Commissioner Cook stated: The Mayor has never turned down somebody who is recommended by their people -

Commissioner Dolman stated: So he suggests to them - To the Londonderry - Saying the Mayor has to tell them it is somebody - has to be just two three-year terms, and that - they would have to abide by that, too.

Unidentified stated: That is true.

Commissioner Dolman stated: Okay. I just wanted to check.

Commissioner Sullivan stated: Unfortunately, Mayor Shaw was not here for this - I think, and I am not going to take a position on the library, other than to say, I think this is one that we are going to have to get a read on from Tony Simons, because - I just was looking at the bylaws of the library today, and there is a strong feeling, right or wrongly, at the library that it is not a City department, and it is more -

Commissioner Dolman stated: Wait a minute -

Commissioner Cook stated: Well, it is there -

Commissioner Sullivan stated: It - No - Bear with me -

Commissioner Cook stated: It was referenced in the Charter as a - That the Manchester Atheneum, which is agreed to with a contract -

Commissioner Baines stated: I say that, yes -

Commissioner Sullivan stated: Manchester Atheneum - It was started out as a private library and entered into a contract with the City of Manchester, and under State statute, actually, there are provisions about the trustees of the public libraries around the State. If it turns out that the trustees can be required by this Charter to be two terms of three years a piece, I am not going to protest. That is fine - I agree with Bob Shaw (inaudible - paper shuffling) - If you could make it apply to the library, more power to you. I am just not sure that the library may not be - because it was based upon a contract between the Atheneum and the City, that it really is in fact a regular City department.

Commissioner Baines stated: It may not be a department -

Commissioner Shaw stated: Well, then we better know -

Commissioner Sullivan stated: That is why said, I think Tony Simon - And, as you - I don't know if you heard me say this or not, but if it can be subject to the trust, to the same limitations, that is fine. I don't have a problem with that.

Commissioner Cook stated: And I misstated myself. I don't care if the library - I mean, I don't care if the Water Works and the Airport have three-year terms and two term limits. What I was thinking about is that we still have to discuss whether or not we want those Commissioners to have the same power, or different power because of the nature of the department. But I do not care if it is two three-year terms (inaudible) -

Commissioner Baines stated: Do we have to put issues for referral, legal advice - the library now?

Chairman Pappas stated: I thought we had.

Commissioner Dolman stated: I think we - Did you already do that - Kathy, did you already check with Tony - Did you already request that from Tony?

Commissioner Sullivan stated: I have not. I have not on the library, I have been sort of quiet on that one, because I am not sure how appropriate it is for me to get

involved (inaudible) -

Commissioner Dolman stated: Oh, we did do it - We passed out (inaudible) - Okay.

Chairman Pappas stated: Well, let's do that, Bob.

Commissioner Baines stated: Can the Chair - You want me to -

Chairman Pappas stated: Do you want - I can do it.

Commissioner Baines stated: Okay.

Commissioner Cook stated: Yes, we - I think we did it for the other two -

Commissioner Sullivan stated: Yes, and I did -

Chairman Pappas stated: The Drafting Committee?

Commissioner Sullivan stated: The library, I was kind of waiting until we got to the library and - Never really talked to the (inaudible) -

Commissioner Shaw stated: But the library trustee is nominated by the library, but is not approved by the library -

Commissioner Sullivan stated: Yes - I mean, it is - It is a joint meeting -

Commissioner Dolman stated: It is approved - Approved by a joint meeting - But the trustees -

Commissioner Shaw stated: How many votes does it take?

Commissioner Sullivan stated: Majority of the combined -

Commissioner Dolman stated: - of the Trustees and the Aldermen -

Commissioner Sullivan stated: - the combined Trustees and the Aldermen -

Commissioner Cook stated: We have got to find out where that came from. Because otherwise we are (inaudible) -

Commissioner Dolman stated: That is right.

Chairman Pappas stated: Alright, let's research that.

Commissioner Lopez stated: I tend to agree with Commissioner Shaw, what he said - At the same time, I think they are really only talking about the "big six," I call them, the "big four." The other people that are commissioners - I do not really think, like the library or Trustees, the whole testimony that we received - I do not think people were really talking about that. They are talking about the Commissioners in full control of departments, okay? Basically - But I would be curious, and maybe Commissioner Brad could answer this question - is - as to the Charter, the way it was written, with the Water Works and the Airport, can you see any continuity as to why Commissioners should be on there for a longer period of time, because they have six years versus the three years on the other departments.

Commissioner Cook stated: I think - I asked John Hoben if he remembered why they had different terms, and he said they had different terms - Remember the - Somebody came to testify, and I do not remember who it was, who said, what we were trying to do was to take all of the preexisting things and codify them into the Charter, at the last public hearing we had, and I think that was at - I think they already had that length of term, and so they just put them in it that way. They sort of grand fathered in the varying terms, and did not change them, because they had that length of term before. If I had to guess why they had that length of term before, at least in the Water Works case, they are really running a business, setting rates and doing that kind of stuff. In the Airport case, I do not see any reason - I just - I am - Having been on the Airport Commission, I do not think that it makes any difference in the world if they have three-year terms or six-year terms, at all - Zip.

Commissioner Lopez stated: Fine.

Chairman Pappas stated: Okay. Any further discussion?

Commissioner Baines stated: Composition -

Chairman Pappas stated: Composition.

Commissioner Baines stated: This is the issue that we get into whether there should be categories. We are talking - Have we dealt with - The number - Also we have deal with how many Commissioners, the number of Commissioners, first.

Chairman Pappas stated: Yes, you are right. Sorry.

Commissioner Baines stated: How many Commissioners -

Commissioner Shaw stated: - to each department?

Commissioner Dolman stated: To each one.

Commissioner Cook stated: I would say five.

Commissioner Shaw stated: Do they vary now?

Commissioner Dolman stated: They - Some of them are varied.

Commissioner Shaw stated: But do you - You cannot say five for the Airport.

Commissioner Cook stated: Airport has seven because you have a contract with Londonderry that you will have seven.

Commissioner Baines stated: - you will have seven.

Commissioner Shaw stated: Yes. So, I mean - I think they should just leave the number where it is at. What is the problem with it?

Commissioner Baines stated: I don't know, what are the numbers?

Commissioner Shaw stated: Whatever is there now, is the number that it shall be -

Commissioner Stephen stated: If it ain't broke, don't fix it -

Commissioner Lopez stated: The numbers are five and seven.

Chairman Pappas stated: Sounds good.

Commissioner Dolman stated: Nobody but - Nobody has seven, except Airport, right? Am I correct?

Commissioner Lopez stated: Water Works -

Commissioner Shaw stated: The Airport has seven - The Airport has six, and the Mayor, maybe -

Commissioner Lopez stated: Mayor and the six, and the Water Works has -

Commissioner Cook stated: Who has got six?

Commissioner Lopez stated: No, I am sorry, the Water Works does have.

Commissioner Shaw stated: Five and the Mayor?

Commissioner Stephen stated: The Mayor is *ex officio.*

Commissioner Shaw stated: No, he votes.

Commissioner Baines stated: That - Well, that is -

Commissioner Cook stated: - but he is *ex officio* with a vote.

Commissioner Baines stated: Yes - Well *ex officio* only means by virtue of the office, right?

Commissioner Lopez stated: Right. Right.

Commissioner Shaw stated: Right, he is a middle -

Commissioner Baines stated: Yes, but people think it is - you know -

Commissioner Sullivan stated: The library has seven, too.

Commissioner Lopez stated: Seven trustees?

Commissioner Baines stated: - it is - some superfluous reference -

Commissioner Dolman stated: Well that - What about that Trustee you trust?

Commissioner Shaw stated: Leave the number alone. Why worry about it?

Commissioner Sullivan stated: That is okay. Yes -

Commissioner Lopez stated: Okay there is the - And there is your -

Commissioner Cook stated: I do not think that anybody is all stuck on that (inaudible) -

Commissioner Lopez stated: The Mayor is *ex officio* of the Water Works and there are six other members. One who should be representative of the (inaudible) -

Commissioner Shaw stated: Well we do not make it five - or whatever -

Commissioner Dolman stated: Alright fine, fine - Leave them in the way it is, but - Leave them as it is -

Chairman Pappas stated: Leave it as is? Everyone? Alright - As it is -

Commissioner Baines stated: Composition relates to whether there should be categories, political party, labor representation and all of that.

Commissioner Dolman stated: If we agree to non-partisan elections, now - How are we going to put in partisan there, except I agree with Brad, what he said earlier, that there should be some kind of little (inaudible) that they don't - That you don't have too many of one party, at least, on there -

Commissioner Cook stated: The fact that you are electing your elected officials, non-partisanly [sic], does not mean that you want to have a commission that somehow is made up of all republicans -

Commissioner Dolman stated: Right -

Commissioner Cook stated: - or all democrats -

Commissioner Dolman stated: That - I agree - That - I tend to agree with you on that, I mean -

Commissioner Cook stated: I mean and that - I think those are apples and oranges.

Commissioner Shaw stated: But that should be residents and I think that if you said no one from - Not more than one from any ward -

Commissioner Dolman stated: Well I think that is important - I think that is my next point.

Commissioner Cook stated: No, I do not think that you should say that -

Commissioner Dolman stated: I honestly believe that - Why can't you tell me you can't find other people from qualify - in the City - that qualified that you have to have three Commissions in the same ward on one - on one Commission - That is a problem that I have. I do really have a problem with that.

Commissioner Shaw stated: All Ward One -

Commissioner Sullivan stated: I am going to have - My suggestion is that we have no more - That at least one member of the Commission has to be from a different political party than all of the others - members - So at least you have -

Commissioner Shaw stated: No -

Commissioner Sullivan stated: No - That is - I am just making my suggestion, Bob, I am not saying that this is what we have to do -

Commissioner Shaw stated: But, is an independent - libertarian a party?

Commissioner Sullivan stated: Libertarians don't count. My next - And in addition - Let me say, in addition to that I would also say that we have some limitations on ward representation. I am not sure that it should be no more than one, perhaps no more than a majority from any one ward. Okay, and then in addition to that, I am also very interested in a proposal made by Commissioner Shaw, which was to - Rather than having a requirement that a rep be a Union member, that the - that there be a representative who is an employee of the department, who is - sits on -

Commissioner Dolman stated: Well, why don't we take one - Why don't we take step-by-step on -

Commissioner Sullivan stated: But that is composition. Those are my positions on composition.

Commissioner Shaw stated: Well, if you eliminate the Union person, I think you will have at least a thousand agitated out there that are in unions out there against the change in the Charter, in general.

Commissioner Baines stated: Agreed.

Commissioner Shaw stated: If everything else was perfect, and you took away their representation, I believe you have set-up an angry hornet's nest against it - That is the impression that I would - And then I think that when you get into composition of the thing, you know, and you go into - I don't understand why Commissions aren't made up - At least half of them should be women, right? And then of the women that they choose, half should be blondes and half should be brunettes, which will required, you know - But it is very complicated to make up the composition, fairly. And I don't know a - When you dealt with political parties, I thought it was a little fairer in the sense that, you know, the majority - but - well, now that we wouldn't have non-partisan, the - it could be two of each or something, you know, and one Union or labor. But it is a complicated subject.

Chairman Pappas stated: But you would like to keep a labor person on it?

Commissioner Shaw stated: Well, I think you loose -

Commissioner Baines stated: Yes, I would like to support that position -

Commissioner Lopez stated: I like the way it is set-up right now, myself. I like the labor person on there. I don't prescribe to Commissioner Sullivan or Commissioner Shaw's theory that an employee be on the Commission. Ahh - You put that employee really, really under a lot of peer pressure being on the Commission, in my viewpoint. The Commissions are well open, as you all know, representatives can be there from the Union if they want to be, you know? So, having somebody that is a cardholder of a Union, I think is good for the City, because the labor force in the City gets dumped on a lot, period. And it is one area - and one area only, that they do have somebody really representing them, even though maybe they don't utilize the people that are there. But, I know other Commissioners are card holders and - ahh - that have had very good communication with the Labor Board, or so. I like what we have, myself. It works.

Commissioner Dolman stated: I have no problem with the Union representative being on there - But they - again - it might be an issue that could hurt (inaudible) of us - Commissioner Shaw said, might hurt us in the passing of this Charter. The - I am not strong on it, I mean, I could go either way on it, but I think that it is an issue that might hurt us, so I think we - If it is going to hurt us, let's - If we are going to do the right thing for this Charter, let's not put another - a crink into the Charter. I honestly do believe that there should be some kind of a requirement that there is nobody - put more than - more than one person from a ward on each Commission. I am not saying every - I mean all - you know - you can't have two people from Ward Two on different Commissions, but on one Commission. It is a problem when you have - When there are twelve wards - or fourteen wards or whatever number of wards we agree to. Umm - I also think it would - even though we are having non-partisan - we do have to be careful of the democrat-republican make-up of the Board, and I think there shouldn't be more than a simple majority of one party over on - and the other party - on a Commission.

Commissioner Stephen stated: I think - I like the composition the way it is in the Charter. I don't have any problem with keeping it the same, except, and I would reiterate, that we need to maybe look at the testimony of the people, the labor

people, and make sure that if we are going to keep labor on here that they have some type of say in terms of who gets appointed by the Mayor. Whether that means submitting names to the Mayor or the Mayor getting the (inaudible) of some type of labor organization. I just - I think that it is important to look at that issue. But I am not adverse to saying no to that. I just think the composition should just stay the same.

Commissioner Cook stated: Well, I don't think you can - First of all, on this thing about no more than one per ward, that is crazy. I can see saying - Because I know the problems that mayors of various persuasions have had finding people, not people who are willing to be appointed, but people that are qualified to be appointed, to serve on different things, and to say that you can only have one is one thing. On the other hand, I can see not saying, you know, for the credibility of a commission, those people are all from Ward Eight - And, so I can see saying that no more than three Commissioners can be from any ward of the City. On the labor thing - I have got to tell you, it makes no sense. It doesn't say they have to be members of a City union - It does not say that they have to be anything. It says "labor representatives. It could be a member of the ALF-CIO from someplace, who is put on the thing, who has about as much to do with anything as nothing. And, it is a red herring. It makes no sense.

Commissioner Shaw stated: It doesn't.

Commissioner Cook stated: Because they - I mean, I know when - and the only one I know about, because it is the only time I have ever experienced it - I know when Mayor Wieczorek went out to find a labor rep to be on the Airport, he found somebody who had worked for him who happened to be a Union - he put him on the Airport Authority. Nice guy, good guy, no problem, but I mean, that was the whole criteria in which somebody was working and it is disadvantageous. Because there is no tie-in to anything that we have been talking about. It is not like they are tied into labor issues of the City, it is not - they are not tied into understanding or not understanding something, it is not those departments that are unionized or non-unionized, it was a sop. It got thrown in, and it hasn't worked, and it makes no sense.

Commissioner Shaw stated: Well I know that it - something should stay, but you are absolutely right that it doesn't perform any service at all. It is very difficult to

find people that are qualified to serve on committees that have Union cards that you might want to put on there. I wanted to put somebody on, and because he had retired, he lost his card in that particular Union. In other words, he had been a Union man all of his life, which I thought was the intent - that he was, you know, pro-labor or something. Instead, he now - the minute he retired he was anti-labor, couldn't be appointed, and I -

Commissioner Dolman stated: I do not want to belittle his position, okay, but I honestly believe in Dolman's World that the credibility of a Commission, when you have too many people from one ward on a Commission really - It bothers me, okay? I really want - I mean - You are telling me that you can't find [a] qualified person in the other eleven - the wards - the other eleven wards.

Commissioner Cook stated: I didn't say that -

Commissioner Dolman stated: - well that's what you're saying when you have to go to the - when you limit it in your scope, and you're limiting to that one situation - there are qualified people all over the City of Manchester, and there are wards that do not have any representation at - on any of these Commissions. And, if you look at the make-up of the Commissions right now, [the] majority of the members of the Commission [sic] come from Ward One - That is unfair to the center of City [sic], on side - on side - unfair to the West side, and there are qualified people in both those areas and I think you need to - you need to broaden the scope of the Committee.

Commissioner Baines stated: I have a couple of suggestions here. First of all, I think the labor issue, I think Brad makes a lot of sense on it, but I think that it is something that could sink the ship. I - Just - So - I think you - Leave it alone. I mean, it is not - It - Maybe we could find a way to deal with their concerns, but - Just getting rid of it, I think you are going to have them all fighting against the Charter, and we could lose great or good -

Commissioner Shaw stated: How about a City Union?

Commissioner Baines stated: Hold on - Maybe - Whatever - But, I think we could find a way to do it. Secondly, the issue of the ward issue becomes a political issue, and I think politics should take care of that, to be honest with you.

That, I think a - A mayor is foolish to do. It - When you are dealing with an issue and if it - and if - then you throw in the mix if we have at-large Aldermen that are confirming, maybe we could stop doing those things. The other bizarre notion that I would like to throw out for consideration, that we require some kind of an application process for Commissioners. When there is a vacancy, all vacancies should be posted. There should be an application process, and maybe it would bring people out and maybe mayor's would be considering people they might never knew existed, and it would be an open process and there could be a list that could be floated of people who have applied to be considered Commissioners and maybe some of this stuff would take care of itself.

Chairman Pappas stated: I love that idea.

Commissioner Shaw stated: Yes - Couldn't we say that if - for thirty days before - from the, you know, the -

Commissioner Baines stated: Right.

Commissioner Shaw stated: Might be a good idea.

Commissioner Cook stated: As long as it wasn't a mandatory thing, that the Mayor has to pick from those people who apply, because I - you know - We are going in the direction on the thing that the Mayor runs the City -

Commissioner Baines stated: But why would - But my response to that, if the Mayor has somebody in mind, make sure that they apply.

Commissioner Sullivan stated: He should apply -

Commissioner Baines stated: I just like that idea that - I mean - There are Commission openings - But lots of people in this City that are qualified, they probably meet all of the criteria that the Mayor is looking for or needs - But that they don't know anything about it, it is sort of like the "old boys club." It really is a boys club, even though there are some women, they are mostly all men. And, it would maybe open a Mayor's eyes and the list would be out there for the Aldermen to look at, and people would be saying, "Geez, Mayor, did you ever consider so and so from Ward Eleven over there?" I mean, I didn't know he was

interested on being on the Commission - Throw that out for consideration -

Commissioner Stephen stated: I like that idea, you know -

Commissioner Dolman stated: - that's not a bad idea. I like that - I like that idea.

Commissioner Stephen stated: - and it is keeping in line with merit. It is keeping in line with the Ethics Code. It is keeping in line with merit, something that I have always liked. I would just like to add the word -

Commissioner Baines stated: I would put this in the Ethics Code -

Commissioner Stephen stated: - the Governor appoints judges, and I have a few friends that have been appointed judges. They sent applications to the Governor, once there is a vacancy in the judgeship. The Governor does not have to go along with the recommendation, but I can tell you something - It makes the Governor look at the application, and secondly, I can tell you that based on some past judicial appointments, the Governor never expected to appoint this person, and then saw the application and did in fact appoint someone with great credentials. So, it could open the door for some good people.

Chairman Pappas stated: I like it -

Commissioner Stephen stated: So, I like it.

Chairman Pappas stated: Everyone else like the idea? Or -

Commissioner Lopez stated: I like the idea - it - also the application - It is how it is going to be implemented.

Commissioner Baines stated: But that is an administrative matter. If we say something along the lines, as Commissioner Shaw said, thirty days - sixty days before a Commission vacancy is noticed there should be a - position shall be duly posted and the citizens will have an opportunity to apply for the position.

Commissioner Sullivan stated: Yes -

Commissioner Shaw stated: And then you can eliminate labor -

Commissioner Cook stated: No, intriguing, because I would like to get more participation and I would like have the people who want to serve do it. The problem is going to be, I think, having experienced some people who wanted to serve in City government, and said, "I would like to be appointed to something," but the pick was in on the next three appointments that came up - They fall by the wayside after they are not picked. I mean they say, "I am all wrapped up, I would love to do it." So then they try this one and this one and this one, and then they go away. I think what it is going to become, good intented [sic] - good intended - but to put it in the Charter, I think that it is going to fall by the wayside, I don't think that it is going to be observed, and I think what is going to happen is that it is going to create exactly the opposite effect from what you want.

Commissioner Lopez stated: Remember the out - I am going to go back where I said I agree with Commissioner Baines, but I thought that you were coming to the process of when the nomination is given by the Mayor or given by the Aldermen, I think that was has happened over at City government, you - hardly any of them know who the guy is. And that has been proven on many occasions, especially the last one that Aldermen Twelve recommended, "Who is this guy? What does he do?" Right? I think when the person is nominated, giving the Mayor his authority to nominate somebody, or the Aldermen to nominate somebody, they should at least have some type of application to give to the other twelve guys -

Commissioner Dolman stated: For the record - Just point of order - For the record, if someone is appointed to the - nominated to the Commission, that person is supposed to get in contact with -

Commissioner Shaw stated: He does - He is supposed to -

Commissioner Dolman stated: - well no - He - They have not been doing it, at least that - but he - they are supposed to be sending you some - a resume -

Commissioner Lopez stated: Who is?

Commissioner Dolman stated: - the person being nominated for a Commission, to the Aldermen.

Commissioner Lopez stated: Oh, I see -

Commissioner Dolman stated: Okay?

Commissioner Sullivan stated: I sent a letter -

Commissioner Stephen stated: Brad, maybe the - In regards to what Commissioner Cook said, what about something like this? "It shall be the duty of the Mayor to draft and submit to the Board of Aldermen within so many months after assuming office, an ordinance related to the appointment of Commissions which includes provisions to ensure that all appointments and promotions are made solely on the basis of . . .", you know, we can go through merit, "after examination of the person relative knowledge, skills, abilities . . .?" What is wrong with something like that?

Commissioner Cook stated: Different question.

Commissioner Stephen stated: Well you said - First of all, you brought up the issue that, you know, we shouldn't be putting this in the Charter, but under R.S.A. 49-C.

Commissioner Cook stated: Yes, but that is a different question. Merit and qualifications and all of those things are -

Commissioner Stephen stated: Change -

Commissioner Cook stated: - are either implicitly or explicitly redundant. I am worried about putting a requirement in the Charter that - or a nice thing in the Charter, that goes by the wayside, just scchhht -

Commissioner Baines stated: What if there was something - just provisions were made for people who are interested to submit their names to the Mayor for consideration?

Commissioner Cook stated: That is right. That would be fine. That would be fine. And some statement that people are encouraged to do it - to be -

Commissioner Shaw stated: When Brad comes up with his nice things, we are going to have to do something about them - But - In watching C-SPAN, this particular issue reminds me of when they - they take everything - eliminate everything but the title, which is Ethics, substitute Mr. Baines' remarks for the content and take a vote on it - the Ethics -

Commissioner Baines stated: I know what you are trying to say.

Commissioner Dolman stated: People are going to make a statement to the fact that Commissioner Baines suggested, and I have no problem with that, okay? Can we also make a statement to the fact that the Mayor tries to broaden the scope of the appointment so that it is not, you know, related to one ward.

Commissioner Baines stated: Maybe that is the way to deal with this whole issue -

Commissioner Dolman stated: You know - I mean if we are going to make the statement -

Commissioner Cook stated: Well, I don't mind people putting in something that you can't have more than a certain number from a single -

Commissioner Sullivan stated: - for a ward, yes -

Commissioner Cook stated: I mean, I think you can put a prohibition in, "not more than," I - What I don't like is "no more than one from any one ward."

Commissioner Lopez stated: Right -

Commissioner Dolman stated: On each Commission - that - so it not the total - yes - The last two appointments into the Parks and Recreation Commission have been both out of Ward One -

Commissioner Cook stated: So what?

Commissioner Dolman stated: You are telling me that there is nobody else in the City of Manchester -

Commissioner Shaw stated: Airport, Ward One -

Commissioner Dolman stated: Oh, there - Can I just say something about the - (inaudible). Brad, with all due respect, with all due respect, and I know - You live in Ward One and I live in Ward Eight, contrary to what the *Union Leader* said last week, I was morally insulted when they said I live within Ward One -

Commissioner Cook stated: - so were we.

Commissioner Sullivan stated: There is a real conception in the City of Manchester, again, that - maybe some resentment, too - about the fact that Ward One is obviously the financially best off of most of the wards and has an undue influence in comparison to its numbers in the affairs of the City of Manchester. Am I right? Everybody who not from Ward One, do you agree with me?

Commissioner Dolman stated: I agree with you -

Commissioner Cook stated: And where else is that not true in the world? Where else is that not true in the world? They have got more time, they have got more education, they have more business experience (inaudible) - absolutely - on average.

Commissioner Dolman stated: No, you don't see - the real reason is - no - no - excuse me - No - The real reason is now, you see, and this is the point - the real reason is they have the money to give the candidates for mayor when he is running for mayor, so that is a payback.

Commissioner Cook stated: If you need business people on the Water Works (inaudible) -

Commissioner Lopez stated: I think we are getting off -

Commissioner Cook stated: - (inaudible) - Do you want any person that comes along from any place, because they happen to be from Ward Nine?

Commissioner Dolman stated: We didn't say you have to be from a ward, we are just saying don't limit your scope -

Commissioner Sullivan stated: You are more and more eccentric, Brad -

Commissioner Dolman stated: Let's get a consensus about it - Let's not argue - How many people think that we should have some limit?

Commissioner Sullivan stated: Some limit, yes -

Commissioner Cook stated: No problem (inaudible) - no more than three from any ward.

Commissioner Dolman stated: - three when you only have five members? Three?

Commissioner Cook stated: Five or seven -

Commissioner Sullivan stated: How about, "there shall be" - "a majority shall not be from one ward."

Commissioner Cook stated: Well that's even more on a seven member Commission.

Commissioner Dolman stated: That's - That can even - But even that - And I think that - I still don't think that's right, Kathy. I'll be honest with you -

Commissioner Shaw stated: That would be three is the maximum.

Chairman Pappas stated: But you know, maybe Bob was right. Maybe it will take care of itself if the Mayor appoints and the Aldermen don't approve -

Commissioner Dolman stated: Yes, but it would not - Yes, but putting in - That - It happens now. I think we - If we are putting in a general statement like what -

Commissioner Baines stated: Well, something like this, "Provisions shall be made," first of all the first issue, "Provisions shall be made for citizens to submit their names for consideration for appointments to boards and Commissions." So, you are saying, "provisions shall be made." Then we could say something, "The Mayor shall also seek broad geographical representation on boards and

Commissions."

Commissioner Cook stated: That is fine.

Chairman Pappas stated: That is good.

Commissioner Baines stated: That takes care of that. What was the other issue?

Commissioner Cook stated: And if he doesn't, the Aldermen can address it -

Commissioner Baines stated: Yes. They can cite that as an example. The Aldermen says, "Hey, the Charter says you shall seek broad geographical representation. The second person you brought in from Ward One here - Let's get with it Mr. Mayor." And if that person can gather the votes from the different sections of the City to - That is - The politics will take care of it.

Commissioner Sullivan stated: Alright. Alright.

Commissioner Stephen stated: Alright, I'll buy it -

Commissioner Lopez stated: You are giving him guidance because he is not a CEO.

Chairman Pappas stated: Composition? Residency, also included, right?

Commissioner Dolman stated: That was - Well, I think the residency issue was taken care of - Just a -

Chairman Pappas stated: Taken care of. Authority?

Commissioner Cook stated: Alright. Did we decide that political thing was going to be in there though?

Commissioner Shaw stated: We said residency has to be Manchester.

Commissioner Dolman stated: Well, yes. It is always that - You have to be

Manchester -

Commissioner Cook stated: Well, except for - I think -

Commissioner Lopez stated: Except for Airport -

Commissioner Dolman stated: Except for Airport -

Commissioner Cook stated: - well, I think that the Airport is the only one that -

Commissioner Baines stated: We want the Commission - the Charter to say what it means, therefore it shall, "all members of boards and Commissions shall be residents of the City of Manchester except," and then list -

Commissioner Dolman stated: Right, the Airport Authority -

Commissioner Sullivan stated: Do you want to say at least "six months of the year," to take care of the Florida problem? Only kidding -

Commissioner Shaw stated: No, I think that is important. I think that is important.

Commissioner Cook stated: Well, if they can't come, they should get kicked off -

Commissioner Shaw stated: Attendance should be important.

Commissioner Stephen stated: Can I just - As far as residency, can I ask, for the record here, to indicate the reason for asking for residency requirements for Commissioners? And I want the record to reflect this, because in case there is some court hearing later on, they can cite to this record as one of the issues on the residency cases at the Supreme Court is there has to be a rational basis for having a residency requirement -

Commissioner Shaw stated: They aren't employees of the City -

Commissioner Stephen stated: Well that is - I want this to be on the record, that is all I am saying.

Commissioner Baines stated: That's fine.

Commissioner Sullivan stated: Yes -

Commissioner Shaw stated: But I think attendance - How is it that you can get that in there? I don't think that it is fair for people to go six months to Florida -

Commissioner Dolman stated: - me neither.

Commissioner Shaw stated: - and be on a Commission. Does anybody think that is fair?

Commissioner Baines stated: Well, I think is an important issue for - to talk about a little, here -

Commissioner Cook stated: I agree.

Commissioner Baines stated: You are right on that. I do not think that is fair to the residents of the City.

Commissioner Shaw stated: - or to the -

Commissioner Dolman stated: - commissions.

Commissioner Shaw stated: - to the Commission itself.

Commissioner Baines stated: - for the departments themselves.

Commissioner Baines stated: Is that a problem?

Commissioner Lopez stated: It is a problem.

Commissioner Baines stated: Let's deal with it.

Commissioner Lopez stated: I think it ahh - You know - If you miss - I don't know -

Commissioner Dolman stated: Well, just -

Commissioner Shaw stated: Just throw it out for (inaudible) -

Commissioner Dolman stated: We should put exceptions for health reasons, in case somebody does have -

Commissioner Lopez stated: Well, health reason is different. But I mean, when you miss three meetings, you don't even know what is going on -

Commissioner Shaw stated: Consecutive - Not three meetings -

Commissioner Lopez stated: - then you come back after vacation, and you -

Commissioner Cook stated: Yes but - You are obviously right, but is that a Charter matter or is that a matter like the other things where we, you know -

Commissioner Sullivan stated: You can't put that in the Charter -

Commissioner Dolman stated: Put it in our general statement - Again - That is what we could say -

Commissioner Shaw stated: But they won't do it -

Chairman Pappas stated: Let's see if we can get it in that general statement -

Commissioner Cook stated: I know of Commissions where there have been people that didn't show up and they (inaudible) -

Commissioner Baines stated: I will just write down "Florida issue," and I will fiddle with that -

Commissioner Cook stated: - (inaudible) not three - Three consecutive, I - (inaudible) -

Commissioner Sullivan stated: Yes, we will provide for some -

Commissioner Shaw stated: Six for some people in the City of Manchester -

Commissioner Sullivan stated: - for some (inaudible) -

[Commissioners Cook, Shaw and Sullivan speaking at the same time, tape inaudible.]

Commissioner Shaw stated: Is six a lot? Consecutive -

Commissioner Cook stated: I don't know - It is - (inaudible) -

Commissioner Baines stated: Can we leave that alone and I will work on some wording for on the Florida issue?

Commissioner Lopez stated: Yes, I think there should be some wording - I don't know what the answer is -

Commissioner Baines stated: And if anybody has any ideas, we would like to hear them. Authority is the major issue, here.

Commissioner Dolman stated: Yes, that is a major - That is right -

Commissioner Baines stated: Because in the Charter -

Commissioner Shaw stated: - no authority at all.

Commissioner Baines stated: Well, in the Charter, it talks about how they will have full authority for management of the department.

Commissioner Shaw stated: Strike that.

Commissioner Baines stated: And the management is the responsibility of the department head. So, this is going to be something that we need to spend some time on.

Commissioner Cook stated: So the management, you - I think that is what the Drafting [Committee] - Didn't we say - I understood my assignment at the

Drafting Committee -

Commissioner Baines stated: Well did you - You had that section?

Commissioner Cook stated: - was to come up with some proposed language which the Committee could then consider that we bring back here to see how it integrated -

Commissioner Baines stated: Alright. So we are going to leave that alone for now, then?

Commissioner Cook stated: Yes. That's my -

Chairman Pappas stated: Okay. - working on it - We did bring it up once before.

Commissioner Shaw stated: Where there is a duplication in the Charter, and I don't know if anybody is going to look at that - Where three people are told to do exactly the same thing, that that is considered a duplication, and one should be chosen as the primary and then the other should be - have some other different wording, so where it says, "department heads should do thus, thus and thus," and says the Commission should do exactly the same thing is totally wrong.

Commissioner Baines stated: I have got to leave the meeting. I have a Scholarship night - As you move down the line here, I am for moving that date up, by the way. I would just like to leave my two cents on that one issue. I think it is ridiculous that we are considering budgets on the - at the eleventh hour.

Commissioner Cook stated: What would you move it up to?

Commissioner Baines stated: I think it needs to be moved up into April, at least. The fact - You know, this is - Isn't this ridiculous? That they - Why are they doing it like (inaudible) -

Commissioner Dolman stated: Bob, can I ask you a question? What effect - Now, maybe I am naive - What effect would a school district - a separate school district have - and the effect - will it have any affect on the possible budget - what

he?

Commissioner Baines stated: Mayor Shaw has some suggestions here, that there be some kind of a layer thing in terms of the District.

Commissioner Shaw stated: First of all the City budget should be closed on the first Wednesday of April. The Aldermen should have the power to open the City side of the budget any time they wish through the calendar year that the budget is in effect. I think a company should look at its budget if it wants to without - And, I think the school department side should never be allowed to be opened by the Aldermen after the first Wednesday in April. The Aldermen always meet on the first Tuesday in April. That gives them one more meeting past March.

Commissioner Dolman stated: And I agree - Again - 'Cause I understand the department - the school department, believe me. The only problem I have - the - prior to the Aldermen who get elected in January - doesn't give much time -

Commissioner Shaw stated: Other cities do it, other selectmen do that -

Commissioner Stephen stated: You know, they ran for office knowing that.

Commissioner Baines stated: I would hope they would start preparing in November -

Commissioner Dolman stated: Alright -

Commissioner Baines stated: - when they are elected.

Commissioner Dolman stated: Okay. Good. Fine.

Commissioner Cook stated: If the school district is separate, and therefore we make the Aldermen the equivalent of the school district meeting in a SAU, which once the budget is passed, it is passed, and you have got to go make it work, that that presumes that we are doing all of that other stuff with the school district - If that is true, I agree with Bob.

Commissioner Shaw stated: It is. They are done. It is over. They cannot open

the school side -

Commissioner Dolman stated: Well, that's what I mean. We need to find out about the school district issue -

Commissioner Shaw stated: - they can't take back money they have approved -

Commissioner Dolman stated: That's what I said earlier.

Commissioner Baines stated: Could they add money?

Commissioner Shaw stated: - can always add money, but you can't take away -

Commissioner Baines stated: Well, I think that needs to be said, because they may finalize a budget and figure they have got a problem -

Commissioner Shaw stated: You didn't want them to open it.

Commissioner Baines stated: I know, but that's -

Chairman Pappas stated: If they had a surplus, they (inaudible) -

Commissioner Shaw stated: If you say they can open it -

Commissioner Baines stated: I know, that's what we have to grapple with -

Commissioner Shaw stated: Then you take the chance that you - that they can send you a letter that everybody has a five percent reduction and not - And, my theory is, that after you give the school department their money, you cannot revisit the -

Commissioner Stephen stated: - bottom line, they will know by (inaudible) -

Chairman Pappas stated: Okay.

Commissioner Shaw stated: - under the ninety day rule, and I took (inaudible) -

Commissioner Dolman stated: But I think we need to find out about the issue of the school district -

Commissioner Baines stated: Yes -

Commissioner Dolman stated: - first.

Commissioner Cook stated: But we have to know what the issue is, and then we have to know what we are going to do about it before we know if that makes sense.

Commissioner Shaw stated: You could always give more money. - always give more money.

Commissioner Dolman stated: That doesn't happen in real life.

Commissioner Cook stated: I agree with him, I agree with him.

Commissioner Dolman stated: I agree - so I think we -

Chairman Pappas stated: I tend to agree, also. Anyone else?

Commissioner Shaw stated: And they could get the job (inaudible) -

Commissioner Lopez stated: Well, I tend to agree, but boy, I tell you - You are going to have come up with a lot more wording than a hundred and thirty-five days that they have to get that in and all of that stuff -

Commissioner Shaw stated: Oh yes -

Commissioner Cook stated: - (inaudible) going to have to - that is a complex thing, we are going to have to (inaudible) -

Commissioner Lopez stated: You are going to have to really - you got about one, two, three, four, five, six paragraphs you are going to have to really screen.

Commissioner Cook stated: Right. Right. No, that's true.

Commissioner Shaw stated: See, the Governor opens - reopens the budget every month by saying all departments will have five percent - by ten percent - by (inaudible) -

Commissioner Lopez stated: Plus, with all the money department heads are getting now, I don't (inaudible) think there is any difference what date it is -

Commissioner Shaw stated: - I don't think schools should operate under that - I think the contracts -

Chairman Pappas stated: No.

Commissioner Lopez stated: - they can perform the budget -

Chairman Pappas stated: Number six, Sick Leave Provisions.

Commissioner Dolman stated: Well we have got to answer - I would like to go back to number four, the authority - Are we going to come back to that part, too?

Commissioner Sullivan stated: Authority of Commissions -

Commissioner Cook stated: Yes, we said we were going to do - What we are doing with that is, that was referred - That whole issue was referred to Drafting to see how we make an integrated thing out it and then we are going to talk about it when we see it in black and white.

Chairman Pappas stated: We sent it to them once before, I thought.

Commissioner Lopez stated: I do -

Commissioner Cook stated: We sent it, yes - And they sent it (inaudible) -

Commissioner Shaw stated: With the idea of eliminating duplications, and taking away from the - Does the Commission want to take away from the - this Commission, take away from the other Commissions the power of hire and fire [sic], you know, where we did something (inaudible) -

Commissioner Stephen stated: I thought we discussed that -

Commissioner Cook stated: Yes, we did -

Commissioner Dolman stated: I (inaudible) came to a consensus (inaudible) -

Commissioner Cook stated: I think we did, and that is why we are now in the drafting stage.

Commissioner Dolman stated: Okay. Okay. Alright, but -

Commissioner Shaw stated: - but he might not like that.

Chairman Pappas stated: They will work on it.

Commissioner Lopez stated: Well, let me - Let me tell you something. Most of the departments did not realize they had the authority to hire and fire. As a matter of fact, the City Clerk didn't have a copy of the Amendment that was voted on by the voters, and I gave him a copy of the Amendment, so - Now they all know that the - The boss is supposed to go an get approval from the Commissions on hiring and firing, okay? And promotion. And that is the - That was voted by the voters themselves -

Commissioner Shaw stated: But we want to take it back.

Commissioner Lopez stated: I know you want to take it back. And, I am not opposed to that, okay? I am not opposed to that. If I have to lose anything, I will gladly lose that, because I think the process works good now, with the - with the Superintendent, in my particular case, he can hire if he wants and get rid of them as far as I am concerned. But I think the appeal process should be still there [sic]. You know, there still should be an appeal process with the Commission in some of the things - And I am going to give Commissioner Brad [sic] there, since he's working on it - I have got some points that I wanted to give to you -

Commissioner Cook stated: By all means.

Commissioner Lopez stated: - as the Drafting Committee.

Commissioner Dolman stated: I agree. There has to be some kind of appeal process. I mean - I don't think -

Commissioner Shaw stated: But City employees have an appeal process -

Commissioner Dolman stated: - in their contracts, an agreement - that's right - there is a grievance (inaudible) -

Commissioner Shaw stated: A grievances -

Commissioner Cook stated: And unaffiliated, also -

Commissioner Shaw stated: - and unaffiliated, yes. So I don't see - And there is a Committee in the - the Mayor has for grievances, too.

Commissioner Dolman stated: Right. Right. Okay.

Chairman Pappas stated: Okay, so we will send that citizen advisory kind of wording to you guys - To the final - To the Drafting Committee.

Commissioner Cook stated: Alright. Now we did -

Commissioner Dolman stated: We did four, we did five -

Chairman Pappas stated: Okay. Four is done, five is done. Six is Sick Leave for Nonaffiliated -

Commissioner Cook stated: I would delete that provision.

Commissioner Lopez stated: First one - Would it be the first one here, maybe?

Commissioner Sullivan stated: Yes, what I think I would prefer to do, rather than just deleting it, is to have some section to the effect that the non-affiliates will receive the same sick leave benefit as is provided - or as good a sick leave benefit as is provided in the contracts for the affiliated. I do have a - I do worry about the non-affiliated being given a - given treatment other than what is given to the affiliated.

Commissioner Lopez stated: I asked that question to Personnel, and their position is that there are [sic] almost an oral contract when they hire somebody. Now, I don't - I am not a lawyer, so - When a person gets hired in the City, they go through the forms and everything, and they tell them what they are entitled to and everything, so is that a - Can that hold up in court?

Commissioner Sullivan stated: Well the - Some of these employees are also told that, you know, under the City system, you have, you know, this grade, that grade - the - bah, bah, bah, bah - And that has not happened, given some of the things that have happened with the budget, so I think there is a - Given a history of why it was in there, I don't - I am not in - I don't believe that we should have the details of the sick leave policy, but I think that we should have something to protect the affiliates [sic] so they don't get treated differently.

Commissioner Dolman stated: I agree -

Commissioner Lopez stated: I agree.

Commissioner Dolman stated: I agree, but you have got to be careful, 'cause for an example, the non-affiliate might not want, let's say, "X" amount of sick leave days, let's say, just for example - They might want something else -

Commissioner Sullivan stated: They might want personal days -

Commissioner Dolman stated: That's right. So, that's something that negotiated. So we need to say something else like, they should have whatever sick - whatever - that is negotiated in their previous contract, or whatever - And they [sic] should not be eliminated. I agree, okay? That is the only thing I am afraid of. You cannot give them a set number as everybody else has, because they negotiate also.

Commissioner Sullivan stated: Right.

Commissioner Dolman stated: They don't negotiate as an affiliation, but they do negotiate.

Commissioner Cook stated: One of the problems though, I think with - And, I

see where you are coming from, Kathy, and I understand the motivation. One of the problems is that sometimes those provisions in the collective bargaining agreement have not been as good as the Charter provisions. So you could be deleting something -

Commissioner Sullivan stated: Yes -

Commissioner Cook stated: I mean, I understand why it is there, and I know they were trying to keep it from being manipulated on people. I think that is fine. It is just bizarre that we have one personnel item in the Charter and nothing else. I mean that is just cuckoo -

Commissioner Sullivan stated: No, and I - I agree with you, too -

Commissioner Dolman stated: - all agree on - We just want to protect the non-affiliated. That's all we're saying.

Commissioner Cook stated: We have got to protect them, but we ought to get it out of the Charter and we can do that by saying, you know, "until this is established by ordinance, the thing presently existing shall survive," and put it in the transition.

Commissioner Sullivan stated: Alright, that is fine, too. Yes, that is fine.

Commissioner Cook stated: I mean, I am not trying to take something away from somebody, I just think it is dumb to be in the Charter.

Commissioner Sullivan stated: Alright. No, I know you're not. I know you're not. Yes. I know you're not.

Chairman Pappas stated: Bob Shaw, did you want to add anything?

Commissioner Shaw stated: Well he is trying to take something away, though - You know, he feels he trusts the people that are there. The people that work for government know that they shouldn't trust anybody very long. The ahh - No, really. The people that are - The Aldermen, they get in these budget crunches and they pick on the weakest link to take away benefits and do other things. I

mean, I don't see why it should be in there either, but at the same time, you shouldn't take away -

Commissioner Lopez stated: - something they already had.

Commissioner Shaw stated: - they already had. Unless you know that it is being abused, it is expensive - What reason do you take it away? Is it going to be less expensive if you take it out? Are you going to be fairer if you take it out?

Commissioner Cook stated: Oh no, no, no, no - No, no, no, no -

Commissioner Sullivan stated: But I think - I think what Brad's saying -

Commissioner Cook stated: What is it doing in the Charter?

Commissioner Sullivan stated: - is that we can -

Commissioner Shaw stated: Huh?

Commissioner Cook stated: What is it doing in the City Charter?

Commissioner Shaw stated: Well, but - My point to you is this - Tell me how the citizens of Manchester will benefit if we take it out - make government run better -

Commissioner Cook stated: It will make all of the personnel policies that apply to a class of City employees, all of them, treated the same way - whatever that is - flexibility on administration -

Commissioner Shaw stated: Then you must do one other thing. You would require that the City become one hundred percent unionized in order to protect - department heads would definitely have to join a union, and so wouldn't the non-affiliated. You aren't - If you were going to lower my taxes by doing it, then I might be for it. But you are not going to lower my taxes, you are not going to make the City run any better, you are not doing anything except taking one paragraph out of the Charter which doesn't effect anybody - You - And you still want to leave it by ordinance or by right. That's my opinion - You are wrong.

Commissioner Sullivan stated: I think - Bob, it could be made better -

Commissioner Shaw stated: Then do that.

Commissioner Sullivan stated: Because, right now, the way this is written, the City is stuck with a specific sick leave policy, which ties the hands, not only of the city but also of the non-affiliated, so that if you wanted to do something such as a combined sick/vacation/personal day total, which some companies have gone to now, then hands of the City are tied by ordinance because of - for the non-affiliateds. It is not unusual to have policies that gives employees a combined two weeks sick, of which some can be personal days, or personal vacation days, or whatever. And, with the way this is written - that - you know, that is not going to happen, because it is all sick days. The other thing is, too, I am not sure - Maybe this doesn't prevent the possibility of the City doing something to encourage the nonuse of sick days -

Commissioner Shaw stated: Well, they can do a lot with that without -

Commissioner Sullivan stated: - but, but in any event - But I think that the - the first point though - I think that is the one that when we originally talked about this, but I don't think that it belongs in the Charter with a specific number of days in the policy, is that we should try to, you know, give the City some flexibility and the employees in how they do sick as opposed to family as opposed to vacation. However, having said that, I want to make sure that we are not put in a position of having someone go out and say, "oh they are taking away the sick days from the City employees in the Charter," because there are people who will do that to tube the Charter, because they are not going to like what we do - no matter what, and they will look for any excuse to criticize what we are doing. And so my suggestion is that we come up with something, perhaps to put in the transition provisions, as Brad suggested, to protect the non-affiliated so that they - so that -

Commissioner Cook stated: We can say that the - until they adopt such - this is no worse than what's in the Charter.

Commissioner Sullivan stated: Exactly -

Commissioner Cook stated: - I mean -

Commissioner Sullivan stated: Yes -

Commissioner Shaw stated: Well, I don't - I know that -

Chairman Pappas stated: It just doesn't belong in the Charter -

Commissioner Sullivan stated: Yes -

Commissioner Shaw stated: We should - Well - And neither do I believe that department heads should belong in a Union. But in order to protect benefits and other things they tend to want to, you know, as the Aldermen start to baby these things that they want to take away from this group, you know - It reinforces as these department heads meet - Maybe we should organize. The principals organized, and its the worst thing that could happen -

Commissioner Cook stated: That is the (inaudible) power - That is [an] R.S.A. 273-A problem, that is not something you can do anything about -

Commissioner Shaw stated: - in the City of Manchester, was for the principals - They are management.

Commissioner Sullivan stated: Well, but you know something, Bob - My - If they don't organize, what happens? And I have said this to my husband who is in a group of City employees and he hasn't gotten a raise in seven years, and that is why they organizing -

Commissioner Shaw stated: - but (inaudible) up, and that is why (tape ends) -

Commissioner Cook stated: - change it. [R.S.A.] 773-A [sic] allows supervisors to form their own union - unit - as long as they are not (inaudible) the same unit with the people they supervise.

Commissioner Dolman stated: As long as - Okay - Bob, I understand what you are trying to say. As long was protect them. As long as we protect them and they are not going to lose anything.

Commissioner Lopez stated: Yes, that's all.

Commissioner Dolman stated: That is what I think, that the major concern is

Commissioner Shaw stated: I don't want them to organize, that's all -

Commissioner Dolman stated: That's not - We have no right to stop them from organizing.

Commissioner Cook stated: The State law says they can -

Commissioner Shaw stated: Well, if we make attractive they won't organize.

Commissioner Dolman stated: Why would they want to organize right now? They receive benefits that -

Commissioner Shaw stated: Wasn't there an Aldermen from [Ward] Twelve, or if I am mistaken, he says, "Why do we take away the raises that we have already granted people?"

Commissioner Lopez stated: Right.

Commissioner Shaw stated: Didn't he say that?

Commissioner Lopez stated: Yes.

Chairman Pappas stated: Yes, he did.

Commissioner Cook stated: Well, you know - Reality has got nothing to do with it.

Commissioner Dolman stated: And where did he go with them? Where did he go? How far did he get with it?

Chairman Pappas stated: He got nowhere.

Commissioner Shaw stated: I don't know, yet. But, we don't know - The budget isn't finalized (inaudible) -

Chairman Pappas stated: That's true. Maybe -

Commissioner Dolman stated: That's true.

Chairman Pappas stated: Okay. Number seven. Status of the Procurement Code.

Commissioner Cook stated: We are still working on it. The subcommittee is still working on it.

Chairman Pappas stated: Alright. Number eight. Budget (inaudible) Numbers -

Commissioner Shaw stated: - put it under Ethics. (Inaudible) change the title.

Chairman Pappas stated: I don't know whether we have done (inaudible) -

Commissioner Stephen stated: You notice Ethics is not on there (inaudible) - because this is only (inaudible) - unresolved issues.

Chairman Pappas stated: - (inaudible) - was number five. Number nine. Salary of the Mayor.

Commissioner Lopez stated: Eight is a duplicate?

Chairman Pappas stated: Yes.

Commissioner Stephen stated: Unresolved issues -

Commissioner Dolman stated: Eight is a duplicate to what? Oh yes, five - yes -

Commissioner Lopez stated: Well, maybe I can suggest something on that, since I have been working on that -

Commissioner Shaw stated: I move we (inaudible) - I move against your proposal -

Commissioner Lopez stated: - I will throw it out again. I know, I know, you move

against my proposal -

Commissioner Shaw stated: I am not going to pay the Mayor fifty thousand dollars just because he is ahh -

Commissioner Stephen stated: I like Bob Shaw's plan (inaudible) -

Commissioner Dolman stated: What is your plan?

Commissioner Stephen stated: I like Bob Shaw's plan, ninety percent of the Governor.

Commissioner Shaw stated: And if you didn't want to - Could I further amend my proposal just so that people wouldn't think the Mayor was getting a big raise? If the first - You could be in the Charter that, "It is our intent that it be seventy, eighty and then ninety," you know, for the two successive years. So it would be seventy percent in '97, eighty percent in '99, and ninety percent in 2001, so that you would in a sense, move the Mayor up, seventy percent of the Governor's thing is fifty-six, which what [sic] you wanted pass, excuse me for getting in your way. Eighty percent would be sixty something, till you get up to seventy-five. The Governor gets a raise when State employees get a raise.

Commissioner Stephen stated: The Governor also give ten thousand back -

Commissioner Shaw stated: No, we're not going to give (inaudible) back -

Commissioner Lopez stated: Well - It has been kicked around and I surely don't agree, I don't agree with the recommendation, five percent above the highest paid individual in the City. I don't agree with that, which is going to be eighty-one thousand dollars, so you are going to pay the Mayor eighty-five thousand - I don't agree with that. I think that it is to much.

Chairman Pappas stated: Second something in charge -

Commissioner Lopez stated: I also look at the Mayor, coming into office, he might be there for two years, he might be there for four years, you know - Four years seems to be great - Just a couple of cases where people went a little

longer, okay? But again, I say that - You know - I just - Maybe I am hung up on this thing, but I don't think a person that is elected - Surely you are not a CEO, Bob - And the terms of the CEO -

Commissioner Shaw stated: I think I am -

Commissioner Lopez stated: Well, you think you are, but I don't think you are, okay? And I don't think that most mayors that are elected, or have been elected in this City, are really - as a CEO - as the terminology of a CEO -

Commissioner Shaw stated: Only one of them -

Commissioner Lopez stated: Only one of them -

Commissioner Shaw stated: Only one, that I know of.

Commissioner Lopez stated: And who is that?

Commissioner Shaw stated: I am not going to say which one, he only had a two-year term, that's all -

Commissioner Lopez stated: So, okay. - had a two-year term. But anyway, since most of the people don't like my proposal on the other thing, that's okay. I went back to the drawing board, and since the new pay structure is going to come out in July of all of the department heads, I came up with a figure that we pay the Mayor $65,508 -

Chairman Pappas stated: $65,508 -

Commissioner Lopez stated: - and four cents -

Commissioner Cook stated: But what are you going to tie it to? What are you tying it to?

Commissioner Lopez stated: Wait a minute. I am - Let me finish - I am tying it to - I am tying the fact [sic] that what I did is try to be fair in my position, is to say the $65,508.04 is an average of all of the department heads in the City.

Chairman Pappas stated: And this is salary, per year? With no increase?

Commissioner Lopez stated: Right.

Commissioner Cook stated: What is he going to tie it to -

Commissioner Lopez stated: $1,572,193 is what the department heads will get come July 1st, and I divided that by the number of departments and came up with $65,508.

Commissioner Shaw stated: Did he - Yield it for just a moment. I just want to point out that I don't think it's fair - I hear this all of the time. This is a new Aldermen [sic], he should learn the ropes before he is allowed the speak. I do not subscribe to that philosophy - The first moment - The first moment this man raises his hand and accepts the job as Mayor of the City of Manchester, he is equal - or she - to the task that the citizens have placed before him. Now whether he wants to goof off or not, that's his concern. But he has rights. He has responsibilities, and he deserves a certain respect, alright? Right off the bat. And by paying him an average, where some department head might just come in - and his pay could go down under his - your plan - a department - We might hire somebody for the Airport at fifty thou - That's the going rate, alright? Right now its eighty - But, we'll get one for fifty someday. And the Mayor's salary would have to go down under your - your thing. I think the Mayor is the chief executive officer of this City, elected by the citizens for that task. He is only one step below, in my opinion, the chief executive officer of the whole State. I consider the Governor the first mayor in this State, and I consider the Mayor of Manchester to be almost his equal. He is first - The Governor is first amongst equals. That's my - And that goes for selectmen, too.

Commissioner Cook stated: I don't care. I don't care what mechanism - I don't care if we use Bob's - I don't care if we use Mike's - As long as it does two things. It gets the level of the pay for the Mayor to some reasonable - well - and has an automatic mechanism by which it will increase, because what is reasonable today - if this Charter last for ten years, is not going to be reasonable in ten years. That's why I said, "what are you tying it to?" Not where are you coming up with it from the first day, but how, when everybody else in the category - whether the Governor's salary goes up, whether all of the department

heads salaries go up, I don't care which - what it is. I think it should be around seventy thousand dollars - and I don't - seventy-five, I don't care - But it's - that range someplace, and I think it ought to - I think we ought to put in the Charter that "the Aldermen may on an annual basis set the Mayor's salary, but not less than," whatever we say - Well, because they might want to pay him more, but - I don't - I'm not talking about that - But, I think we ought to give people the discretion for running the City - But I want to tie it to something, and I think it ought to be there. My suggestion is it be the average of the top three department heads. Granted the top three department heads could theoretically go down - That's - not that I know of, has ever happened in my life, but -

Commissioner Shaw stated: Oh sure. Tom Clark did not get paid what (inaudible) -

Commissioner Cook stated: He didn't get paid what Elmer made.

Commissioner Shaw stated: No. And you would have the three top people -

Commissioner Cook stated: So - Or maybe it should be the average of the mid-point salary of the range for - but, I mean, I don't know what you are going to do - But it ought to increase, and it ought to be set.

Commissioner Lopez stated: And I respect that, and I think that that is very good - But, I - Maybe we should increase the Mayor's salary when the City employees get their pay raise. If they get two and a half percent, the Mayor gets two and a half percent.

Commissioner Shaw stated: But he doesn't - Well, it bothered me a great deal. I will tell you one reason that I don't want to give the Mayor a big raise. One, when I first came here, is the very thought that somebody would get paid three times more than I got paid and couldn't fill a pothole. Alright? It would gall me to no - you know - to no extent. But, you have to be realistic. Probably, a better salary, maybe, might produce, you know, competition for the task. And maybe we could get pothole fillers.

Commissioner Sullivan stated: Have we definitely gotten away from having a City manager? Because, if we were going to have a City manager - under the - in

Sullivan's world, we would have twelve at-large Aldermen, a City manager, and the highest sum of the votes would be the Mayor, in which case the City manager would be the person who would actually be running the day-to-day affairs of the City. But if we are not going to do that, fine - and, you know - we don't have to discuss that aspect of it -

Commissioner Shaw stated: It takes a Charter revision to do that -

Commissioner Sullivan stated: But - But in any - Right. Which is what we are doing, yes - So, putting that - I guess that is the question - Have we definitely - Have we all gotten away from the idea of a City manager?

Commissioner Dolman stated: Can I raise a question to that concern? 'Cause I missed - I don't know - City managers - You know, I was dead set against a City manager when I first came on this committee [sic] -

Commissioner Sullivan stated: So was I -

Commissioner Dolman stated: Okay? And, I think I am still against it. I think we need a Mayor, okay? Just for the simple reason that people need to have - be able to elect someone who - who they feel they have a voice and concern - they can change it - not leading up to the - tend to be politicians with them, okay? But, what prevents us - to in a - not us - but sometime now on to suggest, that in the job description for the so-called City Coordinator - I am still not sure if I agree with that position, because I am not sure what actually - that - and I sat on that board - I am not sure what that position was - When that position came to me with John Snow, I tried to stop it because I felt we needed a grants writer at that point - so many grants out there that we could get, that we don't even get because - The school department got a lot more when (inaudible) Mary Heaton was there doing the job, okay? Because there was - there is so much money out there - there is so much money out there that we don't get of [sic] - So my feeling is, do we need - Now what is the job of the City coordinator? Maybe we could have, as Syl Dupuis came before us saying, deputy mayor - I'm not sure if I agree with that term - I think of deputy mayor, I think of New York City - Kathy just made a point about whether we agreed - before we talk about salary, we should talk about what the - whether we agree with City manager - And, what I am trying to suggest is, why can't we have a City Administrator, under the Mayor,

who is the professional, appointed by the Mayor with ratification by the board, who deals with the running of the City and he changes every time a new mayor comes on, or the new mayor has the right to keep the same city administrator, and that city administrator is a professional.

Chairman Pappas stated: Because then maybe you think the Mayor - people will think that the Mayor is making too much money if he is not running the City.

Commissioner Dolman stated: Well the mayor doesn't have to make that much money - (inaudible) you need still should make the money because he is the person - he is a department head. He is the - He is a department head, but I think we - How much money, if you have a professional underneath him doing the day-to-day, like what John Hoben did when he was City Coordinator -

Chairman Pappas stated: Just throwing it out -

Commissioner Cook stated: Well then you would see - But you have just taken it from the city manager (inaudible), because if the Mayor doesn't have to make so much money, then you will hear "Well, why should they have to be full-time if we are going to have a full-time city administrator," then you have got a city manager.

Commissioner Dolman stated: Well, that's what I'm saying -

Chairman Pappas stated: That is really - Right - That is the argument, that's right. Yes.

Commissioner Shaw stated: Even when the mayor has no power, he is almost full -

Commissioner Dolman stated: But my difference is a city manager - My city administrator, as I call them, is under the auspices of the Mayor, and he leaves when the Mayor leaves, or the new mayor can keep him if he wants to keep him.

Chairman Pappas stated: - it's a different look at it.

Commissioner Dolman stated: It is a different look at it. Not a city manager that

is in there -

Commissioner Shaw stated: Alright, well (inaudible) -

Commissioner Stephen stated: I just - I mean, this city manager issue - Is there a way - I will bring this up again. Everyone seems to not like this idea, but Concord did this. They put two charters together. One with city manager, and one with mayor, and all they had to do was change a few sections and let the voters decide. I mean - Is that something that we just don't want to do?

Commissioner Shaw stated: Dangerous, dangerous, dangerous -

Commissioner Stephen stated: Why?

Commissioner Sullivan stated: Well, I don't know -

Commissioner Stephen stated: I mean, that's - you know - the city manager concept was approved by the voters of Concord.

Chairman Pappas stated: It was, huh?

Commissioner Cook stated: Yes. The answer - The short answer to your question is, in order to do that you need special legislation, which they got in advance to allow them to submit two alternatives to the voters -

Commissioner Shaw stated: And they had a city manager form of government to begin -

Commissioner Stephen stated: No, I don't think that is true, Brad, and I will tell you why. I think that you can ask the general question, if you want to go to a strong mayor, under the regular legislation we have now. Then, you can amend the Charter - You can amend it by asking other questions on the ballot. There is a way you can do this. You amend it through the provisions of the existing Charter.

Commissioner Lopez stated: I am for a mayor, actually, because I think a mayor coming in the office - And I agree with Commissioner Dolman, the mayor coming

in the office should have the right - he has all of the expertise, number one, from all of the department heads there is - he got the expertise. I think what the Mayor's office needs, whether we need a City Coordinator, but - Like Sylvio Dupuis said, that that is just a terminology he just came up with, but - The Mayor should be authorized, someplace in the process, a chief administrator of his office. Now, how he does that, fine - you know -

Commissioner Shaw stated: He could do it now -

Commissioner Lopez stated: I mean, he takes them [sic] with them, whatever the case may be. I mean it - First of all, the Mayor doesn't answer the phones, he doesn't write the things, he doesn't look at the budget -

Commissioner Shaw stated: I answered the phones -

Commissioner Lopez stated: I don't know when you were Mayor, you didn't - surely didn't do everything that is required -

Commissioner Shaw stated: I answered the phones at six in the morning -

Commissioner Dolman stated: And you did the budget -

Commissioner Shaw stated: The - This question before us is simple. Should the Mayor get paid sixty-five thousand dollars? Should the Mayor be paid seventy-two thousand dollars? Now, my method - Then you could skip my method and you find a method that could bring the Mayor to seventy-two - You said seventy-five. Seventy-two is a lot closer to seventy-five than sixty-five is. So then you get to, how much should the Mayor get paid?

Commissioner Dolman stated: How did you come up with it?

Commissioner Shaw stated: If everybody - Because eighty percent - ninety percent of the Governor's salary is seventy-two thousand dollars as is presently constituted. Alright? And he said he likes seventy-five - See, we are off three thousand bucks - But, I mean it - That's my point.

Chairman Pappas stated: If we all agree that - I mean, we don't all agree, but - If we don't have a city manager, do you like that way of tying the Mayor's salary -

Commissioner Shaw stated: To what?

Chairman Pappas stated: Your way. To the Governor's -

Commissioner Shaw stated: I like it -

Commissioner Stephen stated: I like it -

Commissioner Shaw stated: - the Governor's method. I like that the best -

Commissioner Stephen stated: This way it gets it out of the hands of the City - Mayor and Aldermen - They can't deal with that issue and (inaudible) -

Commissioner Shaw stated: And the Governor's salary may go up (inaudible) -

Commissioner Stephen stated: - the Governor's salary goes up, his salary goes up.

Commissioner Lopez stated: It is a logical way that you are indicating, but I was just wondering how - how the perception of the people out there -

Commissioner Cook stated: You know, we could say, "The salary of the Mayor of the City of Manchester -"

Commissioner Lopez stated: I didn't know I gave the floor -

Commissioner Cook stated: - is seventy-two thousand dollars, and it will be increased by the same percentage that department head salaries go up."

Chairman Pappas stated: We could say that, too. Do you like that better?

Commissioner Shaw stated: Could be that - Could be that. But it would take forever for a department head to go up -

Commissioner Stephen stated: I move that we vote on Brad Cook's - at least enter a new proposal -

Commissioner Lopez stated: Wait a minute - We are not taking any votes, I thought.

Chairman Pappas stated: We are not taking any votes -

Commissioner Stephen stated: - just an informal vote.

Commissioner Shaw stated: Take the Mayor of Nashua - He will not be paid less than the Mayor of Nashua, or ten percent more than the Mayor of Nashua -

Commissioner Dolman stated: Mayor of Manchester - Mayor of Nashua get sixty-five?

Commissioner Cook stated: What I said was seventy-two thousand dollars. The Mayor of Manchester will be paid seventy-two thousand dollars. And that amount will increase in the same percentage that the salary rates for department heads increases.

Commissioner Lopez stated: That is sort of - I don't have any problem with that, because I don't think that you are going to see department heads get any more increases like they - Except one-step -

Commissioner Cook stated: Well, I don't think they will right away -

Commissioner Lopez stated: It took - Maybe ten years down the road -

Commissioner Cook stated: If they need it at some point, then they will get it.

Commissioner Lopez stated: Because they took one step back and -

Commissioner Sullivan stated: That's fine -

Commissioner Cook stated: Well, I don't think the Governor's is going to go up precipitously, either, for that matter.

Chairman Pappas stated: Do you like the amount?

Commissioner Dolman stated: That's fine -

Chairman Pappas stated: - and you want the amount in the Charter?

Commissioner Shaw stated: - five percent a year, that's average.

Commissioner Dolman stated: I'm not sure about the - See, the only problem I have - the amount in the Charter - Is that going to -

Commissioner Cook stated: I know, it's silly. I mean, I would rather do the average of the top three department heads - and it will ever go down -

Chairman Pappas stated: Do you think it will scare people to see an amount in the Charter? Seventy-two thousand - Wow.

Commissioner Dolman stated: That's two points in here on Bob Shaw -

Commissioner Lopez stated: I think that the public understands with - In all of the conversations that I have had with a lot of people that the Mayor should make more money - I think they expect the Mayor to get a little bit more money. As to whether they expect the Mayor to jump from forty thousand to seventy-two thousand, I don't know - But -

Commissioner Shaw stated: They aren't going to vote against the Mayor's salary against this thing here - They are going to (inaudible) - The *Union Leader* is going to (inaudible) - Nothing is altered (inaudible) -

Commissioner Cook stated: If we did four-year terms, I think that the *Union Leader* might pound on that a lot more than it would on -

Chairman Pappas stated: Okay -

Commissioner Sullivan stated: My turn. I typically - You know, I don't like having the - I don't like the - I typically don't like the idea of putting a flat figure in the Charter, because (inaudible) the Charter has to be amended, but - By having -

There is a good reason in the Mayor's case, I guess. If we try to say the average of this, that or the other thing - People are going to be trying to figure it out, we might as well just say "seventy-two thousand, here it is, like, leave it or whatever."

Commissioner Cook stated: - and increase, and increase -

Commissioner Sullivan stated: And with an increase, and that is what the increase is -

Commissioner Dolman stated: Alright fine. I will go along with it -

Commissioner Stephen stated: I will go along with that -

Commissioner Dolman stated: - got a consensus, alright.

Commissioner Sullivan stated: Yes, tell them what it is.

Commissioner Lopez stated: I have only got one question. I think that - And, I don't have any problem with it. I just want to know, when they question - How did we come up with seventy-two thousand? I want to be able to explain.

Commissioner Cook stated: Bob Shaw told us that was the number -

Commissioner Shaw stated: Brad Cook - seventy-five, and he compromised -

Commissioner Stephen stated: Ninety percent of the Governor's salary.

Commissioner Sullivan stated: Ninety percent of the Governor's salary, yes.

Commissioner Lopez stated: That is ninety percent of the Governor's salary? Man - Do you think a Mayor in the City is -

Commissioner Stephen stated: In the largest city in the State -

Commissioner Lopez stated: The largest city in the State, but also -

Commissioner Shaw stated: Work is work, you know - whether you are digging

a ditch - Signing a bill -

Commissioner Lopez stated: That doesn't say too much for the Governor's office, does it?

Commissioner Shaw stated: No.

Commissioner Stephen stated: It says a lot for our City.

Commissioner Cook stated: This is a harder job.

Commissioner Sullivan stated: There is not a lot to say about this Governor -

Commissioner Cook stated: It is a harder job than the Governor.

Commissioner Stephen stated: I look at it like it says a lot for City -

Commissioner Lopez stated: I think it ought to be in the sixties, but - I will - Send it drafting and see what you have got -

Chairman Pappas stated: Alright, send it to drafting. You can still think about it. Moving along quickly, Listing of City Officers and Departments -

Commissioner Shaw stated: I am opposed.

Chairman Pappas stated: You are opposed -

Commissioner Dolman stated: Opposed to what?

Commissioner Cook stated: I think they should be listed for reference only.

Commissioner Sullivan stated: I agree with that.

Commissioner Lopez stated: I think it also should -

Commissioner Shaw stated: I think the Solicitor should be - I think he should be a department head. I don't think he should be a City officer, because I think you

could send out for legal services like you can send out for Chinese food.

Commissioner Cook stated: No, no, no. The question - The question, Bob - I think the question refers to in the Charter, are we going to - agreeing with that - Not agreeing with that, but I think - The question is, whether in the Charter we are going to say that thing about eight Aldermen can change around the department structure, but the department structure will, for reference, at the outset, be made up as it was now, and here they are - Boom bah boom bah boom bah boom boom boom - Or whether we are going to say, "The City will have the following departments," the way the present Charter says, and say you will have this and you will have this and you will have this and you will have this - When I said list them only for reference, it is to refer to what existed at this time but it did not keep anybody from reorganizing (inaudible) -

Commissioner Lopez stated: I hold the position that all of the departments should be listed as so stated in the Charter, and I have conceded to the point of the two-thirds vote that is needed to abolish a department. And I also made my position known before, but the abolishment cannot be done during the budget process. And I will also give you a paper on that, too.

Chairman Pappas stated: Okay. Steve.

Commissioner Dolman stated: Yeah, I was going to say - I think we have two things that go together here. Listing of City offices and departments - have to have departments, I think that the - And, I am not sure what the City Solicitor - Does that have to have by State law [sic]? Is that required?

Chairman Pappas stated: It is being checked.

Mr. Groulx stated: [R.S.A.] 49-C states that if you got to that point, and that is the way that it had to go, that you had - It actually only states that the Mayor shall appoint a City Clerk, City Treasurer, Assessor - one or more, more than one - Fire Chief, Police Chief, Health Officer, City Solicitor, and the Welfare Administrator -

Chairman Pappas stated: Okay.

Commissioner Dolman stated: Well, I think that we need to -

Mr. Groulx stated: But it - (Inaudible) says "shall appoint," so I don't even know what that means -

Commissioner Dolman stated: Okay -

Commissioner Shaw stated: Could I ask -

Commissioner Dolman stated: My question is - I agree with Mike in this. I don't know if they should be listed in the Charter and I am still open on that situation, but I agree that somehow there has got to be some kind of provision there, and I think that we agreed to it - on the consensus of two-thirds - and not during the budget. I agree with you, Mike. And that should be there, no question. And I am not really sure that every department that is listed now should be there, and again, I go back to the - one of the - when the department head himself said that he should not even be there. So I think maybe that is one department - should be eliminated - If the department head himself is coming before this committee [sic], and comes up and says, "I don't have a department." Well, I agree with him, he doesn't have a department. Let's take him out of the - I mean he is -

Commissioner Sullivan stated: He should be eliminated -

Commissioner Dolman stated: Alright - Well, I didn't - I'm not letting my personal bias get into this, okay? I am not letting any personal bias in it - The gentleman himself said (inaudible) that he doesn't think he has a department, so - Let's make him happy. Let's eliminate the department -

Commissioner Shaw stated: I would ask Brad, and - I would ask permission of Brad - maybe answer this here - Are you saying that there should be city offices and that there always shall be City offices?

Commissioner Cook stated: No, no, no -

Commissioner Shaw stated: No , we are not saying that?

Commissioner Cook stated: I am saying that, for reference only, we are going to

say this - the departments of the City are as they are on the date of this Charter adoption. And then we just, for reference say, there is a this and a this and a this and a this - We are then going to have a provision that says something like, "on a proposal" - you know - and I don't have this - Don't get stuck on this, but on a "proposal by the Mayor voted on by eight Aldermen, departments can be reorganized, changes, boom bah boom bah boom bah boom boom boom," and it is fine with me if they say "but not as part of the budget process."

Commissioner Shaw stated: Offices, that is all I am interested in. Shall the City have and be required to have an office? Let's say that you shall have a Finance Officer - In the Charter, right? You shall have a Finance Officer -

Commissioner Cook stated: Not any more than the State law requires.

Commissioner Dolman stated: That's right. State law requires certain things.

Commissioner Shaw stated: But, say the State law didn't require -

Commissioner Dolman stated: But it does -

Commissioner Cook stated: Then you don't have to -

Commissioner Dolman stated: - don't have to. The State law does.

Commissioner Shaw stated: Require that you have what?

Commissioner Lopez stated: A City Clerk -

Commissioner Stephen stated: A solicitor - A City Clerk -

Commissioner Dolman stated: A Treasurer, an Assessor of one or more -

Commissioner Shaw stated: If you go on [R.S.A.] 49-C -

Commissioner Cook stated: No, no, no - There are City Clerk requirements elsewhere.

Commissioner Dolman stated: That's right. There - No place - They are elected.

Commissioner Shaw stated: So if you have - If you eliminate the Finance department and send all of its work - It only does two works [sic] - It sends out checks and it does payroll. And somebody decides that could be done by one of the outside (inaudible) in the City of Manchester. Would the City still be required to keep a head of a department that has no functions?

Commissioner Cook stated: No, I would not say that.

Commissioner Dolman stated: You need to have a Finance Officer -

Commissioner Shaw stated: By eight votes -

Commissioner Cook stated: You would have to have - Yes - (Inaudible) reorganize it, too.

Commissioner Lopez stated: - by eight votes.

Commissioner Cook stated: I don't think they would have to have that, no -

Commissioner Shaw stated: They don't have to have a Finance Officer, and that is not cast in concrete in your - It is not concrete to have a City Solicitor, under your proposal.

Commissioner Cook stated: I think we should consider - In my view of the world, we should consider whether we shouldn't have a chief legal officer. I don't think you have to call him a City Solicitor, I am not even saying that that function can't be performed by somebody outside. But, I think that function has to exist. Especially if -

Commissioner Dolman stated: Bob, see, I think - Bob, I agree with you. I'll be honest with you. Can I - Mr. Shaw, I agree with you. I think we need, just for reference - And for - On board -

Commissioner Shaw stated: I agree with that -

Commissioner Dolman stated: Okay - City Solicitor, of some kind. Some kind of lawyer, or whatever you want to call it - Whether we need a department of City Solicitor [sic] with, you know, five or six lawyers - We already farm out so many legal advices [sic] -

Commissioner Shaw stated: Well, that is -

Commissioner Dolman stated: Okay - That is - But we do -

Commissioner Shaw stated: The new world - We don't have to have a lawyer in-house if we - All of the other lawyers have disappeared but one. The City of Manchester is required to have a lawyer because the Charter says, "we shall have a lawyer." And yet the world has eliminated them.

Commissioner Dolman stated: The City - What we are saying in the Charter is, anything that is not required by State law - Aren't we saying -

Commissioner Shaw stated: That's my point.

Commissioner Cook stated: - buying any more gasoline - And so you can -

Commissioner Shaw stated: My point is that if the world can do without them, then the City can do without them.

Commissioner Dolman stated: Oh no question about it - We can do without them. Okay. My - Aren't we saying by - in this, that any department or officer that is not required by State law can be consolidated?

Commissioner Cook stated: Yes, yes -

Commissioner Dolman stated: Then that's what we are saying. We are saying any department or officer can be consolidated though (inaudible) whatever you want (inaudible) -

Commissioner Shaw stated: The State law doesn't require a solicitor - That is what -

Commissioner Dolman stated: Fine. But what - That's fine -

Chairman Pappas stated: Alright. Let's keep order. We have John and then Mike.

Commissioner Stephen stated: Well I am just - The way I understand this, and Brad, maybe you can correct me if I am wrong. We are going to list the - basically, the departments that we have existing right now -

Commissioner Shaw stated: Departments -

Commissioner Stephen stated: We are going to say that an -

Commissioner Dolman stated: - an Officer - departments and - make that -

Chairman Pappas stated: - an Officer -

Commissioner Stephen stated: - and we are going to say that the Mayor and Aldermen, by a super majority vote, eight - whatever, can consolidate, remove, abolish - whatever -

Commissioner Shaw stated: Including City officers?

Commissioner Stephen stated: All of them -

Commissioner Dolman stated: Everything -

Commissioner Stephen stated: Period.

Commissioner Shaw stated: Officers?

Commissioner Stephen stated: So now - Alright -

Commissioner Dolman stated: - not required by State law.

Commissioner Stephen stated: Now, I am going to tell you something. If you abolish the City Solicitor (inaudible) you are, going to get into a legal battle -

Commissioner Lopez stated: Right.

Commissioner Stephen stated: Let that happen with the Board of Mayor and Aldermen later on if they want to pursue that battle - Don't put it in the Charter -

Commissioner Stephen stated: Well, why don't - They are not going to do that -

Commissioner Stephen stated: - and invite that battle?

Commissioner Shaw stated: - but I don't want to take their right to do it.

Commissioner Stephen stated: - if State law can change?

Commissioner Cook stated: - and the State law could change.

Commissioner Dolman stated: That's right -

Commissioner Lopez stated: I think that we all agree, and I will let the lawyers worry about the State law because it is in black and white there, what you need, as far as the City Clerk and all of that. Beside that point - The point that I want to make is that, if we list, like Commissioner Cook is indicating - in the City Charter - I think that we are headed in the wrong direction. I think that there will be an organized uprise of all of the departments - Now, the biggest issue that we talked about is giving the Board of Mayor [sic] authority to abolish a department by two-thirds, okay -

Commissioner Cook stated: - before we organize or combine or -

Commissioner Lopez stated: - or, well they have a - [Section] 8.03 - they can do all of that - They can do all of that now. They can make a Safety Department and keep the Police Chief and keep the - but anything that they want, but they cannot abolish a department, okay?

Chairman Pappas stated: Right.

Commissioner Lopez stated: So, if they want - You agree with that, fine.

Chairman Pappas stated: Departments -

Commissioner Lopez stated: That is correct. So they could put all of the administrative departments under one of super-administrated [sic] individual if they really wanted to under [Section] 8.03, right now, in my viewpoint. I think where the problem is coming in is - and where I am very hard [sic] on keeping all of the departments as written in the Charter, you are still giving the Board of Mayor and Aldermen authority to go through the process to eliminate it, and I don't see any major problem with that. But, I think that if we do not list these people, we are headed for a problem.

Commissioner Dolman stated: I think we said we were going to list them, didn't we?

Chairman Pappas stated: I think we are -

Commissioner Cook stated: - we said we were going to list them.

Commissioner Lopez stated: No, no - I mean, as is.

Commissioner Dolman stated: That's what he said -

Commissioner Shaw stated: No, we're not saying -

Commissioner Lopez stated: He didn't say that.

Commissioner Cook stated: I didn't say it is - I said - (Inaudible) sets forth, one more time -

Chairman Pappas stated: What's the difference between what he said and what Mike said?

Commissioner Cook stated: Well, what the difference is - There's all kinds of detailed, straight-jacket nonsense in the present Charter about different departments, and including the fact that it takes Charter amendment to change it. Now, Mike's already said, "Well, put something in there about that." What I am saying is, the Charter will say, something like, "The City of Manchester will have

those departments which exist on the date of the enactment of this Charter." Period. "And they are 'parenthesis' 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 -" Whatever they are.

Commissioner Shaw stated: - thirty departments.

Commissioner Dolman stated: Thirty-five departments.

Commissioner Cook stated: Okay, through thirty-five -

Commissioner Lopez stated: Twenty-four -

Commissioner Cook stated: - by vote of the Mayor and Aldermen, with eight Aldermen voting, they can combine, eliminate, reorganize, blah, blah, blah, blah, blah, blah, blah, blah, blah - So you said what they are, they are already in existence, nothing changes until they vote to change them - You can put in the thing that it won't be done during the budget process, if you want, but that's -

Commissioner Shaw stated: That's not fair -

Commissioner Cook stated: That's kind of form over substance because they will figure out a way to do that anyway. And, that's all I am saying. But I don't want to grand father all of the language that is here, which will, I think, create a legal problem in terms of why was this department different from this department, and why was this description different from this description and all of that stuff.

Chairman Pappas stated: Could you give us one example of a straight jacket?

Commissioner Cook stated: Right now they are all straight-jackets, because they describe what the - We are just going to grand father them - We are going to say, "they existed, they exist today." People can read that -

Commissioner Stephen stated: Just like [Section] 3.05 and [Section] 3.06, now defines Department of Parks and then defines Department of Police Protection -

Commissioner Cook stated: Right.

Commissioner Stephen stated: You are saying, take that out -

Commissioner Cook stated: Just say, "they existed, they exist today" - boom. They existed, they exist today - If you are going to do it Mike's way, substantively it doesn't change from doing it my way, except that it adds a lot of verbiage, that is, I think, a problem.

Commissioner Sullivan stated: If we leave in the descriptions of each department, it becomes, I think, a bit of a logistical nightmare, because everything - we go through the Charter - says "there shall be a department," "there shall be a this department, and shall be that department." And, if you go through and say, "There may be a department -" You know, what I am saying, because you cannot say, "there shall be," because if you say "there shall be" I think we have now bought ourselves a legal battle later on - With all due respect, I think that if you have a document that says, "there shall be" then "there shall be" what - even though it may say someplace else, they can consolidate by a - You know, because - well, what was the intent and all of that stuff, and good lawyers can come up with good arguments. So, I think that we want to keep this as simple as possible. If we look at this as a Constitution for the City of Manchester, and compare it to the Constitution of the State of New Hampshire, Constitution of the United States - Same (inaudible) Bob Shaw's book, it does not say, "There shall be a department of Health Education and Welfare that shall do blah, blah, blah, blah, blah." It doesn't say, "There shall be a department of Interior that will do blah, blah, blah, blah, blah." You know - What it does is, you have got flexibility to establish whatever, but we protect the departments in our scenario by saying, "but in order to consolidate departments that exist today, or officers," and those are, "yah da yah da yah da yah," you know, we list all of the ones in existence - it takes eight votes - and give every - and give the Board of Mayor and Aldermen the flexibility to do what they - eight people in their wisdom seem fit. And I know you talked about this - The potential of there being an uprising with the City employees, but - We have got to draw the line sometimes and say even though we may have to go out and sell this and explain this, and we may have some people who oppose it because we are doing this - Sometime - At some point we have to stop and say we are going to suggest and we are going to support something even though there is going to be opposition, because it is the best way to do it. And I think this might be.

Commissioner Lopez stated: Okay. The only reason I am so strong on it, and you haven't sold me yet, the - Whereby - If we are going to give the Board of Mayor and Aldermen the authority to abolish any department by two-thirds, as we previously had talked - The structure of this City is so spelled out in the Charter that I think it would be a lot easier to sell to the public if that was agreement by leaving everything alone - and if it is legal - Now, you guys have the legal minds, but - if it is legal, that where the authority of the directors can still abolish, even though what language that is in there that "you shall have a Department of Fire Protection," but you still at the same time, under the paragraph, "the Board may consolidate similar functions performed by similar departments in one or more departments or may abolish departments." No. If you want it there - that - by two-thirds vote of the Board of Mayor and Aldermen. I don't see what it - Personally, I don't see any harm in it. I think you are creating a whole big mess if you just list them as Commissioner Cook says.

Commissioner Stephen stated: I just want a clarification on (inaudible) - On the listing of the departments, Brad, are you still going to put in there - maybe Kathy touched upon this - the duties of the department, or are you going to leave that -

Commissioner Cook stated: If they exist, they exist and shall have the duties that they do on the date of adoption of this Charter unless changed -

Commissioner Stephen stated: Okay. Unless changed by the Board of Mayor and Aldermen.

Commissioner Sullivan stated: Right.

Commissioner Stephen stated: And I just wanted to add that, as far as the two-thirds issue, I mean, I really -

Commissioner Shaw stated: Aldermen elect two -

Commissioner Stephen stated: - I was strongly in favor of that, myself. If I am - You know, I look at the Congress and the federal government, how bureaucratic nightmares are created and so many different employees become saturated with their jobs, and I look at it like if a Mayor can convince the Board of Aldermen that the best, most efficient government is to have a Department of Public Safety, and

get rid of a hundred jobs - And if it means, I mean, if it means getting rid of jobs to save the City, in the long run, save the taxpayer and it is best for the City, let them decide at that point in time. I have always had a problem with this particular restriction. I just really have. So, I am very strongly in favor of that. But, two-thirds -

Commissioner Lopez stated: Let them fight for it -

Commissioner Dolman stated: My - Ask a question - For the lawyers - We have, it says here - Now, because I know - I see what Mike's hang-up is, and I just want to see if I can appease Mike, okay? It says, "there shall be," "there shall be, there shall be," and there - Of course - You can't say, "there should be," because that - But what happens if -

Commissioner Sullivan stated: There could be -

Commissioner Dolman stated: - maybe not. Maybe that's the answer. Maybe there will be and there won't be. What if we took the word "shall" - to "will" -

Commissioner Cook stated: Maybe you "will" have -

Chairman Pappas stated: Change the word, "shall" -

Commissioner Dolman stated: If we change the word "shall" to "will" -

Commissioner Cook stated: No, no - How would that - I think that what you would have to do here - The answer to your question is - The answer to your question is that there would have to be some changing of the language, and I think the way you would change the language would be, "the departments of the City are," and then you wouldn't say anything about "there shall be." You would say "A Police department, blah, blah, blah, blah, blah, blah, blah." Not, "There shall be a Police department." You take out the "there shall be," and you just say "There is a Police department."

Commissioner Dolman stated: Would that -

Chairman Pappas stated: With the duties?

Commissioner Dolman stated: - with the duties? Would that appease you, Mike?

Commissioner Shaw stated: Can I get a point of law in -

Commissioner Lopez stated: No. No. I tell you why, because - and I think I gave - if I may - Go ahead, were you next?

Commissioner Shaw stated: Well - Yes. I thought I was.

Commissioner Lopez stated: - well are you - Are you yielding to me? Thank you.

Commissioner Shaw stated: No. I am not going to yield, because - No, here - I think - This is going to surprise you, but I think that until we see it in writing that we are just going in circles and I think we should see it on a piece of paper, and then your concern should be addressed and anybody else's - And that doesn't give the Committee [sic] the right to -

Commissioner Lopez stated: Yes. Well, that's fine, but - One last point, I gave you a general statement of my position and I wish you would read the last paragraph because it is very - You can read it now or later, it doesn't make any difference, but I would like you to -

Commissioner Shaw stated: So what is number "X," where are we at? I favor changes. I favor them under [Section] 8.03 - That's the problem, but - Consistent with what [Section] 8.03 would do, and most of the things that you are doing would be done by those five citizens, I think you are doing what Dupuis and Mongan and Emile [Beaulieu] and myself might have done in a (inaudible) - And I really think that you are headed down a path to make moderate changes. But if you make - I think - when they were discussing this issue, they want to say that we believe the Aldermen should have the right to make decisions. That's what we are saying. And I don't know how you would write that so clear, but the Aldermen -

Chairman Pappas stated: Well, let's look at it -

Commissioner Shaw stated: - eight of them -

Commissioner Dolman stated: Alright, let's look at the language -

Commissioner Cook stated: I think that your suggestion of seeing it and then figuring out whether we like it or not -

Chairman Pappas stated: Okay, let's move on - Listed through -

Commissioner Dolman stated: - move on to whether number twelve? Because we already did have to have departments and officers [sic] - that's part of the -

Chairman Pappas stated: Number twelve is next. Number of Aldermen and School Board members.

Commissioner Shaw stated: Nine. I figured it out - There was a saving - No. There was - If you had nine Aldermen and nine School Board members, you could increase the school department budget by in excess of a hundred thousand dollars per year at no expense to the tax payers. You would have, on the west side, you would have only - you know - you would eliminate one from the west side, and two from the east side, making it nine.

Commissioner Dolman stated: How would you save a hundred thousand dollars?

Commissioner Shaw stated: And that would increase -

Commissioner Sullivan stated: He is eliminating Ward One -

Commissioner Cook stated: - theory is - No, it would be Ward 1.1, Ward 1.2 -

Commissioner Shaw stated: Well - Aren't you saying you - Going to fourteen will increase the cost by thirty thousand dollars -

Chairman Pappas stated: Why? The more people you have the more they -

Commissioner Shaw stated: Well, it costs ten thousand per Aldermen just to

have an Alderman, that's not counting other expenses that are entailed in the thing - And then you got School Board members, two more which cost - you come up with thirty thousand, simple math - Alright? A hundred thousand -

Commissioner Dolman stated: - plus benefits - though -

Commissioner Lopez stated: Well - But my position is that twelve Aldermen, one for each ward, or else it is not going to pass anyway - And it - And do you want to discuss the Aldermen at-large? I am willing to discuss it, but - I don't know -

Commissioner Sullivan stated: Is anyone at all interested in just having at-large Aldermen (inaudible) - And the reason I - Okay -

Commissioner Shaw stated: Is that in any other city, that you know?

Commissioner Cook stated: Yes, Keene does. Portsmouth -

Commissioner Shaw stated: - same as Concord does?

Commissioner Shaw stated: The reason - You know - It's funny - I am going - something kind of funny happened - A couple of weeks ago my mother said to me, "You have got a lot of junk still at our house. Can you come, you know, move out some of your junk from your old bedroom." So I did, and I stumbled across - confess my secrets here - a diary I had kept when I was in college, and I started thumbing through it and at one point I was involved with (inaudible) politics, and Billy Gardener was a State Rep then. It was kind of - (inaudible) erasable memories - And one of the things that I said was, "the government in this City is so screwed up." And I look at it and I said, "You know? Isn't that funny. It hasn't changed that much." And I read that, and I just said, "Geez, this is twenty years later." And I still feel the same way. In any event - Shows you what dull life I had, if I was writing about that type of thing in my diary, but - But, in any event, I just think that we get so tied up with the localized politics in Manchester and I really - If no one else is in favor of twelve at-large, that's fine. I'll let it drop, because it is not worth wasting our time -

Chairman Pappas stated: I don't think it would fly, no -

Commissioner Cook stated: No, I don't think it would fly either. I favor very strongly, very strongly, having two at-large Aldermen, in addition to the twelve, because I think that it does two things. It gets some City-wide representation - I think Mike is absolutely right about the political reality of - If somebody thinks their ward is going to disappear, they are going to figure out a way to hate this Charter, even if it is the best thing in the world, they are going to hate it, and they are going to run around and get all of their friends to hate it and, fine - I think that is practical, I think people are used to having their Aldermen - I think if I was designing a brand new city, Kathy, I would do it your way. We are not designing a brand new city, we are evolving a system of government here, and I think adding two at-large Aldermen, totally at-large to add to the City-wide perspective, would be advantageous to the City.

Commissioner Shaw stated: Two at-large. There are three candidates on the ballot that would be at-large. The Mayor and two Aldermen. These two people are running for Aldermen, and the Mayor - The two of them don't even have any competition - just to make it worse - and they get twenty thousand votes and the Mayor eleven thousand, his opponent gets ten, okay? I don't think the Mayor is very strong, is he, if he has two people on the Board that had more votes, which would be very simple to accomplish, just by not having competition - And for those seats - I think that you would have a disruptive government and it isn't - If you know why it is broken and that you need two people because the other eleven or twelve Aldermen don't represent the City of Manchester, then I think you talk to them -

Commissioner Stephen stated: I just - I don't know - I have mixed feelings. I could go either way, but I think twelve is enough and if we could have at-large within the twelve, keeping the number twelve somehow, but then you have got to redistrict - It just doesn't make sense to do that. So, I am just not really positive in terms of adding two more - I just want to say that I can be convinced, and I know that Steve Dolman is big on this - But I just - Twelve is enough -

Commissioner Dolman stated: No - I agree with you. I think the size - But again, my only fear is if you cut down the size of all - number of Aldermen - you increase the size of the ward. And some of these wards, I think Ward Six goes from the middle of Mammoth - somewhere on Candia Road, all the way to the Londonderry line. There's a pretty - That's a big ward - And Ward Eight goes all

the way to - same thing - They are huge, geographically -

Commissioner Sullivan stated: Since I obviously wanted twelve at-large, I am going to say I support having two at-large for a couple of reasons. One is, when you have some who is interested in running for Aldermen, and they look and they say, "Okay, Joe Jones has been Aldermen in Ward One for 'X' number of years, popular, blah, blah, blah - republican ward, I'm a democrat, whatever," okay - Even though it may be non-partisan (inaudible) - but, you know - But, for whatever reason, there is no way I can get elected in that ward. However, I have tried being one of two people as opposed to being one of one. I think you encourage good candidates to run for at-large seats, who, for other reasons such as I may have moved from one ward to another - which has happened with two people on this Commission - You may have a situation where you have someone who has just - hasn't run before, but has now moved into a ward, is interested in running and would do a good job - It also does them, Bob, that perspective - that City-wide perspective that I don't think - I mean, it is there now in the sense - I think Steve has said this in the past that, you know, if sometimes you have to be vehemently against something because it affects your ward, but everybody else on the Aldermen knows that you are doing that because, you know, that's the way things are - But it really, I think if you have a City-wide perspective - It just - That is something we have lacked in the City, long-range forward thinking. I know some people say, and as far as - let me just finish one last point - that the Mayor may not be very happy, may not be very powerful, because he had somebody who got more votes than he or she did - Well, maybe that means the Mayor has got a little harder to make the people happy, and secondly, I don't think you are going to have a problem with people running for that at-large seat. I think you are going to have, for two at-large seats, you are probably going to have five or six people running.

Commissioner Cook stated: The answers to - I think the answers to Bob's concerns are one, you have got (inaudible) - You have got people who have been elected with fifty points - only one percent of the vote, anyway, in terms of an election, who are not inherently powerful until they have occupied the office and done their job. I think it is incumbent on us when we are designing a Charter, if we think the Mayor is - first of all, the Mayor has got a full-time job, the at-large Aldermen do not. Secondly, if we design this properly on what the powers of the Mayor and the functions of the Mayor are, regardless of what happens the day he

or she gets elected, it is how they perform in office that is going to dictate what kind of power and consensus they can vote, so I don't - I mean, the argument about "I came out of the election with fifteen thousand votes," I - Mayor, and I, "and she, at-large Aldermen, came out with eighteen thousand votes," is going to be irrelevant by February, because by February I am either doing my job, or I am not doing my job, and that is going to be what counts in terms of the Mayor.

Commissioner Dolman stated: Well, politically - Realistically, politically, the next time around, the Mayor is going to have that person most likely running against him for Mayor, or her running against running against him for Mayor. That is a realism - okay - politically, that person is going to feel - Okay, and there's nothing wrong with that - I'm not saying that there is anything wrong with that. The other question I have, again, cost factor - And I am just throwing this out - To run a race, locally, just in a ward costs "X" dollars, to run a race City-wide -

Commissioner Shaw stated: Costs eighty thousand -

Commissioner Dolman stated: - you know - costs a lot of money. You know, Bob knows, he ran for it. You know, you are asking somebody do to this on a part-time basis, I mean, okay? What you are now doing is that you are eliminating many people who can't afford to run for office, because they don't have eighty thousand dollars to run -

Commissioner Shaw stated: Well - Certain group that does -

Chairman Pappas stated: - know where their money comes from -

Commissioner Dolman stated: - going to come from Ward One, who are lawyers.

Commissioner Sullivan stated: Hey, I voted Ward Eight -

Commissioner Dolman stated: I - Well, that's what my fear is -

Commissioner Shaw stated: Don't need it though - It doesn't - It says, "The Mayor shall -" "The Mayor is the chief executive officer of the City and that he shall keeps the Board of Mayor and Aldermen informed of the needs of the City."

"The needs of the City." You don't need two Aldermen to help the Mayor keep the Board and the people informed of the needs of the City. Fourteen is too many, and it is not a good number - If you are going to do fourteen you -

Commissioner Cook stated: What kind of number is twelve?

Commissioner Shaw stated: Twelve is divisible by three, and fourteen isn't -

Commissioner Dolman stated: - divisible by two, or seven.

Commissioner Lopez stated: What does the envision [sic] two Aldermen at large? I mean, what - What are they supposed to do that the downtown Aldermen Three can't do?

Commissioner Cook stated: By the nature of their representation - The Aldermen from Ward Three is going to focus on Ward Three. The Aldermen from Ward Two is going to focus on Ward Two. The Aldermen from Ward Twelve is going to focus on Ward Twelve. That is what they are supposed to do. That is one of the things we are used to in Manchester. It is not great theory of government, but that is what we are used to. We have an Aldermen who looks out for our area -

Commissioner Shaw stated: I am afraid that there would be three Aldermen from [Ward] One and I live in [Ward] Two, so -

Commissioner Dolman stated: I understand. That's my fear, too.

Commissioner Cook stated: The answer -

Commissioner Dolman stated: - I think we need at-large.

Commissioner Cook stated: - is people run, and they have to run all over the City. So they have to find out what the concerns of the whole City are. So when then [sic] they come in and address the issues - I mean, Kathy is right as a matter of theory, because this would apply to the whole Board. The problem is that you are not going to sell it in a million years in the City of Manchester - So, you now have several people, namely three, who have run City-wide and who can

bring the City-wide perspective to this not the parochial - this one - Because if those people - let's say they all came from Ward Two - and if they, if there were then three Aldermen from Ward Two and they spent most of their time worrying about Ward Two, eleven wards would make sure that they were out of there the next time, I mean - That's the answer to the - everybody comes from one place question. I mean, if this great prejudice against the north end exists, which is bullshit - The people won't vote -

Commissioner Shaw stated: A technical point though - You have - If you have bi-partisan election and the top two vote getters should appear on the final ballot, is those -

Commissioner Cook stated: No, that would be top four then -

Commissioner Shaw stated: Would it be the top four? Okay - So the top four - That's all -

Commissioner Cook stated: Yes, the top four would be.

Commissioner Lopez stated: Well, I am just wondering - I am just playing devil's advocate - We really - You are saying that twelve Aldermen can't handle the City - haven't been able to handle the City for fourteen years, now this Commission wants to make fourteen Aldermen - I just don't know how the public is going to perceive that, I really don't -

Commissioner Cook stated: We have had times in the City where there were more than twelve Aldermen -

Commissioner Lopez stated: Yes, but we had fourteen wards, so -

Commissioner Cook stated: - what you can do - fourteen Aldermen - The question isn't whether fourteen Aldermen can do the job or can't do the job. I think the problem is with the nature - the nature of the government that we have, has dissuaded people from being involved.

Commissioner Dolman stated: I think we are not getting a clear consensus here. Let's just - Why don't we just move on and let's come back - This is a hard

issue, and we seem to right now - when we have two Commissioners not here, why don't we just leave it -

Commissioner Sullivan stated: I'm okay with that -

Commissioner Cook stated: Fine with me.

Commissioner Shaw stated: - going to have five votes (inaudible) -

Chairman Pappas stated: The Enforcement Provisions for the Charter -

Commissioner Sullivan stated: I actually might be in favor of this.

Commissioner Cook stated: I think Baines is in favor of it - I have no idea what Leona -

Commissioner Shaw stated: He wants all School Board members on the Aldermanic Board -

Chairman Pappas stated: - do you want to do School Board members, also? I'm sorry I moved ahead too -

Commissioner Dolman stated: Well - And I think that the School Board has (inaudible) can say thing about - your are right -

Chairman Pappas stated: Alright, do you want to do Enforcement Provisions for the Charter?

Commissioner Cook stated: No, not yet. Bob assigned me the idea of - Bob assigned me of the job of trying to come up with a Charter Enforcement Provision that was not terribly draconian, so I tried to -

Commissioner Dolman stated: The City Clerk should have one, too -

Clerk Piecuch stated: Well, he's looking at it right now -

Commissioner Cook stated: I tried that, but it disappeared - What I tried to do

here is fit - Say that there is an enforcement mechanism, put it into reality, without creating extra bureaucracy is what I tried to do - And I am not stuck on the words.

Commissioner Shaw stated: That sounds good -

Commissioner Sullivan stated: Brad, why did you take out - Why did you put in that last sentence?

Commissioner Cook stated: Because I wanted them to exhaust their administrative remedies. I am not sure that that is legal -

Commissioner Shaw stated: But it is life threatening - The non-compliance - I mean, you would make it last forever though, I mean -

Commissioner Cook stated: Non-compliance with the Charter is like - I think - except to some bureaucrat -

Commissioner Shaw stated: There is no - Police Chief - or some such stupid thing - And I don't understand where you would take the Mayor into account here that this - Most of the time it is the Mayor that probably doesn't enforce the Charter -

Commissioner Dolman stated: That's right -

Commissioner Shaw stated: And it looks to me like you are referring everything back to the man who is guilty -

Commissioner Dolman stated: That's - I have a problem - That's right. I agree with Bob on that one -

Commissioner Lopez stated: Yes, me too.

Commissioner Dolman stated: It's the Mayor who (inaudible) -

Commissioner Cook stated: So, don't do it. I don't care.

Commissioner Dolman stated: Well, no - But this - I think this is fine, except for the point that there is nothing to - The Mayor is the one who didn't enforce the (inaudible) -

Commissioner Sullivan stated: Well, why don't you say something like, "or in the case of a complaint against the Mayor, be referred to the dean of the Aldermen," or something like that?

Commissioner Cook stated: I don't care -

Commissioner Shaw stated: - direct it to the City Solicitor -

Commissioner Sullivan stated: You know, I - And then -

Commissioner Cook stated: What I was trying not to do - What I was trying not to do, was I was trying not to force it to go to court before the internal processes have worked - and I was trying not to create a new body to do it -

Commissioner Sullivan stated: Yes -

Commissioner Cook stated: Those were the two things that I was trying not do to. I was trying to get it done -

Commissioner Stephen stated: I like - I mean, I know Brad is trying to do. I just would take out that last sentence -

Commissioner Cook stated: Well, that is probably not legal, because people probably have a right to proceed to court on their own, but what it is saying is, we are saying to people who read the Charter and don't bother to do anything else, you ought to exhaust your administrative remedies first. That is why it is there.

Commissioner Stephen stated: Yes, but I - I mean - As far as telling them not to go to Court - Shall not proceed to Court - I just don't -

Commissioner Cook stated: Well, we could restate it -

Commissioner Stephen stated: - you have got to ask - When the Mayor violates

the Charter and that (inaudible) -

Commissioner Cook stated: Put something in it that (inaudible) allegation though that the Mayor hasn't done it, then it will be referred by the Board of Mayor and Aldermen to the City Solicitor, or it will be referred to directly to the -

Commissioner Shaw stated: - eight votes -

Chairman Pappas stated: Right - Can we take that under advisement - the Drafting Committee?

Commissioner Cook stated: That's fine with me - It is put in something if the complaints against the Mayor - is referred directly to the Solicitor -

Commissioner Shaw stated: See - It is required - Eight Aldermen to comply with the Charter -

Chairman Pappas stated: Okay, moving along to - Very good, thank you. Moving along to fourteen, Terms of Department -

Commissioner Shaw stated: Zero, if the Mayor appoint them -

Chairman Pappas stated: Okay. Any other comments?

Commissioner Shaw stated: Do you understand that Michael? Department heads no longer have a term, because ahh - They don't have to come up for appointment every six years, or eight years, or - Because they can be removed by the Mayor with eight votes of the Aldermen and that is the only method he can get rid of a department head. They don't have to be reappointed.

Commissioner Lopez stated: As long as I see all of the wording -

Commissioner Cook stated: Fine.

Chairman Pappas stated: Deputy Mayor, City Coordinator position - We have talked about this a little bit -

Commissioner Dolman stated: Yes, I would kind of like to see it as a City Administrator position - Something like - I mean, we called it a City Coordinator - Well, you can call it whatever you want to call it - How the Mayor - It should be up to the Mayor how he uses this person.

Commissioner Shaw stated: Isn't it funny how you give the Mayor, and certain people all of these powers to do things, but you don't give the Mayor the power to decide how many people he should convince the Aldermen he needs to do the job. You decide in advance what the Mayor should have. And you make it, "shall have" - I presume it's - What if he doesn't want anybody, period. He just - He's so good that he wants to do it all by his lonesome. Shouldn't he be given the same right to -

Commissioner Cook stated: The historic probability of that proposition is remote.

Commissioner Shaw stated: But you shouldn't decide in advance forever -

Commissioner Cook stated: I mean - It ain't going to happen -

Commissioner Lopez stated: We can give him a staff.

Commissioner Shaw stated: Well no, we don't have to give him a staff. The Aldermen give him a staff -

Commissioner Lopez stated: Oh, well that ridiculous because they -

Commissioner Sullivan stated: Never get a staff -

Commissioner Shaw stated: If the Aldermen took away his - Excuse me, Kathy - But, if the Aldermen took away the Mayor's staff, he could get volunteers to do it in a fraction of a second, okay? Let me clue you - Did you have a - Did you want to speak?

Commissioner Sullivan stated: No, no - The City Coordinator - The City Coordinator's position should be one of the most important positions in the City of Manchester.

Commissioner Shaw stated: No.

Commissioner Sullivan stated: Yes, it should be.

Commissioner Shaw stated: Superintendent is the most important -

Commissioner Sullivan stated: Will you let me speak? Anyway - The City Coordinator's position should be the most important job in the City of Manchester. The question is how do we describe - how we describe his position in the Charter in terms of its authority, responsibilities - And I know it has been said - I think Commissioner Dolman had said, "Well, do you really need a City Coordinator, because you now have this in-town management guy, you have the guy at the Airport, etc." The Coordinator is supposed to bring everyone together. Do some long-range planning, do long-range planning, foster communication - Do all of the things that are wrong with - that have been testified to as being wrong with the City of Manchester.

Commissioner Shaw stated: - by people that don't know the answer.

Commissioner Sullivan stated: Well, maybe they don't know the answer, but I think though - This - And I have talked to a couple of department heads in the City who have said to me that it is very unfortunate that we do not have a City Coordinator, and they feel that it is a real lack in the City because there is not that person who on a day - whose job it is on a day-to-day basis, to do that long-term planning and coordination. It would be a blessing if we -

Commissioner Cook stated: As Fisher Pearson would say -

Commissioner Sullivan stated: Okay? I'll be quiet now -

Commissioner Cook stated: How about we try this, because I agree with everything that Kathy said - I think that we need either - and I don't care what we call him - we either need to preserve City Coordinator, or have the Deputy Mayor for Administration position, because we are trying to send a message that there ought to be some level of professional administrative management. But, because - Consistent with what we have said in other areas, that may not be the right thing for all time - That that could be changed by the same process that would change

the other things. So, we are saying this is where you ought to start, and if it should go some other way, it leaves the flexibility you could go the other way.

Commissioner Shaw stated: Could I -

Commissioner Sullivan stated: That answer Steve's -

Commissioner Dolman stated: Well, I think that it answers mine because - I'll be very honest with you - As long as you give that someone the flexibility - Now see, this answers your - I think it answers yours too, Bob -

Commissioner Shaw stated: Hasn't answered mine at all -

Commissioner Dolman stated: - because he is giving - he is allowing the Mayor, and the next - any of the Board to make the flexibility. And now how - I have no problem with that - I think - As long as we are not casting it in stone. We are not putting any other position in here, right? We are trying to eliminate personnel -

Commissioner Cook stated: Because if it works the way we think it is going to work it will prove its own worth.

Commissioner Dolman stated: So why should we put this (inaudible) - That's right, why put this - I agree with you to the extent that it is - if we are agreeing that we shouldn't put personnel things in here, and this is a position, a personnel - Then why should we have this in the Charter -

Commissioner Stephen stated: I tend - I am looking at - like Deputy City Clerk in the Charter, it says, "the City Clerk's empowered from time-to-time to appoint such deputies as may be required, who shall perform any such duties at the direction of the Clerk." I mean, why can't we have something similar to that language in the Charter, here? I mean - You know, maybe put your two-thirds provision in there -

Commissioner Cook stated: Well, I think that what we are trying to say, at least what I am trying to say, is that there needs to be the availability of a professional administrative assistant to the City Government -

Commissioner Shaw stated: City Manager -

Commissioner Cook stated: - and if that doesn't work - No, it's not a City Manager. If it was a City Manager, it would be a City Manager -

Commissioner Shaw stated: Oh no, no - This is the terminology that's all - The only thing that you have not given this person -

Chairman Pappas stated: Will you at least - Just let Brad finish, Bob.

Commissioner Shaw stated: Go ahead. Yes, but he -

Commissioner Cook stated: No I'm not Bob, because I am not going as far as Mayor Dupuis went, which was that you don't need to choose between them, you can have both. I mean, I don't think - I think it was intriguing - I don't think that is what we need. If we are going to have a full-time Mayor, I think we ought to have a full-time Mayor, but they ought to have administrative help. But, that being said, that there would be an assistant position for administration, I think that we should recognize the fact that different administrations may want to do it differently. So we say, "there shall be function," we leave them the flexibility to rearrange the function. That is what I am saying.

Commissioner Dolman stated: I'll go along - When we see the language, I'll go along with that -

Commissioner Shaw stated: Well it is a tricky way, I think to get a City Manager in. It's tricky. But it is the goal of certain people to have the City have a professional helper in its tasks. The schools, just to give you an example - The City is divided into two parts. Schools and City - The coordinator that we had - The coordinator that we had before, for some reason, would deny anything at all to the schools. He would deny maintenance, he would deny buildings -

Chairman Pappas stated: Which one?

Commissioner Shaw stated: John Hoben. He denied to the schools every single time - I don't know why. Maybe because he couldn't control them, that he denied this here - So there are department heads that looked to John Hoben of the past,

because they got things from John Hoben, okay? He had favorites just like Mayor's have favorites. When you have two people in a government though - When you have the Mayor, who has to acquiesce to somebody down below, because he might be a longer term or a - It doesn't work - We have given all of the rights and duties to the Aldermen and the Mayor, and if they need - if they need professional expertise to run the City then let them choose to do it.

Commissioner Sullivan stated: This is the kind of problem that we have had -

Commissioner Cook stated: I would not for a million years say anything that this person will be working at the direction of the Mayor.

Commissioner Shaw stated: No, but -

Commissioner Shaw stated: We are trying to institute a -

Commissioner Shaw stated: Hoben was working under my direction - Totally hard to do -

Commissioner Cook stated: Hoben had -

Commissioner Shaw stated: - his agenda.

Commissioner Cook stated: I don't care about the agenda, he had a life of his own. I mean, you know, he preceded you and he was going to succeed you, because he had his own loyalties on one (inaudible) - and I don't think that set of circumstances is ever going to get created again, and I am against it.

Commissioner Shaw stated: I don't favor that you tell the Mayor of this City what he needs in order to manage it professionally.

Commissioner Cook stated: I am not telling him what he needs, I am providing it for him.

Commissioner Shaw stated: That's the - What does that mean, "providing it" for him?

Commissioner Cook stated: It's in the Charter.

Commissioner Sullivan stated: What if we make this guy or woman's term concurrent with the Mayor's?

Commissioner Dolman stated: Well, that's what I suggested earlier.

Commissioner Sullivan stated: Yes. And then he comes - he or she (inaudible) -

Commissioner Shaw stated: Don't you understand that we already - that we already have a Deputy Mayor, we already have a City Coordinator, we already have a man -

Commissioner Dolman stated: We don't have a professional running (inaudible) in this City -

Commissioner Shaw stated: But you are not - You can't write in the Charter that this man be a professional. What you get when the Mayor chooses that type of person, if he wishes, is stinky.

Commissioner Lopez stated: State your position, because you have got me all confused now.

Commissioner Shaw stated: I don't see that we must tell the Mayor of the City of Manchester that he have a professional in order to help him. I think that the Aldermen and the Board, you know, the Mayor, should decide that decision and it is not up to a Charter Commission to put in one position in the Charter.

Mr. Groulx stated: The trend of a city administrator is very, very new. I think the trend right now is to allow the Mayor to hire and fire at will that person which will work under him, but you will get - There are some - There is - Language is not very thick out there, but usually what happens is you are making a declaration that he will appoint somebody that has the necessary experience -

Commissioner Cook stated: Can you find some of that language so we can look at it?

Mr. Groulx stated: - qualifications, knowledge, skills and abilities -

Commissioner Shaw stated: It's called Earl Rinker -

Mr. Groulx stated: - to do that. But that - I mean -

Commissioner Cook stated: - city administrator -

Chairman Pappas stated: Has it worked anywhere?

Mr. Groulx stated: They are using it, but it is still relatively a new concept, but to allay a lot of fears of a sort of a proxy City Manager, it gets put into that realm where you - where the Mayor works under direct supervision of the Mayor - direction of the Mayor, and the Mayor can fire at any time and not - and he does not have an assessed appointment [sic] -

Commissioner Shaw stated: We had that -

Mr. Groulx stated: - so when the Mayor is gone, obviously, the next guy can rehire, but -

Commissioner Dolman stated: Bob's right - You do have that - You had that.

Commissioner Shaw stated: I had Bob Babalotti. I tell you I - It couldn't have been any better. I had hired somebody from the City of Manchester to work in the Mayor's office. That department paid him and put him on leave to my office. I knew - I agree with you. A professional is important. A man who is chief executive officer in the City and who thinks he can run it alone and knows everything is an ass.

Commissioner Stephen stated: Keeping in mind that there ought to be a provision then, are we going to be removing the approval process of the Board of Mayor - of the Board of Aldermen?

Commissioner Shaw stated: I don't think the Board of Aldermen -

Commissioner Stephen stated: You just - When you say at the will of the Mayor -

Chairman Pappas stated: For this person -

Commissioner Shaw stated: - should have control over the Mayor's assistant.

Commissioner Cook stated: Maybe John can find us some language that we can read to that (inaudible) - Fine.

Commissioner Shaw stated: I think the Mayor should hire and fire his own assistant.

Commissioner Lopez stated: Yes, the only -

Commissioner Dolman stated: I think it can wait -

Chairman Pappas stated: I agree.

Commissioner Dolman stated: I think we are all getting tired of -

Commissioner Lopez stated: I just sort of - Just a last point on the issue there. I think the Mayor should have the right to have somebody to help him. I mean, I don't know about -

Commissioner Cook stated: And it should be more than the clerks in his office.

Commissioner Lopez stated: Yes, more than a couple of clerks -

Chairman Pappas stated: Alright, let's leave it. John, if you could find some language -

Commissioner Lopez stated: But the only point that I wanted to make in the end is that if there is nothing in the Charter that stipulates anything, the Board of Mayor and Aldermen don't have to fund any of these positions.

Chairman Pappas stated: Right. That's true.

Commissioner Sullivan stated: Well, they aren't funding it anyway.

Commissioner Dolman stated: Well, they fund it - They didn't fund it anyway, that's right. (Inaudible) - They haven't done it yet -

Chairman Pappas stated: The Mayor as Chairman of the School Board -

Commissioner Cook stated: Yes -

Commissioner Sullivan stated: Leave it.

Commissioner Shaw stated: For sure.

Commissioner Dolman stated: Oh yeah -

Chairman Pappas stated: I agree.

Commissioner Shaw stated: Let him appoint all of the School Board members -

Chairman Pappas stated: Periodic Review Procedure -

Commissioner Dolman stated: I think we need to put Section - Section 8.03 (inaudible) - I think it was Commissioner Shaw who made the suggestion on Section 8.03, which is the Periodic Review, that it should go back to the public again. The public - Didn't you suggest that?

Commissioner Shaw stated: What?

Commissioner Dolman stated: On Section 8.03 that the public elect the five members -

Commissioner Shaw stated: Well, I don't think that it is clearly stated there. I think it should be.

Chairman Pappas stated: Back to the public?

Commissioner Cook stated: I would like to have the - I would like to have counsel - because I don't know the answer to this question - I think (inaudible) trying to be sneaky - I would like to have counsel to the Commission tell us

definitively, which nobody ever did, that [Section] 8.03 was not preempted by the change in State law. If you can have both -

Commissioner Shaw stated: - not [R.S.A.] 49-C though -

Commissioner Cook stated: - if you - No, forget [R.S.A.] 49-C. I don't care about [R.S.A.] 49-C - I want to know whether the changes in State law on how you change the Charter, preempted that provision so that we have to follow some State law thing and you can't have it - Because I don't - I like [Section] 8.03 -

Commissioner Shaw stated: Oh, that's good -

Commissioner Cook stated: - as a matter of fact, but if it is not legal, I want to know that.

Commissioner Dolman stated: Well - I am fine - Let's have it -

Chairman Pappas stated: Alright, let's throw it over to the - to Tony -

Commissioner Dolman stated: If it is legal, I would like to add Bob - Commissioner Shaw's suggestion that it go to the public by the -

Commissioner Shaw stated: Well, it's just not clearly stated.

Chairman Pappas stated: Alright. We will check it out.

Commissioner Shaw stated: Two-thirds vote of the public to change the Charter. I don't believe we should change anything by fifty plus one -

Chairman Pappas stated: Moving on to eighteen, Residence Requirements.

Commissioner Shaw stated: Residence?

Commissioner Cook stated: Residency requirements -

Commissioner Shaw stated: That's a moot question.

Commissioner Sullivan stated: I would like to see a minimum of one year for all elected officials -

Commissioner Shaw stated: Is that all you need for elected officials?

Chairman Pappas stated: Yes.

Commissioner Shaw stated: A minimum one year?

Commissioner Dolman stated: Wait a minute -

Commissioner Sullivan stated: Resident in the City of Manchester for a minimum of one year -

Chairman Pappas stated: In the Board or in the City -

Commissioner Shaw stated: What is it now?

Commissioner Sullivan stated: It's three years for the Mayor, and I think - Is it three for the Welfare Commissioner too?

Commissioner Cook stated: I don't remember.

Commissioner Lopez stated: Yes, I -

Commissioner Cook stated: It is in my chart someplace -

Commissioner Shaw stated: So somebody can move in in one year and run for Aldermen?

Commissioner Stephen stated: "To hold an elected City or ward office, a person must have and maintain during his term of office a domicile in the City."

Commissioner Cook stated: It was in that chart that I did, wherever that is - I have got so many -

Commissioner Shaw stated: I think the Mayor should be -

Commissioner Lopez stated: What is it? The chart you want?

Commissioner Cook stated: Yes, that -

Commissioner Shaw stated: I think that the Mayor should be over forty-five to serve, and all of his children must be over sixteen.

Commissioner Sullivan stated: What happens if he or she has a baby, after they are in office?

Commissioner Dolman stated: - (inaudible) won't happen. More and more women are having children later in life, Bob. We can't do that.

Commissioner Shaw stated: But I think they should resign if they have a baby in -

Commissioner Lopez stated: I don't think it said anything about one year, did it?

Chairman Pappas stated: Alright, any - How do you feel about a year? Do you want to roll it back to a year?

Commissioner Lopez stated: Well, is there a State law or anything?

Commissioner Cook stated: No, not on this thing -

Commissioner Lopez stated: Not on this subject -

Commissioner Sullivan stated: Well [R.S.A.] 49-C has a provision, but we are not bound by [R.S.A.] 49-C, that has a one-year minimum requirement, I think for mayor, if I am not mistaken, but -

Commissioner Shaw stated: Can it be longer?

Commissioner Sullivan stated: I am not sure -

Commissioner Dolman stated: Here it is - Section 5.21, Mayor and Commissioner of Welfare. "No person shall be eligible for or to hold office of Mayor and Commissioner unless he shall have been a resident of the City for

three years."

Commissioner Shaw stated: That's in our Charter -

Commissioner Dolman stated: Yes - Section 5.21 -

Chairman Pappas stated: Can you convince us further why it should be a year, rather than three?

Commissioner Sullivan stated: The reason that I went with one - Actually, to tell you the truth, I prefer three years. I am just not sure whether we can do three years with the statute with the way it is now, but -

Commissioner Cook stated: Leave it alone. Well, then leave it alone -

Commissioner Sullivan stated: I would like to find out - I would like to get a read on - I can't remember whether the three - that the one year is [R.S.A.] 49-C or [R.S.A.] 49-B.

Mr. Groulx stated: [R.S.A. 49] C:9, "The Charter may require a period of bonafide residency of up to one year - "

Commissioner Sullivan stated: Okay. Of up to one year -

Commissioner Shaw stated: May - May - Means longer -

Commissioner Cook stated: It means that you can't have it longer, Bob -

Commissioner Sullivan stated: You can't have it longer -

Commissioner Stephen stated: That's what she is saying, Bob. She is just suggesting that that is what is has -

Commissioner Sullivan stated: So I would be interested in -

Commissioner Dolman stated: Just a suggestion -

Commissioner Sullivan stated: If it is in [R.S.A. 49] C, and we are not complying with [R.S.A. 49] C, then three years is fine - But I think that we should have it for Aldermen as well as the Mayor and Commissioner of Welfare.

Commissioner Stephen stated: I agree with that.

Commissioner Sullivan stated: That is more what I am interested in -

Commissioner Dolman stated: In the wards - Living three years in the -

Commissioner Sullivan stated: No, no, no. In the City -

Commissioner Shaw stated: Why?

Commissioner Cook stated: If they are City-wide officers, would you make them live in the ward?

Commissioner Shaw stated: Why not in the ward?

Commissioner Sullivan stated: No - Because ward lines change -

Commissioner Cook stated: I think she just said Mayor -

Commissioner Dolman stated: I agree - But, that's what I am saying - That is what I meant -

Commissioner Sullivan stated: I know - Without moving for - In two - I lived on Webster Street for about eighteen months and I was - I went from Ward One to Ward three like that [snaps fingers]. Where I live not I went from Ward Six to Ward Eight like that [snaps fingers]. So, it doesn't seem fair that that can happen to people with ward lines shifting and then you say, "Well, you can't run for office because the line happened to shift," and you haven't moved -

Commissioner Dolman stated: That's right - No, I agree - That's why I asked that.

Commissioner Sullivan stated: Does that seem fair?

Commissioner Cook stated: So there is no requirement now on how long you live in the ward, right?

Commissioner Lopez stated: No requirement.

Commissioner Cook stated: And there is a three-year for the other two - Anybody object to keeping it?

Chairman Pappas stated: No.

Commissioner Dolman stated: No.

Chairman Pappas stated: Leave it alone.

Commissioner Dolman stated: Leave it alone.

Commissioner Stephen stated: Now, what about the Aldermen?

Commissioner Sullivan stated: What about the Aldermen?

Commissioner Stephen stated: That's the issue.

Commissioner Lopez stated: Well, the Aldermen don't have -

Commissioner Cook stated: How long they have to live in the City?

Commissioner Stephen stated: Do we want to go to a one-year residency requirement for Aldermen?

Commissioner Dolman stated: In the City?

Commissioner Stephen stated: In the City.

Commissioner Sullivan stated: In the City, not the -

Commissioner Cook stated: Well I want - If somebody who hasn't lived in the City is going to get elected Aldermen -

Chairman Pappas stated: Leave it.

Commissioner Dolman stated: Leave it alone - Just leave it alone.

Commissioner Lopez stated: I don't see anything wrong with it.

Commissioner Sullivan stated: That's fine.

Commissioner Shaw stated: Are we done?

Chairman Pappas stated: We are. Unless there is anything further -

Commissioner Lopez stated: Yes. I don't want to talk about it tonight, but I want to make sure that we do talk about the binding arbitration -

Chairman Pappas stated: Yes, we will next time -

Commissioner Lopez stated: Okay -

Chairman Pappas stated: - we will take the letter home.

Commissioner Lopez stated: And also the election portion of the City Charter that Leo [Bernier] brought to our attention with a lot of changes that is repetitious -

Commissioner Cook stated: Yes, that is our Committee's -

Commissioner Lopez stated: We should look at that Committee - And, some of these things, maybe some recommendations instead of Charter review - Charter Revisions - might go into a recommendation -

Commissioner Cook stated: Oh, you mean a letter - Like a management letter that we send to them -

Commissioner Lopez stated: Yes -

Commissioner Cook stated: - saying, "This is our Charter, but why don't you think about these things?"

Commissioner Lopez stated: If we come to a point where -

Chairman Pappas stated: Oh, I see what you are saying.

Commissioner Lopez stated: See what I am saying?

Chairman Pappas stated: Yes. And I shall - I shall write my position paper on the principal officer and the CEO -

Commissioner Shaw stated: I don't know what the difference is -

Commissioner Lopez stated: I know the difference.

Commissioner Shaw stated: I hope you'll tell us that in the letter.

Commissioner Cook stated: He is going to tell you the difference -

General discussion followed relative to future meetings.

On motion by Commissioner Dolman, duly seconded by Commissioner Cook, the meeting was adjourned.

Respectfully submitted,

Kathleen N. Sullivan

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