

CHARTER COMMISSION

June 17, 2003

5:00 PM

Chairman Dykstra called the recessed meeting back to order.

The Clerk called the roll.

Present: Leona Dykstra, Bob Shaw, Donna Soucy, Brad Cook, Patrick Duffy
Keith Hirschmann, Leo Pepino, Nancy Tessier, Michael Wihby

Mssr: Deputy Solicitor Arnold

Commissioner Duffy stated Madame Chair, before we get into the business of the day, on behalf of the Commission, we want to extend our condolences on the loss of your mother.

Chairman Dykstra responded that's very kind of you. Thank you very much.

Chairman Dykstra addressed item 3 on the agenda:

Chairman Dykstra advises that there are three remaining items to be discussed.

Section 2.05 General powers and duties of the mayor.

- h) *Appointing authority.* The mayor shall appoint the members of the standing committees of aldermen and of the board of school committee and shall choose the chairman of each such standing committee.

Section 2.06 Meetings.

- e) ~~*Public testimony at committees.* Except those held in recess of meetings of the full board of mayor and aldermen, all committees of the board of mayor and aldermen shall provide a period of public testimony.~~

- d) ~~Public comment at regular meetings. At every regular meeting of the board of mayor and aldermen, the board shall provide a period of public comment.~~

Chairman Dykstra stated actually we just have two or three things, right. Everything else was already voted on yesterday to kind of correct what had happened. The appointing authority, so we'll get into this. Is this language something that has been basically put in here by someone to correct it or what? The Mayor shall appoint the members of the standing committees of the Board of School Committee and shall choose a chairman of each such standing committee. So we're omitting the Aldermen?

Deputy Clerk Johnson stated "of Aldermen and" is what the attorney indicated had to be removed in order to make it consistent with the Statutes. We would look for a motion to amend the final report to read as it's adopted.

Chairman Dykstra asked aren't we basically going to do this right here.

Deputy Clerk Johnson stated we need a motion.

Commissioner Shaw moved that h) be approved, so amending the final report Section 2.05 h).

Commissioner Pepino duly seconded the motion.

Commissioner Hirschmann asked should the final word committee, should it say subcommittee, so it doesn't get confused that they're Aldermanic committees because subcommittees of the Board of School Committee are subcommittees aren't they.

Chairman Dykstra responded no, they're standing committees too. As long as we remove Aldermen, I think that would clear that up.

Commissioner Cook stated because there are standing committees under the rules of this group.

Commissioner Hirschmann stated that's my only question.

Chairman Dykstra stated even the joint school committees are standing, I think.

Commissioner Cook stated I have one question. I understand after seeing Mr. Arnold earlier at the ground breaking for the school project was that he'd had additional conversation with Mr. Waugh today after last night. I just didn't know if there were any comments on this section.

Deputy Solicitor Arnold responded not on this section.

Chairman Dykstra stated basically this is what has to happen in order to have it pass, this section here. Okay, any other discussion?

A roll call vote was taken. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted yea. Commissioners Cook, Duffy, Soucy, and Tessier voted nay. The motion carried.

Commissioner Pepino asked was there any comment from our attorney on the next one.

Chairman Dykstra stated it's also stricken out so I guess we haven't got the right thing.

Deputy Clerk Johnson stated there is an option. The attorney went back and looked at it, and with regards to d), I mean you still need to delete them as they state, c) and d), but you could insert instead we gave you language. We just passed around. It shows under page four. Down where it says Section 2.06 meetings, item c) public comment, and there is a typo in there. It says shall provide twice, but the Board of Mayor and Aldermen shall provide a period of public comment at least monthly. That is the same language basically as the last time.

Commissioner Cook stated that is the same motion that Mr. Hirschmann was going to make last night, and he said you couldn't.

Deputy Clerk Johnson stated he went back and looked at the law, and he feels that that's acceptable.

Commissioner Hirschmann stated I told you I could change his mind.

Chairman Dykstra stated as long as we don't tell them exactly when, right.

Deputy Clerk Johnson stated right.

Commissioner Pepino moved to accept the language.

Commissioner Hirschmann duly seconded the motion.

Commission Cook asked so the motion is to delete c) and d) in 2.06 and substitute for it c) of the 2.06 on this existing Charter, just so I understand the motion.

Deputy Clerk Johnson asked Pepino by I'm sorry, was it Hirschmann.

Chairman Dykstra responded yes. We'll call for a roll call vote. Just to put c) in. Public comment, that's better than nothing.

Commissioner Hirschmann asked did he have any other transgressions.

Deputy Solicitor Arnold responded I guess that might be a matter of opinion, but none that he discussed with me.

A roll call vote was taken. Commissioners Cook, Duffy, Hirschmann, Pepino, Soucy, Tessier, Wihby, and Dykstra voted yea. Commissioner Shaw voted nay. The motion carried.

Chairman Dykstra stated eight to one. Okay, so we're going on. Tell me when you're ready. We've just got that one more.

Deputy Clerk Johnson stated I am ready, I guess. There is other business, but I think...

Chairman Dykstra stated right here, the departments. Now what are we doing with this? I'm sorry. I'm looking at that.

Commissioner Shaw asked is that the correct terminology on page four. Is the word shall twice?

Deputy Clerk Johnson responded I indicated that that was a typo. We took it out.

Chairman Dykstra stated we can do the financial report and then new business or what.

Deputy Clerk Johnson stated here's the thing. I know that Commissioner Hirschmann indicated that he had additional business with the Charter itself, so I figure while you're dealing with the Charter itself, if he wants to discuss, if you want to accept discussion on that, that's your decision.

Chairman Dykstra asked what are we discussing.

Deputy Clerk Johnson stated I think he wants to make more changes to your Charter.

Commissioner Hirschmann stated it's appropriate.

Chairman Dykstra asked would that come under any other business. How could it be appropriate if we basically have already had it checked by the attorney?

Deputy Clerk Johnson stated it would have to go back to the attorney.

Chairman Dykstra stated we don't have the time for that.

Commissioner Hirschmann stated we just made changes.

Deputy Clerk Johnson stated he's already reviewed those.

Chairman Dykstra stated he's already reviewed them.

Commissioner Hirschmann responded so, I want to do it. E-mail it to him.

Commission Cook stated if I could make a comment. The purpose of, as I understand it, of last night's meeting and tonight's meeting was to react. This Commission five to four voted for a Charter. Obviously, I'm one of the four. I don't like the Charter, but we voted for the Charter. It went to an attorney who had comments. We were being brought back to discuss the comments and act on them, knowing that we were under the gun in terms of timing, and I believe, correct me if I'm wrong that that would be in the nature of the special meeting to consider those things only as special meeting to consider those only. That's all you can consider. I'm just pointing out...it's not going to hurt my feelings if we, you know, drive off the cliff here, and there is nothing submitted because I don't agree with it.

Chairman Dykstra stated yes, I did read your comments the other day.

Commissioner Cook stated I'm perfectly happy to not have this thing happen. However, in terms of orderly process, I think we've acted on what we were asked to act on which were the comments of the attorney, and I think that's all we were brought here to do, and I would make a motion we adjourn.

Chairman Dykstra stated we need a financial report.

Deputy Clerk Johnson stated there is other business that you have to act on.

Chairman Dykstra stated right, there is.

Commissioner Cook stated all right, then I'll withdraw my motion.

Chairman Dykstra stated the thing is is that in order to bring in, right now let's look realistically, the deadline is basically today because tomorrow is the deadline. I mean, today is the last day we can do anything, and I'm sorry. You're not dragging me out tomorrow. I have an important thing to do tomorrow, so knowing that, what can we gain from this? I mean, just to be fair to you, Commissioner Hirschmann, if you make changes, we're not going to have time to review them. It could be a very good idea you have there.

Commissioner Hirschmann stated in the transition provisions, I think we got hoodwinked, okay because I thought we were voting on taking away the benefits of these elected officials, but they're pushed out until July 2004. If you read this, they have benefits until July 2004 and that's not what I voted on. That's not what you voted on either.

Commissioner Shaw stated we'd have to go back and look at the minutes because I didn't vote for that either.

Chairman Dykstra asked can anybody address that, Carol or Tom.

Deputy Clerk Johnson responded I can go back and research the minutes again, but I know that we went through all those sections individually.

Commissioner Hirschmann asked does it say anywhere else in the Charter that the benefits are gone effective upon passage of the Charter.

Deputy Clerk Johnson responded I think what we said was we were making them effective with the fiscal year. I would have to go back. Steve is saying yes, and he's done all of the minutes.

Chairman Dykstra asked Steve, can you address this.

Mr. Vaillancourt stated I remember Carol mentioning at the time the fiscal year, and there was approval of that.

Commissioner Hirschmann stated that's not what we had intended.

Commissioner Soucy stated there was discussion about the fiscal year.

Commissioner Hirschmann stated that's the motion that I wanted to make, is that upon passage, and the only reason that I picked up on this is because it's not listed in your key changes to the Charter.

Deputy Clerk Johnson stated I'm not sure.

Commissioner Shaw asked why would that change the Charter, to indicate that it was and then take a revote. If we can amend all the other words, why can't we amend that?

Chairman Dykstra stated I thought it was upon passage only the Aldermen At Large were going to continue to the next election, but the benefits were supposed to stop.

Commissioner Hirschmann stated that's the way it was.

Chairman Dykstra stated and retirement. Can you address that?

Deputy Solicitor Arnold stated I can't address the mechanism by which the vote was taken. If you're asking me do I think that if you were to make that change now, would it alter the attorney's opinion, I can't answer that. As you know, we had a go-round with that, and the Secretary of State and the Attorney General who thought that you could not end the terms.

Commissioner Hirschmann interjected they didn't mention compensation.

Deputy Solicitor Arnold stated I remember that they reviewed that, so I wouldn't want to cast an opinion as to what Brother Waugh's reaction to that would be.

Commissioner Shaw asked could we end those benefits effective the January inauguration and not the election.

Commissioner Hirschmann stated that's what I wrote on my notes, inauguration.

Chairman Dykstra asked Tom, what do you think about that.

Commissioner Shaw asked what is the difference between this change. You know, it doesn't affect anybody that's there. It only affects the incoming Board and the incoming Mayor.

Chairman Dykstra stated I thought it was upon passage, I really did. What if we suggested it, and then you call Bernie up, and then if he says yes or no, we'll have to look at that.

Commissioner Cook stated I think the concern would be if you're changing the salary of an office holder in office, and your Charter becomes...if this Charter passes...

Chairman Dykstra interjected we're not changing it.

Commissioner Cook stated just wait. Yes you are because your people in office stay in office until January first or whatever inauguration is, the first Tuesday in January. If the salary becomes effective on passage, you are cutting their salary or their benefits during that November, December and two days in January. Now, it doesn't seem like a big deal, but that could be a problem. What I'm saying is it may be, and I don't know what the attorney would say and I don't know what everybody else would say, and I'm not sure we should be messing with it, but I think the inconsistency here is you are cutting the salary of sitting office holders inadvertently for a couple of months. Your options seem to be effective with the next elected Mayor, School Board, and Aldermen, the salary would be, but make sure that you're not cutting somebody's salary who is already in office. I think saying the fiscal year which may have had that intent...I don't remember that discussion one way or another so I'm not going to say that I do, but it seems to me that cutting that out and just saying it's effective on passage may give you an illegality problem in that you're cutting some existing sitting office holder albeit only for a couple months, and that might need to be reviewed so depending on how you try to change it...

Chairman Dykstra stated I think I can agree with you there, but what about the January date. Would that still pose us a problem?

Deputy Clerk Johnson stated we could look at the inauguration date as being the date that these people are removed from office.

Commissioner Cook stated it's the new person comes in, and you're not cutting their salary.

Deputy Clerk Johnson stated the other piece to the fiscal year, there were two pieces to the fiscal year cycle. One was we discussed this very early on, and we were talking about fiscal years and budgeting, but the second was that then it gave people a chance to make the changeovers because you have people that have been taking. That was the other issue, to allow the time frame for them to adjust to getting some other coverage.

Commissioner Cook asked aren't they going to get Cobra rights if it's terminated on a certain date.

Deputy Clerk Johnson responded if it's terminated, they would have Cobra rights, you're right.

Commissioner Cook stated so they still have an opportunity to be covered.

Deputy Clerk Johnson stated but if I'm on the Board, and I want to transfer to somebody else's policy that I'm married to or something, you need to be in the...

Commissioner Shaw interjected you got three months.

Commissioner Cook stated you get one month with a 30 day period and then...

Chairman Dykstra stated we can just make it for January and he gives his opinion to go along with it.

Commissioner Hirschmann stated use the word inauguration because we don't know the exact date.

Deputy Clerk Johnson stated we will use the inauguration date.

Commissioner Hirschmann stated scratch this and say inauguration, 2004.

Chairman Dykstra stated so that would be January rather than July. All right, so I don't think that's going to have to go back to an attorney.

Deputy Clerk Johnson stated take a motion subject to the attorney reviewing it, and we'll try to get an answer.

Commissioner Hirschmann so moved.

Chairman Dykstra duly seconded the motion.

Commissioner Duffy asked Madame Chair, may we have the reference in the proposed Charter.

Commissioner Hirschmann responded Section 8.03 b) and c).

Commissioner Tessier stated page 30.

Commissioner Cook asked don't you want it in a) also though.

Deputy Clerk Johnson asked is that the transition.

Commissioner Hirschmann responded yes.

Chairman Dykstra asked does the rest of the Charter say upon passage.

Deputy Clerk Johnson responded some of it is upon passage, and some of it is on other dates because like the Aldermen At Large.

Chairman Dykstra interjected Aldermen At Large, to let them stay.

Commissioner Cook stated the Charter is effective on passage, but the transition is different.

Deputy Clerk Johnson stated unless it states in the transition something else.

Chairman Dykstra stated so everything else other than the things that are listed out there, okay.

Deputy Clerk Johnson stated 8.03 b) and c) is where they are in the current one that you're dealing with because you've made some changes.

Chairman Dykstra stated there's a motion. There's a second.

Commissioner Duffy asked what's the motion.

Deputy Clerk Johnson stated the motion is to remove the July 1st, 2004 date in 8.03 b) and c) and replace that with the January, 2004 inauguration date.

Commissioner Cook stated for all three sections because there's nothing in the Mayor one.

Deputy Clerk Johnson stated there's nothing on the Mayor. It doesn't say anything as to what the effective date is.

Commissioner Hirschmann stated make them all the same.

Chairman Dykstra stated make them all the same.

Deputy Clerk Johnson stated all right, so you want us to insert the effective date.

Commissioner Cook stated I'm just putting words in his mouth.

Chairman Dykstra stated no, well, they should be all the same.

Deputy Clerk Johnson stated you're not changing it so it would have taken effect with the passage of the Charter.

Chairman Dykstra stated it would have been on immediate passage, if it doesn't list anything otherwise than immediate passage.

Deputy Clerk Johnson stated so a), b), and c), we're going to insert that language, okay.

Chairman Dykstra stated let's call the roll on this. It would be better. Then if the attorney says you can't do it, I don't think he's going to say it anyway, so it's subject to the attorney.

Deputy Clerk Johnson stated this is subject to approval.

Chairman Dykstra stated of Attorney Waugh.

Commissioner Hirschmann stated he almost quit on you last night by the way. I got to him for a minute. He almost ran out of the room.

Chairman Dykstra asked quit on me. It must have been you.

Commissioner Hirschmann stated yeah, he almost quit.

A roll call vote was taken. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted yea. Commissioners Cook, Duffy, Soucy, and Tessier voted nay. The motion carried.

Commissioner Hirschmann stated okay, that's the only changes I wanted to make.

Chairman Dykstra stated okay, right now, that's all we're doing now. The financial report now. What is happening? What do you say with that?

Deputy Clerk Johnson responded I guess because the committee, it appears the commission...

Commissioner Hirschmann interjected can we take a vote on the entire Charter.

Chairman Dykstra stated we already did. We already did that.

Commissioner Duffy asked Madame Chairman, may we get a ruling from the City Solicitor relative to the need for a vote just as suggested by Commissioner Hirschmann.

Chairman Dykstra asked for the Charter. Tom, Commissioner Duffy wants to know if we need to have a vote.

Commissioner Hirschmann stated if we should take a vote on the whole Charter again as amended.

Commissioner Cook stated we just made a substantive change that wasn't the subject of the attorney, so I think I agree with the suggestion, the question because we now have an issue.

Chairman Dykstra asked you want to just move on it.

Commissioner Hirschmann stated I'll make the motion.

Chairman Dykstra stated to accept the Charter.

Commissioner Duffy asked did we get a ruling from the City Solicitor.

Deputy Solicitor Arnold stated I think that the motions were to amend the final report, so you still have a final report. I don't think it's absolutely necessary. It might be good practice just to have a final vote after all the changes were made.

Commissioner Hirschmann so moved.

Commissioner Wihby duly seconded the motion.

Chairman Dykstra called for a vote. The motion carried with Commissioners Cook, Duffy, Soucy, and Tessier duly recorded in opposition.

Chairman Dykstra stated okay, just note that the four, the original four. That's taken care of. Now can we get to the financials.

Commissioner Duffy stated I would like to know how it's going to be noted in the minutes, how that vote was.

Chairman Dykstra asked do you want a roll call.

Deputy Clerk Johnson stated we recorded Commissioners Cook, Duffy, Soucy, and Tessier opposed.

Chairman Dykstra it wasn't a roll call, but it's going to be noted. It will be noted.

Chairman Dykstra addressed item 4 on the agenda:

Financial report.

Commissioner Hirschmann stated now she's going to tell us how broke we are.

Deputy Clerk Johnson stated well, you're not broke yet.

Chairman Dykstra stated yeah, this is it. I mean, tomorrow is the deadline. This is it.

Deputy Clerk Johnson stated you know, we had done a budget in anticipation of what we thought you would need as a Commission, and the end result of that is we think that you're going to be right on the mark.

Chairman Dykstra stated I didn't expect to get money back anyway.

Deputy Clerk Johnson stated since it's anticipated that you are not going to meet again, what I had done is I had asked my office to do an analysis of exactly where we stood. There's approximately \$12,000.00 left in the account. \$6,000.00 of that is encumbered funds that the Clerk's office has already encumbered prior to the meeting yesterday, approximately \$6,000.00. You have the attorney to pay which we approximated out at \$4,000.00 I do believe in the budget.

Chairman Dykstra stated so that leaves two.

Deputy Clerk Johnson stated so there's approximately two left, but we just still have some time obviously to put the rest of this all together, so I guess what I'm looking for is for the authority by this Commission to pay all other debts to be owed as a result of these services up to the \$12,000.00, and I suspect there'll probably be a thousand dollars or so to turn back.

Chairman Dykstra stated that would be good, to turn something back.

Commissioner Shaw asked could we make a motion to send an equal share to the majority.

Chairman Dykstra asked you want to split it up.

Commissioner Hirschmann asked is there any money required to put it on the ballot or posting notices or anything. You might want to keep that balance just in case.

Commissioner Cook stated that becomes an Aldermanic obligation.

Deputy Clerk Johnson stated the Clerk's office has to prepare the ballot no matter what, but I can tell you that by adding the Charter question on there, it is going to cost us in excess of what you have left, so if you turn that back in the 2004 cycle, it is revenue that comes in or we can ask that that be applied to the election costs for the Clerk's budget, whichever the Commission desires.

Chairman Dykstra stated whatever.

Deputy Clerk Johnson stated we would go back to the Board and just say that's what you're going to do.

Commissioner Hirschmann stated let's give them some money back.

Chairman Dykstra stated yeah, give them a thousand back.

Commissioner Shaw stated we spent less than the last group.

Deputy Clerk Johnson stated we will at the end submit to all of you personally the information.

Commissioner Hirschmann stated I'll make the motion to refund it.

Chairman Dykstra stated you've got to have a motion to accept this first.

Commissioner Cook stated I believe what Carol wanted was a motion to authorize paying the bills.

Commissioner Hirschmann moved to authorize paying the bills.

Commissioner Cook duly seconded the motion.

Chairman Dykstra called for a vote. The motion carried.

Chairman Dykstra stated everybody is in favor of paying the bills, okay.

Deputy Clerk Johnson asked and then the balance is to be returned to the City.

Chairman Dykstra responded yes, right, and then let them give it to you. I don't want them to think we spent every nickel. And then you can ask them for it.

Deputy Clerk Johnson stated no, Kevin won't let us have it.

Commissioner Pepino stated I'd like to address the majority report.

Chairman Dykstra asked what majority report.

Commissioner Pepino stated I have one in front of me here. It seems as though when you pass something or you vote against something, you always give a reason for it.

Chairman Dykstra asked is that yours.

Commissioner Pepino stated I don't know. It was handed to me here. I'm reading it. I think it's very good.

Chairman Dykstra asked whose is it. Is that yours?

Commissioner Shaw responded second draft.

Chairman Dykstra stated I thought you weren't going to do a majority report, but you were going to do an opinion.

Commissioner Shaw responded well, somebody asked.

Commissioner Pepino stated if you do something, you have to tell people why you do it. Now, if they put one in, they got to say why they're opposing what we're doing. You can't just say, "Well, we changed this to that or we changed that to this or we changed this to that."

Chairman Dykstra interjected we discussed that a couple of meetings ago. Carol explained...

Commissioner Pepino stated you've got to say why. This spells it all out, so I move that if possible, accept this as a majority report.

Chairman Dykstra stated I haven't even seen it. I can't do that.

Commissioner Pepino stated I just read it.

Chairman Dykstra stated well, I'm glad you did. I thought we discussed a couple weeks ago. Wait a minute. A couple of weeks ago we talked about...she told us the procedure about putting together a cover letter with all the reasons and what was happening and then that with the Charter. Anybody who wanted to put in their opinion which is fine, doesn't mean it's the opinion of everyone, could do that, and I thought Commissioner Shaw said last time that he was going to withdraw a majority report and actually put in his opinion which is fine because we all have different opinions.

Commissioner Hirschmann stated if you want to send that along as his opinion, I'll move that, but I'm going to have my own two paragraphs that say what I wanted to.

Chairman Dykstra asked Carol, how would an opinion go to the Board. I mean, do they just go and speak before the Board and pass it in there or what.

Deputy Clerk Johnson responded anybody has the right to appear before the Board certainly, but if the Commission wanted to allow any of the Commissioners who desire to submit their own comments or for two or more parties to get together and submit comments, we can include that with the final report that we submit to the Board as additional information.

Chairman Dykstra asked if he wants to put one in, he can put one in too.

Deputy Clerk Johnson responded anybody can. If they need help to have something typed up, the Clerk's office will be happy to assist.

Commissioner Pepino stated this hasn't been changed much.

Chairman Dykstra stated it can go with the Charter. What she's saying, it can go with the Charter.

Commissioner Pepino stated I want one from the committee I want to see, not individually, one from the committee.

Chairman Dykstra stated well, you can't do it because we haven't all looked at it. I will not...I haven't even looked at that. I mean, I'm not going to put in a majority report.

Commissioner Pepino stated this does not have to be in by tomorrow. The Charter has to be done by tomorrow.

Chairman Dykstra stated everything.

Deputy Clerk Johnson stated if you're doing it as a majority report, yes, you would need to put that in there because now you're terming that party of five. It's not a comment. It's a physical part of your report.

Chairman Dykstra asked what would be wrong if they put it in there anyway. It's his opinion. I mean Commissioner Hirschmann wants his opinion.

Deputy Clerk Johnson stated if you're submitting a majority report, it has to say that the majority supports it, and they all sign it.

Commissioner Hirschmann stated I read it, and I think it's very good, but I think that should be Bob Shaw's credit. I think it's good, but I want to put my own two paragraphs that tell what went on during this Commission, exactly, the overreaching influences that reached into this Commission and influenced it.

Commissioner Duffy stated the Concerned Taxpayers Association.

Commissioner Shaw stated that's a separate concept.

Chairman Dykstra stated Commissioner Cook has the floor please.

Commissioner Shaw stated the last time the majority...

Chairman Dykstra stated and I had to come in for this.

Commissioner Shaw stated Madame Chairman, last time there was a verbal, not a verbal, a written report to the Board that is not what we are presenting this time. Maybe it only went to the people, I don't know exactly, but it was definitely the opinion of the eight members of that Charter Commission as to what was changed verbally, paragraphs you know, thoughts okay, into why that. We do not have to do that. There's no attempt to, but if you don't want to explain it, why don't we move on and do what most of us want to do, adjourn?

Commissioner Hirschmann stated that's a good question.

Commissioner Cook stated I thought I had the floor. The last time, Commissioner Shaw is correct, the last time there was a majority report that was a commentary on the rationale for why the changes were made, and it was put out by the eight, and it was submitted. As Carol reported to us the last time, it was inaccurately reported to us previously that the minority report had been received and filed. It was in fact received and sent on to the Board of Mayor and Aldermen with the majority report with the Charter because she researched it, and she's looked it up, and that's what went forward. Everybody's comment went forward to there. I personally have no objection if the majority wants to get together after this meeting and write a report and call it the majority report, and I don't think the minority much cares about that because it's not going to be something we're going to vote in favor of, but I would ask the sufferance of this group given your comment which I don't think is a bad one, if everybody in the majority or everybody in the minority and the majority wants to file a this is Pepino's comments, and this is Shaw's comments, and this is Duffy's comments, this is

Cook's comments, I don't care, but to the extent that the minority can come up with a report, I would request that like the last time when Commissioner Shaw wrote his comments because he objected to the majority which was certainly his right that the minority report and any other report by anybody else's comments on the Commission be sent forward with the report. That would be a request that I would make.

Commissioner Shaw asked is that a motion.

Commissioner Cook responded that would be a motion.

Commissioner Shaw duly seconded the motion.

Chairman Dykstra stated okay, let's clarify the motion now. How is he going to state the motion?

Commissioner Pepino stated that was very good.

Chairman Dykstra stated I'm going to have him repeat the motion. I didn't get all of it. Could you repeat that motion?

Commissioner Cook stated the motion is that the comments of the majority if there is a majority report...

Deputy Clerk Johnson interjected I'm trying to find out something here [from the Solicitor] and before you repeat it, I really need to do this.

Commissioner Cook stated go ahead. I'm happy to wait.

Commissioner Hirschmann stated Carol, just a point, this has to be updated as well.

Deputy Clerk Johnson responded it's already been updated.

Commissioner Hirschmann stated if that's going to be part of it.

Deputy Clerk Johnson stated we have a complete update now.

Chairman Dykstra stated that was supposed to go with the majority to explain what we did.

Commissioner Soucy asked which Aldermanic meeting will this report be presented at.

Deputy Clerk Johnson responded July 15th. That's their next meeting, but we to under law accept it in the office by tomorrow.

Commissioner Hirschmann asked does she want our autographs on that.

Deputy Clerk Johnson stated yes, that's what Steve went down for because he had misspelled one of the names.

Chairman Dykstra stated my name. Leon.

Deputy Clerk Johnson stated we're just fixing it. He's checking whether or not we would have to get those reports in by the same deadline.

Commissioner Cook stated if they have to be in by tomorrow, they'll be in by tomorrow. The minority is willing to work all night.

Commissioner Duffy asked can't we just put one in. That's the way it is unless you come up with something different.

Deputy Clerk Johnson stated but I need to give you the deadline.

Commissioner Duffy stated the deadline is tomorrow at 5 o'clock.

Deputy Clerk Johnson stated all right. It wasn't clear in that motion that it wasn't going to go on.

Commissioner Cook stated my motion is that the majority report if any and the minority report if any and comments from any Commissioner who may want to make comments will be forwarded by this Commission along with the draft Charter to the Board of Mayor and Aldermen, and I think everybody understands that these comments have to be received by tomorrow.

Commission Duffy stated by 5 o'clock, Brad, would you make a statement.

Commissioner Cook stated 5 o'clock tomorrow.

Chairman Dykstra stated you got a second and just a clarification, so there's not going to be an original majority report from the Chairman. It's going to be explaining all of these things. They're going to be just all individual ones? I think we should have a cover letter that explains what changes were made other than just all opinions.

Commissioner Shaw stated that is already accomplished.

Chairman Dykstra asked that's considered a majority report, isn't it.

Commissioner Cook stated it's a summary of the high points.

Commissioner Hirschmann stated that was a summary sheet.

Chairman Dykstra asked wouldn't that be part of a cover letter for a majority report. No? Just let me know.

Deputy Clerk Johnson stated what we have submitted as the final report to this point in time starts out with the summary, states that you want to make revisions, and this is a summary of the highlights of those revisions and then gives the entire revised language. If the Commission wants to vote to have a majority report written by tomorrow at 5 o'clock and placed on that that explains further or change the final report because it is the majority that has voted on the final report, I don't know that the other Commissioners are going to be interested in signing that final report. They're going to be interested in submitting a minority report, I'm sure. So it all depends on how you want to do that. You can do it as okay, here is our final report, and this is the majority and the minority reports relating to that or you can do individual comments to be submitted along with it and sent along. I certainly can do a cover letter on behalf of the Commission and have the Chairman sign it that states enclosed is our final report which contains and outline what is contained including the minority report, the majority report, or whatever other comments we receive, have that signed by the Chairman that says this is what's here.

Chairman Dykstra stated and then they can do their own reports after that.

Deputy Clerk Johnson stated so whatever you want to do, we're happy to accommodate. At 5 o'clock tomorrow, I need to know what I have in my hands.

Commissioner Wihby asked what did we just vote on. Just this, right?

Commissioner Cook stated just the Charter. All we voted on was the Charter.

Commissioner Wihby stated so the report will only go to the Aldermen.

Deputy Clerk Johnson stated it goes to the Board of Aldermen, that's correct.

Chairman Dykstra stated so what's going to happen, we're going to have the Charter for that July 15th meeting. Put this together the way it should be with all the changes. I'll sign that. That will go as a cover letter with the Charter. Anybody else that wants to put in a report can do it. Is that the way we'll leave it?

Commissioner Cook stated there's a motion on the floor that's been seconded.

Chairman Dykstra stated we had to clear this up. This is discussion.

Commissioner Cook stated I think what you said is what needs to be said.

Chairman Dykstra stated basically we weren't talking about me just signing this document. It's going to explain everything, a side of your individual reports, okay. It's going to explain right in here what the changes were. There will be a cover letter signed by me going with the Charter. Anyone else in this room on the Commission that wants to basically put in their opinion or whatever can do that separately. Does that seem fair? That's what we already voted. That's what you said. Okay. All right. We'll take a vote on this. It was moved by Cook and seconded by whom?

Deputy Clerk Johnson responded Shaw.

Chairman Dykstra stated Shaw, okay.

Chairman Dykstra called for a vote. The motion carried.

Chairman Dykstra stated it's unanimous that that's the way it will go.

Deputy Clerk Johnson stated before you adjourn I would just note that I do have the last sheet of the final report which contains names for signatures. Anyone wishing to endorse it...

Chairman Dykstra stated okay, here's your chance, you four. Do you want anything else, just my name?

Deputy Clerk Johnson responded just sign your name.

Chairman Dykstra asked right here, right.

Deputy Clerk Johnson stated sign it right above your name, right below your name, I'm sorry.

Commissioner Hirschmann stated I remember voting on a Charter question before, but I don't ever remember seeing the document. How does the public get access to the document itself?

Deputy Clerk Johnson responded it's going to be put out on the web site. It will be available in the Clerk's office. We will have copies for people. What we also do is on the ballot itself, it has to contain the summary, and that is why I've sort of worded the summary in the way I did because we're going to just sort of transfer some of that information directly onto the ballot to the extent it fits. I'll do a cover letter for you and then whatever else anybody wants to bring in.

[Commissioners Dykstra, Shaw, Hirschmann, Pepino, and Wihby signed the final Charter document.]

There being no further business to come before the Commission, on motion by Commissioner Wihby, duly seconded by Commissioner Hirschmann, it was voted to adjourn.

Respectfully submitted,

Deputy City Clerk

Approved for Commission: _____
Donna Mr. Soucy, Secretary