

CHARTER COMMISSION

March 13, 2013

6:00 p.m.

Chairman Duval called the meeting to order.

The Clerk called the roll.

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

Commissioner Infantine arrived late

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

3. Discussion regarding employee compensation.
 - o Response from the Human Resources Director is attached regarding the welfare commissioner

Chairman Duval stated we have some presenters here this evening to help guide us on this one. Clerk, who do we have here presenting tonight?

Clerk Leahy replied we have Jane Gile who is the human resources director as well as Gerry Fleury who heads the retirement board.

Chairman Duval stated thank you very much for joining us tonight. Hopefully you will be able to respond to any questions commissioners might have of you. We will try to be respectful of your time this evening. I can't promise that you will be out when it is still daylight, but we will try.

Commissioner Girard stated I had conversations with both Director Gile and Director Fleury about compensating our elected officials and I do have some specific questions that I would like to ask. The first question that I have, if I could direct it to you, Jane, is regarding the welfare commissioner. I would like to be clear, if I understood the conversation that you and I had correctly, the reason why the welfare commissioner is part of the Yarger Decker personnel classification study by ordinance is because neither the charter nor any other part of the personnel code actually speaks to the compensation of the welfare commission.

Ms. Jane Gile, Human Resources Director, responded that's correct; there is no other reference to what the salary of the welfare commissioner is.

Commissioner Girard asked so if this commission were to decide to leave the welfare commissioner as an elected official, we would be able to address his salary, as we are talking about doing with the mayor, and specifically spell out a compensation level for the welfare commissioner position? Is that right?

Ms. Gile replied I believe so. I believe that the charter is like the constitution in that what would happen is that subsequently, any references—this is my understanding as to how it works—that would be in the ordinances would have to be adjusted because the charter would be the constitution.

Commissioner Girard stated the governing legislation, right. If we decide to leave the welfare commissioner an elected position and spell out in the charter the salary, is there any way, with this elected position or any other elected position, where the City would determine that they were independent contractors, they received a 1099 instead of a W-2, so they weren't necessarily entitled to either the health insurance benefits or participation in the retirement system?

Ms. Gile replied they would be independent contractors, they would be elected officials, and there is a separate category that is pertinent to elected officials and elected officials, according to the IRS, as a separate category. Therefore, they are paid in accordance with the IRS rules. They are considered employees for IRS purposes. If you are talking about benefits, the benefits packages that are afforded as elected officials, that is pretty much up to whoever determines whether they should get benefits or not. It is not a requirement that elected officials get benefits. Gerry might have a difference of opinion in terms of the retirement system, but in terms of health and dental insurance, I don't think that is necessarily is a requirement, but it is a requirement that we give to our employees as the city government.

Commissioner Girard stated before I turn the retirement question over to Mr. Fleury, could we, in this charter, determine whether or not any elected official in the City of Manchester got to participate in the health insurance plan and if so, under what conditions were they allowed to participate? For example, could we write into the charter a provision that exists in our legislature that you get to buy in at 100% or could we say that your co-pay had to be 50%? Can we do that or is that left up entirely to the plan document?

Ms. Gile replied I don't know if that is a question for me. The difference between the charter and an ordinance and how we would treat different individuals, I think some of that is the responsibility of the Board of Mayor and Aldermen in terms of what the

aldermen get or don't get for benefits. I think they set that kind of thing. I'm not sure that is a question for me. In terms of the plan documents for our health insurance, currently they do include the aldermen so that is something that is afforded to them and that has been a benefit that has been extended to them.

Commissioner Girard asked do you know of any reason why we couldn't? Instead of leaving the elected officials in charge of the benefits that they do and don't get, I personally would like to know what this commission could do to determine that through the charter. Is there anything that you know of that would prevent us from being able to say if you are an alderman or a School Board member you don't get health insurance benefits?

Ms. Gile replied as I said, I'm not sure I'm the right person to be able to answer that question.

Commissioner Girard stated I have some question about the mayor's staff. Mayor Gatsas and other mayors brought up how their staff is handled. Is their position in the Yarger Decker or in the personnel ordinance? How does that work?

Ms. Gile replied no, as you probably know, they are at the will of the mayor and no where are they in any kind of a salary scale or the Yarger Decker scale.

Commissioner Girard asked so their compensation, how much vacation time they get, how much they get paid, or anything else, is completely at the discretion of the mayor? How many sick days or anything like that?

Ms. Gile replied to the extent that the Board of Mayor and Aldermen approve it, yes. He may make a recommendation in terms of the salary. I think that it also needs the Board of Mayor and Aldermen's approval with the budget. When the budget goes forward and his budget has a line item...

Commissioner Girard asked so as long as it is in the budget, he gets discretion?

Ms. Gile replied yes, as long as it is in the budget.

Commissioner Girard asked if he decides that they should be making \$10,000 a year more, he can pay it as long as the aldermen approve the budget for it?

Ms. Gile replied as long as it is approved. That is my understanding. You have other aldermen here, but that is my understanding as to the way it works.

Commissioner Girard stated thank you, Jane.

Commissioner Lopez stated Jane, the Board of Mayor and Aldermen has struggled with the welfare commissioner and we heard testimony from the commissioner himself that it should be a department head position with a job qualifications. Do you believe that the welfare commissioner should be under Yarger Decker? Of course it has to be, but should it be a qualification and classification job?

Ms. Gile replied the only way I can answer that is that it is my understanding that this is the only city that actually has a welfare commissioner that is an elected position. I do know that we are very fortunate that the welfare commissioners who have in place right have the skills, the administrative and some of the other technical skills, to be able to run the department as a department head. That being said, does that mean that someone else

couldn't be elected to do it? No, you could have another elected official who has the ability and the skills to run a department like that.

Commissioner Lopez stated as the aldermen have struggled with this particular situation, I made a recommendation to this commission. The recommendation I made was to set a salary, let the individual be elected this go around and then July 1, 2014, he gets a salary. Come the time after his two years that he was elected for, and I understand you can't put him out of office if he is elected. Therefore, what I recommended to this commission was that at that time, he would no longer a welfare commissioner in the charter as elected, but appointed by the mayor and approved by the Board of Mayor and Aldermen, like all other department heads. Do you think that would work?

Ms. Gile replied it could. It works in other places where it is a position where the person who is in that position has to have the knowledge, skills and abilities to be able to do the job and have some of the essential requirements such as degrees or what have you. Everything is getting more complex and the whole human services field is getting more complex too so with that job, it begs a certain amount of expertise.

Commissioner Girard stated Jane, the mayor, under the charter, is also considered a department head. Is he not?

Ms. Gile replied I don't believe so. I would have to look at the charter.

Commissioner Girard stated I don't really want to belabor the welfare commissioner thing. I do want to move on to some of the retirement questions. Mr. Fleury, I read the documents that you forwarded to Director Gile and she was kind enough to forward them to me. I have to admit to being confused. I don't understand why the mayor is considered a person who must participate in the City's retirement system, but the aldermen are not, except I'm told that the mayor is full time and the aldermen are

considered part time, but in the City of Manchester, the part time aldermen are entitled to full time health benefits where part time employees are not, but they are not required to participate in the full time retirement system. I'm trying to understand the difference between the people who sit around this table and the person who sits in the corner office or the welfare commissioner when it comes to the retirement plan.

Mr. Gerry Fleury, Executive Director of the Manchester Retirement Board, I might be able to add some clarity to that for you. First of all, let me read part of the statute which entitles or requires that people participate. There are only a couple of sentences that are germane. One: 'eligible employees of the City, including elected and appointed officials of the City, shall participate in the retirement system and receive benefits as provided by the act.' The key word there is 'shall'. Another key portion of this statute is: 'participation in a retirement system shall be a condition of employment with the City'. Manchester is not unique in having the requirements of having individuals in a retirement plan. Neither is it unique in wanting to exclude individuals who are part time. There is a very basic reason for that. The retirement system is what is known as a defined benefit plan. The benefit that an individual eventually collects is based on their age when they retire, the number of years of service that they put in for the organization and the three highest years of earnings. If an individual only works part time, it would allow them to have full service credit while only paying in on a final average earnings, which was a much lesser number because it was proportionate to the number of hours they were paying in. That results in an underfunded benefit. A recognition of that is what causes public retirement systems everywhere in the country to establish a standard for minimum participation. In the City, the minimum retirement participation standard was tailored after a City ordinance that defines the number of hours an individual must work in order to be considered full time. I believe it is 32 hours. Anyone who would work less than that, such as an alderman, wouldn't have a sufficient amount of service credit, hours worked, to justify participation, where generally it is understood that the mayor is here

every day and works a full day and there is no concern about whether that individual would have earned a service credit.

Commissioner Girard asked and this is by State statute?

Mr. Fleury replied that's correct.

Commissioner Girard asked the mayor's staff, not part of the personnel classification system, not considered an elected official, but required to participate in the retirement plan?

Mr. Fleury replied they are in the retirement plan and that has traditionally been the case. To the best of my knowledge, it has been that way since the plan was founded in 1974.

Commissioner Girard asked what tenets of the charter, if any, govern eligibility for the retirement system?

Mr. Fleury replied none. The retirement system participation is set in New Hampshire statute. In order to change that you must go through the legislature. Any time that there is a change made to the plan, it has to be done through the legislature and a fiscal impact statement has to be prepared for it. If it is not a material cost factor then it can go through the legislature and what the legislature will do is look back to the Board of Mayor and Aldermen to look to see that they have acted upon and taken a vote on that piece of legislation, either favorably or unfavorably. That is done because the legislature is reluctant to pass any kind of law that forces anything on the City, without the City being a willing party to it. They insist on getting something from the city clerk saying that the Board of Mayor and Aldermen looked at this piece of legislation, this is how they voted on it. Assuming that it is favorable, the legislature will then go on with that piece. If

there is a fiscal impact associated with it, then it is required that it go to a referendum either at an election either in September or November as determined by the city clerk and the voters get the final say on whether the amendment is made to the plan.

Commissioner Girard asked so there is nothing that we can do through the charter to exempt the welfare commissioner or the mayor from receiving a retirement system benefit or being part of the system?

Mr. Fleury replied I'm not an attorney and that sounds like a legal question, but to that best of my knowledge, that is correct.

Commissioner Girard stated thank you, Mr. Fleury.

Commissioner Ashooh stated this question may be more for Commissioner Lopez, but I want to understand more clearly the proposal you had for transitioning the welfare commissioner to an elected official to an appointed official. Just so I can understand, in the current term now that expires in 2014...

Chairman Duval stated no, this year.

Commissioner Lopez stated what I recommended was that the person who is elected in November 2013 shall become the department head of the Welfare Department for 2014 and 2015. Starting in January 2016, he or she must qualify for that position under the job classification that is listed with the City. In the event that said person does not qualify, the mayor shall appoint a welfare department head with qualifications under the job classification with approval of eight aldermen. The department head for the Welfare Department shall become effective July 1, 2014 at \$77,000, grade 26, step 1, and entitled to the compensation package of the City.

Commissioner Ashooh stated I guess my follow up is for Ms. Gile. Is there currently a job classification for the welfare commissioner as a department head or does such a classification exist for such an official?

Ms. Gile replied in the case of the welfare commissioner only, as an elected official, there is a job spec for the welfare commissioner and it is a department head position.

Commissioner Ashooh stated so if someone runs for office and they become elected as welfare commissioner and they don't meet that stat, does that mean they can't get elected?

Ms. Gile replied that is one of the issues that we have been trying to wrestle with for the last few months in terms of the current welfare commissioner. It is an elected position, however, by ordinance, the job classification is in Yarger Decker which is our classification system and that is where he has been paid. Whether or not they meet the classification standards is another whole issue. I think the present commissioner most likely does, but if someone was elected who didn't meet those qualifications, they would still be paid by Yarger Decker because there is no other place to pay them, there is no other reference from what I can tell.

Commissioner Ashooh asked if this commission decides to move forward with proposing a change in the status of welfare commissioner from an elected official to appointed official, we have the capability now with an elected official to determine what they are going to get paid. I think the registrar of probate just went from \$80,000 to \$100 at the State level. We could basically do the same thing here. Am I correct in that? We don't determine the salary?

Commissioner Girard asked not of appointed positions.

Commissioner Ashooh stated no, I'm talking about the elected officials currently.

Commissioner Girard stated as an elected official we can.

Commissioner Ashooh stated so we have a couple choices here that we probably want to discuss. Do we want to cut the salary or do we want to convert the position to a department head where there are legitimate job classifications, employment by the mayor and all the other references to that or do we want to do what the State did and basically take the registrar of probate and gut the position and make it a \$100 a year position? I just want to put that out for consideration. I'm sure it is going to come up later. I think Commission Lopez has a good starting point on how to move forward on this particular issue that may very well relieve some of the issues that human resources may find if someone challenges an elected official because they don't meet the classification under which they get paid. To me, that sounds like a big flaw.

Commissioner D'Allesandro stated just to address Commissioner Ashooh for a second; you are exactly right. The legislature took the registrar of probate position, which was an elected position and changed the designation and gave them a \$100 salary. There are registrars of probate in the counties that are now in litigation against that act. That is a situation that is pending. The legislature exercised what they thought was their authority in terms of doing exactly what you said they did. They took an elected position, changed it, gave it a designated salary of \$100 and made that part and parcel of the budget act for the last biennium. That is being adjudicated as we speak. There are the registrars of probate who are suing the State with regard to that. Just a couple of points about the retirement system because I was a sponsor of the retirement system bill in 1974. Any change in the retirement system has to be approved by the legislature. The governing body of the City said to the legislature on more than one occasion that they didn't want any change as far as that was concerned because the legislature was willing to say to the City you could make any change that you wanted, the Board of Mayor and Aldermen, but

they rejected that and they said no, we want to keep it the way it is. I don't want to say repeatedly, but certainly on more than one occasion, you have put legislation forward, I have sponsored some, I think other Manchester legislators have sponsored it to make changes in the system and then they come back here and then they go to referendum and they have to be approved by the body politic. I think there are only two, Manchester and Nashua, that have their own retirement systems in and of themselves. The fact of the matter is that the legislative changes that are made are brought forward from the City, they go to the State, the State either approves them or rejects them, they come back to the City and then the City, by popular vote approves them or disapproved them. That is the process that I have seen over the last 40 years. As I said, I was a co-sponsor of that legislation in 1974.

Commissioner Infantine asked is this the appropriate time to discuss possibilities for the charter commission... I would like to discuss some things about that, but I don't know if we want to finish up with questions first.

Chairman Duval stated if we could finish with presenters I think that would be good.

Commissioner Girard stated I only have a couple more questions. Jane, if the current occupant of the welfare commissioner's post had been appointed under the scheme would his salary at the time of appointment been any different than at the time of election and would it be any different now? For the general public and the commissioners, if I am not mistaken, the welfare commissioner, when he was elected 12 years ago came in at a salary of \$62,000 and because of the current Yarger Decker personnel system is making in excess of \$113,000. If it were an appointed department head position back in the day rather than elected, isn't it true that the salary that he has now would be the salary that he has now?

Ms. Gile replied yes, that's correct.

Commissioner Girard stated and if we treated it as an elected official then we could, in fact, determine what the salary of that elected official was going to be.

Ms. Gile responded yes, if you chose a flat salary like the mayor gets at this point in time, that would be the salary that that position would want.

Commissioner Girard asked would it be fair to say that the current job description that you referred to in the City ordinance exists only because there is no other place that the welfare commissioner position is addressed?

Ms. Gile replied that is a hard one because of the fact that when Yarger Decker came into play that position was part of the Yarger Decker study, it was classified, it was scored in terms of the grade that it should receive and there was compensation related to that. If you were to make it just part of the charter then there would have to be some other actions taken by the Board of Mayor and Aldermen...

Commissioner Girard interjected they would have to bring the ordinance into compliance with the charter.

Ms. Gile stated they have to make those changes in order to eliminate that.

Commissioner Girard stated a question for Commissioner D'Allesandro. Lou, the registrars, if I'm not mistake are suing in part because it is a constitutional office and they believe that the legislature acted in an extra constitutional way by stripping them of the ability to do their job full time.

Commissioner D'Allesandro stated yes, that's correct. They consider themselves a constitutional office and the legislature had no authority to do what they did.

Commissioner Girard stated Jane, just so you know, section 3.02 does spell out the Office of the Mayor as department of the City and therefore the mayor is a department head. We don't want to draw up the job description for that, do we?

Ms. Gile replied no.

Chairman Duval stated thank you very much, both of you. We thank you for your time this evening. The information was very helpful.

Chairman Duval addressed item 4 of the agenda:

4. Administrative/Housekeeping items
 - o Financial disclosure on boards and commissions

Chairman Duval stated Commissioner Ashooh, I think this was your baby?

Commissioner Ashooh stated I had sent an email yesterday, just a cursory review in response to David Beauchesne's presentation about creating greater ability in the mayor's appointment to people to the Millyard Design Review Board. I did take a look at some of the other boards and commissions just to throw out there if we did want to consider expanding the latitude of the mayor and those boards and the boards to reflect perhaps their particular purpose. I have no ownership on it, I throw it out there simply for discussion. I do, however, think that we may want to consider Mr. Beauchesne's request in creating a non-resident or business only representation on that board. I just want to bring it up for discussion.

Chairman Duval asked do you want to take this up now or under item 7 with actual votes for possible charter revisions?

Commissioner Ashooh replied if we discuss it now someone may want to make a motion when we take votes. I would just like to close the loop from last week. It came up to this necessary thing and I think there are... I had mentioned a couple times that the Manchester Development Corporation is not covered by the charter so their membership is completely at the discretion of the Board of Mayor and Aldermen. The other boards that we took a look at, some have that latitude and some don't and I don't know if it merits the discussion or taking the Millyard Design Review Board, perhaps some of the others, and extending their purview.

Commissioner Girard stated point of order, Mr. Chairman. The item on the agenda that you are referring to is about financial disclosures of members of boards and commissions.

Commissioner Ashooh stated no.

Commissioner Girard stated I know what you are talking about and I know you were going to look into that, but that is the item that we actually have on the agenda. What you are talking about, I think might fall under the discussions that we for number seven.

Commissioner Ashooh stated then I addressed the wrong point. I apologize.

Chairman Duval stated I thought that was the topic that was yours initially.

Commissioner Ashooh stated financial disclosure is, but last week I was charged with checking the language on board appointment and non-resident status.

Chairman Duval stated sorry for the confusion.

Commissioner Girard stated on the point of financial disclosure, without knowing specifically the details, I personally think, and I think we agree on this, that every member of every board or commission, particularly boards like the planning board and zoning board and others, there should be financial disclosure of their income, their business interest, their investments as a guarantor that they are never in a position of conflict of interest when a petitioner comes before them.

Chairman Duval asked did you have a proposal for that, Commissioner Girard? Was that your item or was that someone else?

Commissioner Ashooh replied in the charter there is a provision that pertains to the Board of Mayor and Aldermen and I think it extends to the School Board whereby January 15th of every year the city clerk prepares a document for that disclosure. It falls under the ethics code, but I didn't find anywhere that it was clear that it extends to boards and commissions.

Commissioner Girard stated it does not.

Commissioner Ashooh stated I know sitting on the MDC board and some of the other boards we were dealing with developers, engineers and the like. If you have a business relationship, it is not necessary for it to be disclosed at this point and I think it probably should be. If it is more than a once a year filing, I know Commissioner Infantine referenced his responsibility in the State legislature to do the same thing. It is also incumbent, as a deal comes up, if a conflict arises, during the term, not just once a year, that it needs to be disclosed. I think what we are really talking about is extending the ethics code that exists under the charter to all the boards and commissions.

Commissioner Lopez stated I don't know which one I want to talk about it; the first one or the second one.

Chairman Duval stated we are still on number four, financial disclosure on boards and commissioner.

Commissioner Lopez stated I'll wait and talk about the first one then.

Chairman Duval stated it seems like and I don't want to guess the will of the commission is, but I'm certainly thinking that we are going to have broad support on such a proposal so do you want to entertain consideration right now for such language subject to coming back to specifics.

Commissioner Lopez stated I'd like to move to table that particular item because I think the commissioner was going to get the language by working with the city clerk on the financial disclosure.

Commissioner Ashooh stated what I did find was that the language does exist. The city clerk has to prepare a document for financial disclosure by January 15th of every year. What we are talking about is expanding those who have to disclose to all the boards and commissions.

Commissioner Lopez stated I understand that. If I may, I think the last instructions by the chairman was to get the information together, write it down, the exact language that you are talking about so we have an understanding of what paragraph you are talking about and how it is going to be inserted into the charter.

Commissioner Ashooh stated chairman, just to facilitate that, the language exists, but I can go the city clerk tomorrow and have him draw up, based on what he submits to the Board of Mayor and Aldermen each year, and bring that back next week for consideration. Then we can vote to expand that language and that document also.

Chairman Duval stated we have a motion to table by Commissioner Lopez until the next meeting, pending receipt of language from the City Clerk's Office with the help of Commissioner Ashooh.

On motion of Commissioner Lopez, duly seconded by Commissioner Ashooh, it was voted to table this item.

Commissioner Infantine stated I would like to come back to the second part of what Commissioner Ashooh talked about, the residency. I don't want to interject. Commissioner Lopez, were you going to talk about the financial disclosure? I don't want to get this thing all confused.

Commissioner Lopez stated I'm not going to talk about the financial disclosure.

Commissioner Infantine stated the information that was provided by Commissioner Ashooh regarding the expansion of the commissions to non-Manchester residents. That was in your email a couple days ago. What was your intention? Was this to make a blanket policy or specific? We had one specific person come here and ask for it. Have you come up with any language that you would like to...

Chairman Duval interjected for clarification, Commissioner Ashooh, you are talking specific to one commission?

Commissioner Ashooh replied no.

Chairman Duval stated that is what was recommended.

Commissioner Ashooh stated David Beauchesne came in and asked about the Millyard Design Review Committee. Before I brought it up, I thought we should at least discuss if there are other boards and commissions that may have, by virtue of their particular purpose, a need to create a broader pool to draw from. I wasn't going to designate anyone in particular. I think Millyard Design Review is a good example. I did mention some others in there, but it is completely up to this board if there is a special purpose. We are restricted right now to residency unless that is contravened by State law. If State law requires additional membership besides residency that is beyond the limit, but do we have additional boards that are not given the opportunity to bring people in from outside because of their expertise and the purpose of that board? One good example that I did bring up is the Manchester airport authority. You need two people on that board who have their pilot's certificates. I don't know if that pilot's certificate trumps a residency requirement or not. I just want to create the conversation, if the other commissioners have boards that they would like to consider or not, I'm okay with that.

Commissioner Infantine stated thank you for clarifying. One of the things that I would like to see, if you do draft language, that would allow for non residents, that it would be such a way that wouldn't just be a blanket allowing for it, but allowing for it if no other individual is available. I don't want it to be used as a crutch where we have some people in Manchester, but we want to get someone else in here who we think would be good for it. In the circumstance that it was brought to our attention, there aren't any people available. They are outside of the city, they are outside of the state, they own big corporations that own some of these buildings. I would like it if you would like it more than one specific board that was brought to us, that it would be conditioned so that it can be done if no one else is available.

Commissioner Ashooh stated I don't see that as an issue, but I think what it comes back down to is the particular purpose of that board. As an example, the central business service district in town, the purview of that board, I think it is going to be difficult to find a lot of residents who live in the central business service district. That board is overwhelmingly populated by people who represent their businesses in that district and very few of them, from my reading of that board, very few are residents. The purpose of that board drives the membership a little bit differently than the heritage commission, conversation commission, planning or zoning board. I just wanted to open the question up to see if there are those boards and commissions that currently might be restricted in their mission because of the residency requirement. If there isn't, there isn't. If nothing else, the Millyard Design Review Board merits our consideration.

Commissioner Girard stated just a point on the Millyard Design Review Board. The membership of that board is actually determined by ordinance. It is actually the language of the ordinance that is restricting the pool of available applicants just to building owners. It seems to me, and Mr. Beauchesne said as much, that if that is the case then they ought to go to the Board of Mayor and Aldermen with a proposed change that would let the owner or their designee serve rather than restricting it to the property owner, especially where you have these corporate situations of ownership. We might be trying to correct a problem in the charter that could be corrected by ordinance, but in the same vein, creating other issues. I agree with Commissioner Infantine that we should try to find a way to limit going out of the City for appointment to a board or commission of the city, but how do you do that? We all know that water finds a way around every obstacle. I would hesitate to adjust the residency requirement specifically for one issue that was raised when I do sincerely believe that it could be corrected by ordinance because their designee, if it is the building owner or their designee, then you have just opened up the entire City of Manchester for the Millyard Design Review Committee.

Commissioner Ashooh stated just in response to that, the charter specifically states that all positions on the boards are limited to residency unless supersede by State law. I would question the ability of an ordinance to supersede the charter. Perhaps that is a question that has to go to legal. What if the charter says residents only and you have an ordinance that is in controversy with that, then I think that is another question.

Commissioner Girard stated I agree, an ordinance can't supersede the charter.

Commissioner Ashooh stated what you cited for the Millyard Design Review Board obviously does.

Commissioner Girard stated the ordinance over the Millyard Design Review Committee limits the membership of that commission to building owners. The problem that they are trying to address is you say that you are limiting it to building owners because the ordinance says building owners and the charter says Manchester resident only, which automatically shrinks the pool into building owners who only live in the City of Manchester. If the ordinance were changed to say it was an owner of the building or their designee and we didn't change the residency requirement then the building owners could designate a Manchester resident as their representative on the Millyard Design Review Committee which would significantly expand the pool of available commissioners.

Commissioner Ashooh stated I would disagree with that by virtue of the fact that if you have a charter that is clear in its statement that all boards and commissions must be populated by residents and then you have an ordinance that skirts it unless the Board of Mayor and Aldermen adopt that ordinance as an amendment or a revision to the charter, it shouldn't stand. The BMA has the opportunity to revise the charter. The ordinance you cited I don't think was a revision. I think it is in contradiction. Can we remove that contradiction by broadening what is in the charter?

Commissioner Girard stated I think if the ordinance were changed so that the building owners could designate someone on their behalf to serve on that commission, the only restriction from the charter would be that they be a Manchester resident. The problem is not the residency restriction here. The problem is that membership is limited to building owners.

Commissioner Lopez stated I sat on the Millyard Design Review Committee and that review committee was so that we can keep the historic nature of the millyard. When people put up different signs and things like that, they go before that committee. They have to make a recommendation to the planning board as to whether they agree with the person who is putting up a sign, if it meets the character of the millyard. I don't recommend changing 3.14, the way it is set up for residency. The Millyard Design Review Committee could consolidate with the heritage commission for example, and still accomplish the same thing. Under the Millyard Design Review Committee there are certain qualifications in order to be on there. One is that a millyard property owner representative, an architect design representative, an alderman, the central business district, the heritage commission representative is on there also so you have crossovers of commissions that are looking to keep the millyard as it is. I personally don't think it is a problem. I personally think that residents of the city should sit on these unless it is done by State law. We went through the same thing in 1996. It is a very simple process: if it meets State law then fine, you can have other people on the commission. Otherwise, there is always a way for business people and they do have a lot of business people who come before the Millyard Design Review Committee who are not residents and they have a lot of great input and they make decisions when you sit on that board.

Chairman Duval addressed items 5 and 9 of the agenda:

5. Proposed budget timeline.

TABLED ITEM

9. Education Discussion:
- o Timeline of the school budget

On motion of Commissioner Lopez, duly seconded by Commissioner Martin, it was voted to remove this item from the table.

Commissioner Girard stated need to change the budget timeline to better enable the schools to better manage their affairs. I'm not of the opinion that the problem with the school budget process or the City budget process is that it can go, for the moment, to the middle of June absent a veto and with a veto it goes to the end of June. I think the challenge, frankly, having watched the last budget process...

Commissioner Lopez interjected Mr. Chairman, can I have clarification on something. I submitted a timeline budget to the commission. Is this a change to what I submitted or is this a new proposal?

Commissioner Girard replied these are my thoughts. This would be my proposal, commissioner.

Commissioner Lopez asked so a new proposal? Nothing in writing?

Commissioner Girard replied it is with your agenda. It was in the packet.

Chairman Duval asked for purposes of clarification, Commissioner Girard, this is the first time we have seen the proposal tonight, correct?

Commissioner Girard replied assuming people didn't read their agenda before tonight, right.

Chairman Duval stated it is a new proposal.

Commissioner Girard replied yes. I had it put on the agenda. I think that the real issue in the last budget process, which would not, in my opinion, really be fixed by moving up the end of the timeline was one board waiting for another board to act and neither willing to do anything in the absence of action by the other. In fact, I think the budget that Mayor Gatsas brought forward this cycle illustrates the point. Watching that process unfold really helped me crystallize my thoughts. Superintendent Brennan brought his budget to the School Board on January 14th. They did not come off the table and they were not further discussed until this past Monday. Meanwhile, the mayor of the City came forward without an official proposal from the School Board to propose both his school and City budgets. It was only after that that the School Board took action on its own. There doesn't seem to be a timeframe that everyone understands and can systematically follow for the development of a budget. What I put together was a timeframe that would correct the underlying problems which truthfully exist at the beginning of the process and not at the end. It is page 16 of 18. It is right before the election charts. What I did was sketch out a timeline that I thought would bring some order and predictability to the process and avoid the Mexican standoff, if I can use that term, that existed between the boards during the last budget cycle and is fairly likely to exist between then in this one. I did meet with Superintendent Brennan on this proposal and I did review it with him before submitting it to the commission for its consideration because his input I thought would be valuable. After meeting with him and gaining his approval, I decided to bring it forward. It would work this way and I believe it is a feasible situation to have, by the first Tuesday in February... Superintendent Brennan brought his budget forward in January, January 14th to be exact. Why not, by the first Tuesday in February have the school committee submit a proposed budget to the mayor? There is no reason why the School Board should do what it just did and wait until the mayor proposes a budget before it even takes its budget off the table. It sat on the table

for two months without any action. After the third Tuesday in February, but before the second Tuesday in March, open up a window for the mayor to come forward with his budget. This is all designed to try to keep the process moving along. The mayor should have the School Board budget before he presents his. Right now, and we just saw it happen, the mayor can propose a budget for the School Board if it chooses not to act on its own. There is nothing to stop him. I don't know if that is right. I don't know that it is wrong, but it is allowed. Then I think there needs to be some action from the School Board itself. Once the mayor proposes a budget we shouldn't see a situation where decisions get put off until June, July and August. If we allow for the assumption of the tax cap budget and we require the School Board to make the policy decisions it needs to make to implement the tax cap budget by the middle of April at the latest, the second Tuesday in April, then the train wreck that we saw during the last budget process where those policy decisions weren't made until very late in the game doesn't exist. Here is the virtue of that to be perfectly candid with you: if a tax cap budget is going to have the kind of impact that people didn't like this time out and that is known by the middle of April then that gives the aldermen from that point until the end of the budget cycle, which in this proposal would be the final Tuesday in May, time to adjust, time to accommodate, time to determine whether or not they might want to override the tax cap or not. In the last budget cycle, what ended up happening toward the very, very end is that the Board of Mayor and Aldermen came up with roughly \$2.3 million additionally for the schools and the schools decided to give themselves another \$2.3 million from their trusts. The problem was that they hadn't made the policy decisions that they needed to make to actually be ready to go at the beginning of the fiscal year. In this scenario, these decisions would be made by mid April and any additional funds that the Board of Mayor and Aldermen allocate to the School Board, it is a simple process of adding back things that they may have reduced because they would have made the major policy decisions in the first place. For those who believe that bringing up the backend of the budget process and having it settled some time before the middle or end of June, I brought the timeline to

the end of May, the final Tuesday in May. Since that comes after Memorial Day weekend, it is entirely likely that the budget will be settled by the third week in May.

Commissioner Infantine stated I have reviewed Commissioner Girard's proposal. I also have in front of me Commissioner Lopez's. There are two changes by one week, one new section and one that is the same. I'm not sure everyone else has the luxury here of seeing both of these other than Commissioner Lopez and I so unless we can make copies of these for everyone to discuss, I think it is something... It is very simple. It took me ten minutes to do a brief comparison. I think it is important that if we have further discussions on this that everyone have both of these to look at so they can start asking questions to each other about how Commissioner Lopez wants to do it the second Tuesday in February and Commissioner Girard wants to do it the first. We can do a real clean comparison. I don't think we are going to make a decision on this tonight, but they are much more similar than you would think. There are just salient differences. I think it is important. Commissioner Lopez's makes just as much sense as Commissioner Girard's.

Chairman Duval stated Commissioner Infantine, thanks for highlighting that. Back to Commissioner Lopez because I know you had a proposal that was tabled that we have taken off tonight.

Commissioner Lopez stated I think it makes a lot of sense for all the commissioners to have both documents in front of them. There are not too many differences to them except the final Tuesday in May. I just want the commission to know that the reason I did that before in the first week in May is because the School Board has to make a decision whether they are going to pink slip. If you allow it to go beyond the 15th then it puts them in a bad predicament, it puts the personnel in a bad predicament and it makes peoples' lives miserable for no reason at all. I do agree with Commissioner Infantine. All the commissioners have both. It is very similar to what I presented the first time.

Commissioner Infantine stated one of the concerns that I have with the timeline is that we are all under the assumption here that it is the same mayor proposing a budget. It is easy to think that. A new mayor in this city would have four and a half weeks from inauguration to present a budget. I just want to point that out. I'm a pretty good guy, pretty smart guy with numbers and God forbid I ever take the mayor's job, which I never will, I would not want to present a budget in the City like this even with the help of staff in four and a half weeks.

Commissioner Lopez stated thank you for that comment. I can remember when mayors were elected they started back in November putting a budget together and they even provided an office downstairs in the Assessor's Office for that mayor. If someone is going to be elected mayor in November, you would think that he would get a hold of department heads, get a hold of the budget that is already being working on, and previous years' budgets and get someone with the education and the ability to put together a budget. They could very well do a budget before he gets into office even then. He might not believe the numbers, but he could get the numbers done.

Chairman Duval stated can I suggest that Commissioners Lopez, Girard and Martin, if they accept, would caucus over these two proposals between now and the next session and if we can get the superintendent to weigh in officially. In other words, if the final draft of what you three bang out, it seems like you should be able to do it, I have confidence that you could, if we could get the superintendent to sign off on the final draft I think that would be helpful, to at least to weigh in formally with a letter or if he wants to come back and comment, I think that would be helpful.

Commissioner Girard stated I have no objection to doing that, but I would like to make a couple of points.

Chairman Duval asked Commissioner Martin, are you good with that?

Commissioner Martin replied absolutely.

Chairman Duval asked can we do that, commissioners? Are we all set with that and we will have Commissioner Girard make his couple of comments and then we will move on.

Commissioner Girard stated as a general rule, there are two primary differences. I think requiring School Board action on a tax cap budget so that the aldermen and the City know well in advance of the final budget adoption what the school department would look like under a tax cap budget, I think that is a critical piece here because if that doesn't exist, whether it is Commissioner Lopez's proposal or mine, there is still a significant period of time for the School Board to delay action. There is nothing that requires them to take any action before the final budget is settled so the aldermen could be forced into a position, whether it is the first Tuesday or the final Tuesday in May of adopting a budget not knowing what the ramifications will be on schools, just like we went through. I don't think that is a minor difference. The other thing I would say is this: I do not at all think it is responsible for this Charter Commission to move the budget deadline in front of, and I think it was Alderman Craig who made this point to us in an email... I don't think it is responsible at all to set timelines in the charter to avoid negotiated items in a contract. That is what that RIF date is. That is a negotiated item and why should we contort the entire constitution of the City for something that is a subject of bargaining?

Chairman Duval stated we will come back to this. You three work it out.

Commissioner Martin, if I could ask you to, and I'm glad Commissioner Girard mentioned her name, Alderman Craig has spend some time weighing in on this, if you could give her the courtesy of making sure she has copies of both. Work it out with Clerk Leahy, however you would like to do it. Just make sure she has both. Again, a

courtesy call if you want to her if you want to see how she weighs in on either. We will wrap this one up.

Commissioner Lopez stated I would be willing to sit down with anyone. I think the key element here and I read Alderman Craig... If we do nothing then we should leave it as it is because all you are doing is hurting people. Regardless of whether it is May 15th or what, these people are in limbo until the end of June and that is not responsible.

Someone who sat there for 12 years and got hundreds of calls asking why we can't make a decision... I understand, Alderman Craig's position, but if we are not going to change anything to help the people, I'm willing to go the end of June, if that is the misery that people want to put on. I need to hear from the other commissioners too, it just can't be the three of us. We could come back unanimous or divided, but I'm trying to get a feel for the other commissioners because this is a big issue.

Commissioner Martin stated as Commissioner Lopez speaks, perhaps I might suggest this. This is just a native thought: to vet both proposals, certainly I can scan them and email them to the superintendent and give him a chance to digest them, I can do it tomorrow evening, after work, and give him a chance to take a look at it, have a conversation with him on Monday or ask him to provide something in writing so that we know where he is at or if he has time to drop by, which I doubt, then the commission can have a conversation here so that we are inclusive of all commissioners. I would do the same thing with Alderman Craig since she has expressed an interest in the topic.

Chairman Duval stated that's acceptable and I think that is what we had agreed to.

Commissioner Infantine stated I was reminded by Commissioner Ashooh as we were talking briefly on the side that the mechanism is still in place for the aldermen to not be able to come up with a budget or not to be able to agree on a budget. In that case, I believe the default budget becomes the mayor's budget. I guess my point here is that

what I would be looking at is to make sure that whatever proposal, if there is one, that is presented regarding a timeline, that is still maintains that ability. If that is the case, it is still not going to solve the problem that some people have with the timeline because if you still have that ability when you can't come to a resolution, I guess I haven't watched the budgets in the past couple of years well enough, but if the aldermen cannot come up with a budget that eight votes agree on, or with a veto and the back and forth, doesn't it really come down to the last day and isn't that last day right before June 1st which would really negate any kind of a timeline being in place in that situation?

Commissioner Lopez replied what happens is the second Tuesday in June, if the Board of Mayor and Aldermen veto, then it goes to the end... The aldermen have the authority until the end of June to change it by ten votes. If they don't then it is the default budget if the mayor vetoes it or line item vetoes. He has both. It is a good point that you bring up because let's say, for example, like I said, the Board of Mayor and Aldermen shall adopt a budget on or before the first Tuesday in May then that is another paragraph in the charter that we are going to have to change. We haven't come to that conclusion yet. You might say by the end of May is the last time to take a vote on it if that is the case.

Commissioner Ashooh stated just a suggestion that the superintendent is going to weigh in on these proposed calendars, I would like to have the mayor and the City finance officer weigh in on the same. The Finance Department, just as a practical matter, they know when money is coming in, how revenue is being counted and let's see how that fits in with the day to day operations.

Chairman Duval stated very good observations. Again, Commissioner Martin, if you could work with the clerk to get that to the finance officer as well for him to weigh in.

Commissioner Girard stated I wanted to respond to Commissioner Infantine's comments. My intent in this timeline, if something is not agreed to that the mayor's

proposed budget be the default. I didn't address that specifically here because the timeline itself was the issue. I would say that if the default budget were to go into effect because the Board of Mayor and Aldermen couldn't muster a majority or couldn't override a veto, then I think it is all the more important that the School Board be caused to act in such a manner as if it goes to the end of June. They won't be able to, at that point, to say that we didn't know what our number was going to be so we couldn't take action; we wanted to wait to see what our number was going to be. If they are caused to act by the middle of April and the default budget goes into play, which is likely to be a tax cap budget, it would have to be a tax cap budget because there is no override of the tax cap at that point in time, then we would avoid the train wreck that we saw with the School Board continually putting off those decisions, the policy decisions, the RIF decision, everything that they needed to do in order to be prepared for the budget, for all intent and purpose got, and we wouldn't be seeing those decisions made in July and August, well after the deadline that they should have been made.

Commissioner Infantine asked isn't that pretty much what they did the other night? They basically said this is the budget we like, we don't know the number we are going to get so here is the tax cap budget, which is going to be the default budget. They seemed to have learned from last year and that is what they have done.

Commissioner Girard stated the virtue, though, this year, if they get the tax cap budget because they got that budget last year and however belatedly or forced into those policy decisions you won't see that mess this year because they have already gone through the process and they have already gotten in place what they need to have in place to not have that confusion for the opening of school again.

Commissioner Infantine stated last year seemed to be more or a stalemate of who was going to flinch first. It was a good poker game.

Commissioner Girard stated that is exactly what it was.

Commissioner Infantine stated so anything that you can put in place that is going to avoid that poker game would be advantageous, but understanding that concept that sometimes budgets are delayed in order to generate revenue estimates that are going to be most advantageous for everyone.

Commissioner Girard stated that is the concern that I have with bringing it to May first because you lose a significant amount of time by doing that that is consequential, not to mention that you can never wait on the State, but the more time you give yourself to minimize the damage that the State could do by changing the budget, the better. If you take a look I'm not sure how this would work, but if you clear it by the end of May and then the State does something to change the education aid formula that Commissioner Lopez brought up in one of earlier meetings, they were all proud of themselves that they got the school budget done real early and then the State changed the education aid formula and the City lost \$2.5 million that it couldn't spend on schools. Well, that was goofy. If something like that happens again and you move up the timeline, it seems to me that we should allow the Board of Mayor and Aldermen the opportunity to reopen the budget to take advantage of any changes, but have it done by mid-July. That is why I put that in. There are some differences here in the two proposals.

Chairman Duval addressed item 6 of the agenda:

6. Discussion regarding voter turn out.

Chairman Duval asked is that yours, Commissioner Girard?

Commissioner Girard replied it is.

Chairman Duval asked is this something new in addition to what you presented several weeks back?

Commissioner Girard replied it is an update to what I presented. First of all, I had the blanks filled in for the general elections in 2011 so that you can see, since going to non-partisan elections... The last partisan election the City had was 1995 and from that election to the 2000 election, the City has actually seen a 37% decrease in voter turnout. I'm going off of the raw numbers because with the same day registration and everything it is almost impossible to come up with a solid voter list and any percentages. If you look at the absolute number of people turning out, we have seen a 37% decrease. Since the high point, which was the 1999 election, you have seen a 47% decrease in voter turnout. Over the same period of time, if you go to the second page, the State general elections, which are partisan, have seen an increase in non-presidential years of 11%, 10.5% to be exact, and in presidential years have seen an increase of 14.5%. I thought that was relevant because other than changing to a non-partisan system for City elections, what has changed in the City of Manchester? If the City's turnout in State elections fell at all, never mind by the amount that it had fallen in City elections, then the argument that non-partisan elections are plausibly a cause wouldn't carry any water, but since you have one of these with partisan election turnout in the City climbing anywhere from 10% to 15%, depending on whether it was a presidential year or non-presidential year and it continuing to fall dramatically in the City for City elections, I came to a reasonable conclusion that the non-partisan system is one of the reasons. I wanted to bring this information to the commission and I guess what I would do is make a motion that this commission reinstall partisan elections.

Commissioner Girard moved that the City of Manchester return to partisan elections.
The motion was duly seconded by Commissioner Martin.

Commissioner Infantine stated it is important that you overlap this graph with a graph of republicans, democrats and independents because you are going to see the similarities that while the amount of individuals coming out to vote in City elections has dropped, it is almost equal to the amount of people who have now become independents versus before, I think now 40% of the city is undeclared. It seems from my review of both charts that the undeclared voters don't bother to vote in the City elections. It leaves you with, what is the problem? We can play both of these because there are very seasoned political people around this table and we all know the pros and cons to each one of our parties to have partisan versus non-partisan. I really want to stay away from that. I think the point that I would like to impress upon is the fact that if we try to take that stuff away... You look at me like you're not quite sure what I'm talking about so I'll explain it. We know that under a non-partisan election, certain people who are employees of certain jobs are allowed to run for office when it is a non-partisan versus non-partisan. We know that there is a certain turn out so in certain wards one party or the other is going to have a better shot than the other to have that party's person elected. Those are the kinds of things that I want to stay away from. The point to impress upon is that we need to get more people engaged so whatever that solution is, whether it is partisan elections or someone else comes up with another panacea, over the last ten years a large portion of the citizens of Manchester who are eligible to vote are not doing so. If we do anything, we need to find out why they are not and try to get them reengaged so we get back to the levels that we had ten years ago.

Commissioner Martin stated though clearly Commissioner Girard has done a nice job of tracking this data about voter turnout...

Commissioner Girard interjected actually, I would like to give credit to the city clerk. They produced it for me.

Commissioner Martin stated they are providing it at least. Commissioner Infantine brings up points, talking both about voter turnout and those who have become undeclared and that increase. Those are two pieces of data and in the world of program analysis, we would need to do a much more in depth analysis of elections and why people don't come out. Is it for partisan or non-partisan reasons? This is not enough data to say that that is in fact a significant factor in why elections should become partisan in Manchester once again. From a truly altruistic standpoint, I can be honest with you that I have never voted straight ticket in my life and I'm a democrat. I'm looking at the candidates who are running for office and how they are going to represent my values and my positions and best serve the community that I live in. From an educator's standpoint, that is what I hope we would be teaching our children and teaching adults; it is about the person and what they represent, rather than the party that they belong to. Personally, I can't stand the concept when I hear conversation, of oh, but they are a republican. Yes, but maybe they have something to offer or they are a democrat. Let's talk about the issues and the people rather than the party. I will vote no on this motion. I seconded the motion, but I will certainly vote no for it because I think we are in a good place, but need to focus on what Commissioner Infantine has talked about; why it is that people don't come out and do their due diligence.

Commissioner Lopez stated I was one of the Charter Commissioners back in 1996 who fought for non-partisan elections and I will continue to fight for it because there are too many democrats and republicans. Take the undecided and try to force them to become a democrat for one day and a republican for another day. I'm totally against changing non-partisan elections. The people vote for the people who they think do a good job. If they don't do a good job they vote them out of office. I think, and I know this from experience working with veteran's groups, the educational process, you don't have problems with veterans voting, you don't have problems with the older generation, I think it is the younger generation and I think Christine Martin hit on it and it is the education. I think that is what is important. That is what is missing. That way our

country has been and the way the problems have been, people are disgusted about politicians. From a lot of them you hear I'm not voting for anyone because they don't do anything. There is a lot of that. I think the most intriguing idea came up, and it is just an idea, and it is not my idea, but I like it, why have a primary? That was brought up by the city clerk. Is that something that we want to explore? People can go out and vote in the general election. If it is a state of presidential we know that they go out to vote so I don't know if that is a good idea, a bad idea or what, but I know that I will have to stay with non-partisan elections.

Commissioner Ashooh stated just to refine Commissioner Lopez's point a little bit. I'm not particularly of a mind at this time to go back to partisan elections. However, I do think what is necessary is for full disclosure as far as the ballot goes. The beauty of a primary is that it should be the lowest cost access to public exposure for the first level of election to an office. In doing so, you don't necessarily have to have a partisan primary. You could have a single ballot and I think in this day and age, in this state, where you have republicans, democrats, libertarians, free staters, socialists, independents, I think anyone who wants to be on the ballot simply has to disclose what their affiliation is. If they are libertarian put it on there. If they are republic, democrat—fine. The free staters have targeted this state to bring another 20,000 people in here and they want to run for office, if they are a free stater is should be disclosed on the primary. Do the primary, do the first cut. I would just like to see some sort of clear disclosure because the only thing you can get before that ballot is whatever the newspapers want to put in there as far as the profiles of the candidates that get their names in there. Mike, I think you are absolutely correct. I think taking a look at the constituent groups who like to get out there and vote, I don't think they are looking at democrats and republicans. I think they look at ideology. My first cut on this would be that we stay with non-partisan elections, but there is full disclosure as to affiliations with parties or influence groups.

Chairman Duval stated it is a little different than the motion, but your suggestion is out there.

Commissioner Infantine stated I said this before when we had the clerk here. There is nothing non-partisan about Manchester elections. The republicans do their gig. The democrats do their gig, the state parties, republican and democrats, get involved. The only thing non-partisan about the elections in Manchester might be the ballot, but it is certainly not non-partisan. The experiment, had it worked to the point where we were not having parties involved, I would probably be okay with it, but the fact of the matter is, there is nothing non-partisan about the elections in Manchester. I don't know who we are kidding. As a compromise, I wouldn't mind having a letter after my name outlining, what my affiliation is on a state level, but we are not non-partisan, no way, no shape or form, not happening.

Commissioner Girard stated it is interesting to me when I hear people say that they want to talk about the person and their ideas and not the party and what they represent because the reality of the situation is that for the average voter who has a busy life, that party label after someone's name is an educational piece of information that gives them at least a basic understanding of that person's political philosophy, and general ideas of government.

Chairman Duval stated I don't think that is necessarily true.

Commissioner Girard stated of course it is true.

Chairman Duval stated I don't think so.

Commissioner Girard asked really? What is your evidence to the contrary? If this non-partisan thing were so wonderful, where is the legislation at the state level to go to non-partisan elections or at the federal level to go to non-partisan elections? You tend to find this in cities and towns with town meetings and now the City of Manchester. How can it be a panacea at the local level so good that it isn't entertained at any level of government? Nowhere else on the ballot, county races, state races, federal races, do you run into non-partisan ballots. The reality of the situation is, if you haven't done your due diligence, if you haven't done your homework, if you're not sure and party didn't matter... If party didn't matter, how come we have seen, whether you liked them or not, these wave elections across the state and throughout the country? Parties clearly matter. It is an identifying piece of information that is informative to the public. You know what? I think that fact that independent voters get to declare themselves a member of a party for ten minutes on election day so they can determine who that party's nominee is going to be and they can walk in an independent and they can walk out an independent and it is ten minutes of their time to change, is an incredible thing. If the general idea that undeclared voters, independents, people who vote for the issues or the people, I think if that idea were true then the skyrocketing numbers of independents we have in the City of Manchester would be turning out in droves in our non-partisan elections where party didn't matter and it was all about the person. The fact is, we have seen people stay home across the board. It is not that independents aren't voting. I have done the analysis on these numbers, I have run a few campaigns in this city. More republicans stay home. More democrats stay home. More independents stay home. It is not like there is a disproportionate turnout. The whole thing is sunk. I'll say one other thing. One of the biggest issues in talking about voter turnout is candidate turnout. The truth of the matter is, especially at a local level, if you put your name on the ballot for School Board or alderman or ward moderator, what are you going to do? You are going to call your friends, you are going to call your family members, you are going to call anyone who you have an association with who is eligible to vote for you and you are going to say please come out and vote for me in the polls. The city clerk admitted that non-partisan elections

make it harder for challengers to win. If it is harder for you to win, if you have to go to a much larger constituency just to survive a primary than you would in a partisan election, you don't have the time, you don't have the money, you don't have the name recognition, you as the average citizen in the city do not have the opportunity... You don't believe you can win that race. If you don't believe you can win that race why are you going to run? Guess what? The family members, the friends, the associates, the people who you are going to mobilize to go vote for you because you think you can win aren't going to turn out to vote because you are not on the ballot and it is a lot easier to win a partisan primary between two members of the same party than it is to win a non-partisan primary where everyone is in a much bigger pool. Our experience is there.

Commissioner Pappas stated I would like to reiterate what Commissioner Infantine said. We are kidding ourselves when we are saying we are not partisan. I have done stuff for all kinds of groups. We are a partisan election here, we just don't have an "r" or a "d" next to our name on the ballot. Before Commissioner Girard spoke, I was going to bring up the same point that he did. People vote on the platform of the party, whether we like it or not. I agree that they should be voting on the person, but that is the reason why parties have platforms. An "r" is going to go on there and if they don't know the person, they don't have the time... Commissioner Lopez pointed out that I am in the age demographic to where 18 to 40 year-olds might not have the time to go out and learn each candidate, but they go out and vote and they vote for the party, not the candidate. They are voting for what that candidate stands for because of the "r" or the "d". I think we are doing a disservice to them to be able to go out there and identify on what issue that candidate believes in. Coming into this I was not sure about partisan elections, I was looking at the cost effectiveness to the City of creating another ballot. I am still undecided, but I think if the issue is a "r" or a "d" I think it is incredible. We already have partisan elections.

Commissioner Martin stated before I move the question, I guess, with all due respect, Commissioner Pappas, I guess I'm glad I'm 46 and do not fall into the 18 to 40 category any longer. I just believe strongly, and I'm 46 and I'm rather naïve, that if I live in a community then I am going to pay attention to those people who are going to take care of me in that community, whether is it my state, country or city. In any case, I would move the question. I don't disagree with Commissioner Ashooh and I would be willing to look at that as compromise, but that is not the motion on the table currently.

Chairman Duval called for a vote on the motion that the City of Manchester return to partisan elections.

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

Commissioner Ashooh moved to allow for party affiliation or ideological affiliation on the municipal ballot. The motion was duly seconded by Commissioner Girard.

Commissioner Clayton stated I understand the purpose behind Commissioner Ashooh's motion, but I wonder about the enforcement of it. What is to keep someone from putting down whatever letter they choose without identifying themselves with any particular party? That is going to be a hard thing to legislate or to actually enforce. I'm a free stater; do I get a "fs" next to my name? How many fringe candidates did we get in the presidential primary? I'm from the Jupiter party from Mars. I understand the intent behind it, but I think it is going to be impossible to enforce.

Commissioner Lopez stated this was addressed in 1996 and you can check it out again. Maybe the law has changed. If you are non-partisan you are non-partisan. If you put a “d” or a “r” in front of their name then it becomes partisan. I think it is a legal question. I wouldn’t want to vote on it until I get a complete legal opinion.

Commissioner Girard stated just a question from Commissioner Ashooh. Is it your intent that if people are registered as a republican or democrat, officially registered as any member of any recognized party in the State of New Hampshire, that they be allowed to put that designation at the end of their name?

Commissioner Ashooh replied including the Jupiter Party. If Commissioner Clayton decides to run under that flag, I have no problem.

Commissioner Girard stated the point is, you can’t say I’m a free stater because there is no such things as a free state party recognized by the State of New Hampshire and you can’t register as a free stater.

Commissioner Ashooh stated I believe for a party designation to appear on the ballot you have to poll a certain amount. I think Libertarians had to have 7% in a previous election. If it is not a recognized party you are either undeclared or independent.

Chairman Duval stated just for purposes or clarification because there was a comment made earlier about the School Board, but the School Board has been non-partisan for I don’t know how long. I ran as independent. While I have the floor, you talk about politics being insider baseball and it certainly is. I had the distinction of running against the Honorable William Cashin up here on the wall. It was a very exciting election and it is still very much an insider game. Party obviously is a big time influence. Party has always been an influence and you can have PACs influence elections now more than ever

and we have seen the emergence of that over the past decade, including City politics. It just doesn't influence me that much in making my decision.

Commissioner Ashooh stated for efficiency sake, Commissioner Infantine whispered in my ear that maybe I should table this and let's get some of the legal questions first and we can revisit it next week. Commissioner Lopez brought up a very good point and it does change the status that's fine, but let's ask the question and find out.

Chairman Duval stated Clerk Leahy, would you make a note of that to refer that to our legal counsel? He can probably give us a pretty quick opinion on that for the next session.

Clerk Leahy stated sure.

Chairman Duval stated there has been a motion to table.

On motion of Commissioner Ashooh, duly seconded by Commissioner Infantine, it was voted to table the discussion regarding party designation on municipal ballots.

Commissioner Girard stated you might remember from your non-partisan days on the School Board that consistently School Board candidates who were non-partisan on the ballot always got lower vote totals than the aldermanic candidates who were partisan on the ballot. It is a fact.

Chairman Duval stated there are people who don't have kids in school who don't bother to vote for School Board either. I don't think it is conclusive.

Commissioner Infantine asked can we go back to item 3? I had withheld my question and comments about the welfare commissioner pending the completion of our speakers. We talked about the welfare commission and there were a couple of ideas thrown out at the commission. One would be to make this individual an elected official in the charter and then the aldermen have the ability to set the salary. The other option from Commissioner Lopez was to say it is an appointed position and then fix a salary grade to it. I would like to make a couple of comments. First of all, to Commissioner Lopez's proposal. Both would be fine with one caveat. The problem I have, if you are going to make it an appointed position by the mayor and a certain number of the aldermen and you are going to put a grade to it, then forego having the election. Can you imagine the uproar if someone got elected and two years later, based on your proposal, someone, based on a criteria, has to say whether you are qualified or not to keep that position? I just think that is a recipe for disaster. Now, is that possibly going to happen? I made the comment to the current welfare commissioner. None of us knew how to be Charter Commissioners before they became Charter Commissioners. I didn't know how to be a state representative and I'm sure you didn't know how to be a State senator before you were elected. If a determination is made whether or not they are really qualified for that and they turn from elected official to an appointed position. I would rather have a better line of demarcation on that. The second point that I would like to make is regarding the way the county does it. I am going to give you about one minute of history. It was asked of me and I didn't know the answer and that is why I researched it to find out why we have county commissioners, why we have the county delegation. It goes back to our first constitution that was put in place in New Hampshire before the United States Constitution was. People were still not happy with the king and people thought that the king had too much power so putting these county positions in place enabled the citizenry to have someone who they could talk to, who wasn't just this government, if you weren't involved, associated, connected that you couldn't get to. That is why, when we have these county positions, it allows these individuals who are running those departments or are involved, whether it be registrar of probate or registrar or deeds, to be accountable to

the voters. I would much rather see a very similar situation to the way we have the county. I do agree, Commissioner Lopez, that someone who is running the welfare commission should be qualified and know what they are doing. I'm not disagreeable that they should be a department head. I still think there needs to be that one person who is responsible to the voters. If they are not getting what they feel is their due process with the welfare commissioner, there is someone they can go to, someone who is elected who can get involved and they can see these things. I am talking about a similar stipend to what the aldermen get. That is the elected official. The elected official still has the ability to hear what the people have to say and still find out what is going on and bring that position to the department head. To the best of my knowledge at the City level, we have the fire commission, police commission and those people are appointed and elected and they are the voice of the people to the Fire Department, the fire chief. I am on the advisory committee to the employment securities so whenever anyone has a problem about getting their unemployment compensation they get referred to me and I bring it to the commissioner. You have that second ability. Either of those things I would rather see. Either one of them has to be better than what we have now. We should not, as a practice, have an elected official be under a compensation plan like Yarger Decker. If you look at aldermen, School Board members, all the people who work at the polls they are all given a salary based on what the aldermen derive. I hope that is not too disjointed, but those are my issues globally with the welfare commissioner's position.

Chairman Duval asked Commissioner Lopez, are you going to move your proposal tonight under item seven?

Commissioner Lopez replied I would like to answer Commissioner Infantine. I think what the problem is and either unfortunate or fortunately that it is in our position here because the aldermen, at the present time, in my view point, the city solicitor and HR can't solve it. I think with the testimony from the welfare commissioner himself and testimony from the HR director that a person should be qualified. Let's say, for the sake

of argument, that we put in the charter that he get \$1 a year. The person who is a department head there now at the welfare office, or second in command or secretary, whatever the case may be, they are going to be running that department. The job description already exists and if that person holds the qualifications that person would be getting the same amount of money that Commissioner Martineau would get now, as an example. I think the struggle between the aldermen, the ordinance, once you become the commissioner of welfare, by ordinance you are the department head and by Yarger Decker. That is where we are at. Unless we, as a commission, move forward with something, whether it is \$76,000 like I indicated, whether you get elected as the welfare commissioner and you are there for two years, you have the right to get the education that you need in order to qualify for that job under the existing qualifications that are there today and if you don't then it lets the Board of Mayor and Aldermen to elect someone who is qualified. It is a dilemma. If it were so simple the aldermen could solve it. It is something that is not simple. It is something that we should have solved in 1996. I think with all the testimony that all the other welfare commissioners around the state are appointed by the selectmen or the aldermen... It is a dilemma. Either we do something or he stays there. If he gets elected he is the department head of the Welfare Department, he is under the classifications. I don't have the correct answer or what the answer is. In studying this and trying to understand what has transpired with the welfare commissioner, this is what I came up with as a base that we could work from.

Commissioner Martin stated in looking at Commissioner Lopez's proposal, there are a couple of changes that I might offer and then a question about salary. Commissioner Lopez proposed that the person who is elected in November 2013 shall become the department head of the Welfare Department for 2014 to 2015, starting in January of 2016. I think that is not avoidable because the revisions to the charter won't take effect until the same election. At that time the job would be posted. He or she could apply for that position under the classifications that are listed with the City. Not that someone would make a judgment about them, whether they were good enough or not, but that

person would apply like every other Tom, Dick or Harry to see if they wanted to be the welfare commissioner and compete for the job. Obviously, the mayor should appoint the Welfare Department head with the qualification and vote of eight aldermen. The part, Commissioner Lopez and maybe you could speak to that, and maybe I am just not well informed, expect for the mayor's salary, I don't believe that any other department head the charter makes a decision about salary. Is that correct? Can anyone speak to that?

Commissioner Girard replied that's correct.

Commissioner Martin stated my thought process would be, having done a little bit of this work, would be for the HR director to look at the qualifications for this position, education and so forth and make a proposal to the Board of Mayor and Aldermen like they would for other department heads of where this individual should start from a salary standpoint. That is food for thought. I don't know if we want to go anywhere with this tonight.

Commissioner Lopez stated HR has made a recommendation under the classifications, going from \$62,000 to where he is today because of years service, that is where he is. If it were someone new, if I recollect, it would have been \$85,000 or \$86,000. That is how I came up with \$76,000. It all depends. If I am a new commissioner coming in, I don't have the years of service that the current commissioner has because he is under Yarger Decker.

Commissioner Martin stated that would seem fair to me, that starting point, not knowing the job qualifications, but trusting the HR director's assessment. That is how I would look at this. Personally, I do not think it should be an elected office. We are fortunate that we have an individual who is highly skilled and has learned the craft. This is the 21st century and we really need to look at highly skilled, educated, experienced individuals coming in as a department heads in our City.

Commissioner Girard stated just a comment. I think the voters are the best arbitrators of the qualifications of the people who serve and I think the voters... I think candidates who have to present themselves for election should have to go to the voters to prove their credentials and in an ever increasingly complex world, as people have brought up, what is to say that at some point we are not going to say that the people who sit around these tables or become mayor shouldn't have job qualifications and by some process be chosen to make sure the very best person comes forward. Frankly, I wish we could figure out a way to have more department heads elected. I think there might be some merit. There are towns that elect their public works directors, there are towns that elect their fire chiefs, there are towns that elect all kinds of positions. I always leave it in the hands of the voters.

Commissioner Lopez stated point of order. The problem is that it is in the charter now. If we do nothing it stays there. A person gets elected and he is a department head. You can't get rid of Yarger Decker under the Charter Commission. That is a policy decision of the Board of Mayor and Aldermen. I'm not arguing one way or the other. I could turn around and say let the person get elected, let them get \$113,000 until 2016 and then put something in the charter that the Board of Mayor and Aldermen will decide at that time, if that is the way we want to go. I think that you have to have some clarity moving forward, whether it is \$76,000 coming July of 2014 that the individual gets and he has the opportunity to get qualified by 2016.

Commissioner Girard stated I'll make a point of order to take the floor back. We could fix this just by treating the welfare commissioner like the mayor and determining the salary and leaving it up to the voters to decide the qualifications. Entry level for the salary now, if I'm correct, is \$62,000. That is the simplest thing to do and then the aldermen don't have to do anything and we don't have to worry about transitions and we

can still have the elected welfare commissioner be accountable to the people who put him or her in office. The system works.

Commissioner Infantine stated I have heard two or three different proposals. I don't believe there is anyone around on this commission who wants to keep it the way it is. Am I wrong in that? We all know that we need a change. I guess I'm looking at you, Mr. Chairman, for the next step. We have one official proposal from Commissioner Lopez.

Chairman Duval stated and we have some revisions suggested by Commissioner Martin as well.

Commissioner Infantine stated right. What do you suggest the process is? I'm pretty confident that everyone around this board is going to want to make a change.

Chairman Duval stated I would like to see if there is interest by this commission right now, seeing that we are headed to item seven, to have an up or down vote on whether they think the position of welfare commissioner should be continue to be elected or go to being appointed by the Board of Mayor and Aldermen. That would be one thing. Secondly, after that vote is taken, if the commissioners would indulge me with making that motion then I would ask that the commissioners most interested would work on the possible proposal as to what that would look like. Commissioner Lopez has a proposal, Commissioner Martin has suggested some changes in coordination with resources that are needed in putting that together for the next meeting. I think that is the only way to get this off center. I think commissioners certainly know whether they want it elected or not.

Commissioner Girard stated I would move that the welfare commissioner remain an elected position and set a salary at the current entry level, which I believe is \$62,000. If we are going to keep it elected we have to determine a salary because it is under Yarger Decker.

Chairman Duval asked can we do that under a separate vote with regard to pay?

Commissioner Infantine stated I would like to divide the question.

Commissioner Girard moved that the welfare commissioner remain an elected position. The motion was duly seconded by Commissioner Infantine.

Commissioner Lopez asked when we are saying this, are we saying that he is entitled to all the benefits any everything?

Chairman Duval replied no, this is just an up or down vote on whether we think it should remain elected or appointed. That is the only thing on the floor right now.

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

Chairman Duval stated there is your indication right there. Along the lines that I discussed, Commissioner Lopez, again, thank you for your efforts with regard to your proposal for the welfare commission position. Commissioner Martin has proposed some changes. If there is any other interest from commissioners, and you don't have to decide tonight, but if it is important to you and you want to put together a proposal for the specifics so we can get back to an actual proposal for it to become an appointed position

that would be great. Use the resources that are available to the commission, including counsel if you think that is necessary, or the HR director.

Commissioner Lopez stated I will represent it again. I will do that. I have already done research on it.

Chairman Duval stated Commissioner Martin had some revisions. They didn't seem that far off from what you proposed.

Commissioner Lopez stated I'm willing to compromise.

Chairman Duval stated I like that, compromise.

Chairman Duval addressed item 7 of the agenda:

7. Consideration by commissioners to propose votes on any charter revisions.

Chairman Duval asked did commissioners have specific votes that they wanted to take on any of the remaining subjects? Commissioner Lopez, just to remind you, had earlier removed all items from the table, including the timeline of the school budget which we acted on, the role the mayor on the School Board and the School District becoming a City department were left on the table. Was there a motion to take action on any of those?

TABLED ITEM

A motion is in order to remove this item from the table

9. Education Discussion:
- Timeline of the school budget
 - Role of the mayor on the School Board
 - School District becoming a City department

Commissioner Lopez moved to receive and file the education discussion item regarding the role of the mayor on the School Board. The motion was seconded by Commissioner Pappas.

Commissioner Martin asked I'm sorry, did you say leave it as it in the charter?

Commissioner Lopez stated if you want to make a motion, go ahead. It is on the role of the mayor. Some people want to take him off, some people want to leave him on. I would like to deal with it.

Commissioner Infantine stated I was hoping that we would be able to take a lot of things up in a lot more formal discussion. I will support the motion. However, it doesn't mean that I may not present something later. I don't have a problem with the mayor being on the School Board. I have used this phrase before, you have heard it from me, but I like the checks and balances. However, I'm not sure that there isn't merit to changing his ability to either vote outright or to either make or break a tie. There are certain things that can be brought forth to allow the mayor to still have a veto or to create or break a tie, but allow the School Board to function a little more on their own. I will vote in favor of this, but I reserve the right to possibility bring forth something else, Mr. Chairman.

Commissioner D'Allesandro stated I would say that the system of checks and balances works when there are checks and balances. When you are the chairman of one and chairman of the other, you are the check and balance and that is not checks and balances. That may be checks and balances under another system, but not under democracy. I would comment in this fashion. I would think that the mayor's presence as chairman of the School Board is a situation that makes the School Board a little bit dysfunctional. I would hope that we would, as a group, say that the mayor should be out of the School Board. The School Board candidates run, they get elected, they select their own chairman, they have to work in conjunction with the mayor who runs the Board of Mayor and Aldermen. I think that is the check and balance that is in place.

Chairman Duval asked so you would be voting against it?

Commissioner D'Allesandro replied I would.

Commissioner Martin stated I qualify this by saying not this mayor, but the concept of the mayor as the chairman of the Board of School Committee... In speaking with some of my superintendent friends in other states about the set up that we currently have, they concur that, the group that I spoke with, that this is an enormous issue for our Board of School Committee. It is a distraction that brings City politics into school politics. The conversation among the Board of School Committee should solely be about the business of schools. It should not have, agree with me or not, anything to do with the politics of the City and unfortunately, that is where there is a rub. I will not be supporting this motion either. Again, this is not about our current mayor who I truly believe believes that the decisions he makes are in the best interest of our children, though I may not always agree with him. Thank you.

Commissioner Lopez stated I just feel that the position of the mayor has a lot of knowledge that he brings, not only to the Board of Mayor and Aldermen because he is a full time mayor and when he goes on the School Board, the School Board has the full authority to shut him down, take a vote, out vote him. They have all the authority under State statute right now. What I think a mayor brings to the School Board is knowledge that they are not aware of because he is in constant communication with the budget for example and is in constant communication with the superintendent of schools. It is unfortunate that people are very uncomfortable, whether it be this mayor or any other mayor... Some mayors, and I think Senator D'Allesandro has indicated this before, have elected not even to go over there and the vice chairman ran it. I worked with the vice chairman over there a few times. It all depends on the mayor. The position of the mayor is more important than the individual. That is the way I am looking at this. He has a lot of knowledge that aldermen don't have and he has a lot of knowledge that School Board members don't have. I have seen School Board members over there try to take bond money and use it for salaries. He tells them they can't do it. They took a vote and guess what; they can't do it. It is happening on some occasions, not all occasions. I think the leadership that must be shown, whatever mayor, is to go before the School Board and try to convince the School Board of your ideas. I'm not going to get into the ideas that have been brought forth because that is not the issue. It is something that the leadership of the mayor has to do, regardless. He is constant contact with someone who has an impact to the City, as an alderman, but also with the school. That is why I don't think it needs to change.

Commissioner Clayton stated in thinking about this and coming back to the proposal last week about the mayor's salary when the number \$107,983 came out and I can see a baffling position for a voter in a booth looking at this trying to figure out, does the salary change based upon the phases of the moon. I'm very conscious of making this as simple and bold as we can for a voter in the booth. I worry about this. I absolutely think the role of the mayor should be changed on the School Board, but the calibration that we are

going to have to use on the language to make the particular changes we want to see, it is going to be really difficult, not so much for us, although it will be, but for the voter. Like Commissioner Infantine, I just want to offer that caution that we could make this something that is palatable and if we misfire on this one, we could destroy the ballot entirely and all of our work could be for naught. I think we have to be very specific if we are going to look at this, if Commissioner Lopez's motion is defeated. We need to know what we are getting ourselves into when we tackle that particular issue.

Chairman Duval called for a vote on the motion to receive and file the education discussion item regarding the role of the mayor on the School Board.

Commissioner Girard called for a roll call vote. Commissioners Girard, Lopez, Pappas, Ashooh and Infantine voted yea. Commissioners Martin, D'Allesandro, Clayton, and Duval voted nay. The motion carried.

Chairman Duval asked any other motions that the commissioners have a desire to action on tonight by way of a vote?

Commissioner Lopez moved that the School District stays a school district. The motion was duly seconded by Commissioner Martin.

Chairman Duval stated are we ready to take a vote on it? I think this one has been debated. I think people know where they stand. Let's see if we can move this one along as well unless there is something new and exciting that someone wants to bring up.

Commissioner Girard stated I don't know if it is new and exciting, but I have had discussions with certain people at the school administration and have been working on something that might change the ripple and probably we might want to take some of these more weighty school items, such as the budget timeline that we are going to work

on and this and try to tie them together. I wasn't prepared for this discussion tonight. I don't know that it is as simple as everyone knows where they are on the matter. I would move to table this.

Chairman Duval stated there has been a motion to move it forward.

Commissioner Girard stated point of order. Tabling motion supersede other motions. If there is a second it has to be acted on and it is non-debatable under our rules.

Chairman Duval asked what happens in the case where another motion is made first?

Commissioner Girard stated tabling motion supersedes. A tabling motion is a superior motion.

Commissioner Infantine stated it is my understanding, and sometimes I get confused between Mason's and the ones we are using here, but almost everything I have ever seen, tabling is a higher motion, which will supersede and other and it is non-debatable.

Commissioner Girard moved to table this item. The motion was duly seconded by Commissioner Pappas. The motion failed.

Chairman Duval stated I would accept the original motion. That would be in order.

Commissioner Lopez stated the motion is already on the table.

Commissioner Ashooh stated call the vote with prejudice.

Chairman Duval stated clerk, help us out here. Where are we going with this?

Clerk Leahy replied I have a motion on the floor by Commissioner Lopez and duly seconded by Commissioner D'Allesandro that the School District remain a district. Commissioner Ashooh just called for the vote. As long as the chairman would like me to proceed, I can do that.

Chairman Duval stated we are going to proceed and take a vote.

Clerk Leahy asked and that is a roll call vote, Commissioner Ashooh?

Commissioner Ashooh replied yes, please.

Commissioner Ashooh called for a roll call vote on the motion that the School District remain a school district. Commissioners Ashooh, Duval, Martin, D'Allesandro, Lopez and Clayton voted yea. Commissioners Infantine, Girard and Pappas voted nay. The motion carried.

Commissioner Lopez stated I know some people want to leave, but I want to bring up a few things. We can get into it some other time. In reference to the mayor's salary we will also have to put in there when. July of 2014, when the new charter can go into effect... For example, the mayor's salary wouldn't start until July 2014 so we would have to change that particular item in the charter just to bring that up. The second thing that we talked about that we are going to have to take some action or no action is on the aldermen in reference to the benefits versus salary. I made a proposal for that. I don't know when we want to do that or if we want to do that.

Chairman Duval stated whenever you are ready to make the motion, commissioner, we are ready.

Commissioner Lopez stated I just want to make sure all the commissioners have the documents that I provided so we are all on the same page. Looking at this, we talked about adding a representative from the sending towns. I don't know if we want to address that at some point. The other one was the full authority of the commission. Do you want to address that or not address that? We already had something from the airport director saying no on that. The new items as to whether or not the assessors should have a part time board. There are so many items here and I don't want to throw them all out less we really want to deal with some of these items so that when we decide to go public, and that is another question... When do we decide, for example, on the issue of the mayor's pay, four three-year terms when they go public so the public can comment on whether or not we are on the right director.

Commissioner Girard stated we have a public hearing in two weeks.

Chairman Duval stated we have a public hearing in two weeks from today and that is why we are trying to get these votes in before the public hearing.

Commissioner Lopez asked do we have one more week to make motions?

Chairman Duval replied correct, we have another work session. That was the whole idea.

Commissioner Lopez stated just for discussion purposes and if people want to take some time, they can take time after that. The aldermen's pay, which was one of the things that I recommended, I know there has been discussion as far as benefits are concerned and whether an alderman should get benefits. Right now, under ordinance, they get \$5,000 and other people get benefits if they take the medical and the dental even though they pay for it. I think my good friend Commissioner Girard is bringing out his data. It was unfair for aldermen who didn't get the benefits as far as the medical for whatever reason, they

could have been under their wife's program or whatever the case may be or they might have been retired, but they didn't receive the benefits equally as all 14 aldermen. I have had discussions and I'm recommending that there be a straight salary for aldermen and if he wants to buy into the program, he buys into the program. I gave a base to work from. If we don't want to address it, that's fine too. I gave a base of \$15,000 for the aldermen and \$10,000 for the School Board members. If you want to buy into medical and dental they have the money to do so. I just wanted to bring that up. I don't know if you have an opportunity to think about it, but we can go from there.

Commissioner Pappas asked as far as the buy in, would it be 100% buy in?

Commissioner Lopez replied that is hard for me to say right now. I don't know. That could be an option. Whether I would go along with that I don't know.

Commissioner Pappas stated Commissioner Lopez, if it was 100% buy in, I would be in favor of the motion.

Commissioner Infantine stated Mr. Chairman, what I would like to see, in preparation for next week's meeting, that each commissioner put forth to you a list of motions they plan to bring up so we can be prepared, we can discuss it. I would like to have those possibly by Friday so we have the weekend to review the information that has been given to us over the past month or two so that when we come in here we can have a frank discussion on the specific items. I think there have been a few things tonight that many of us have voted on and I think they are very generic in nature, yet when it comes to the specifics, such as the question that was just asked of Commissioner Lopez of 100% buy in, we need to have an idea of what is being presented and what people would like us to vote on so when we come in here—I'm assuming we have no one coming to speak before us next week—so we can focus on and spend the entire night debating, discussing and voting on the items that individuals want to bring up. If there is an item that has been

brought up by someone in the public, like giving more than three minutes to speak and if no one brings that up then obviously that is not something that we are going to vote on. That is what I would like us to do for next week.

Chairman Duval stated commissioner, I would ask that the fellow commissioners do what they can do honor the solid suggestion by Commissioner Infantine and if not by Friday, which would be a great idea, then certainly by the time the agenda is prepared before noon on Monday if we can. Be thinking about that. That way, we can rifle through as many votes on prospective revisions next Wednesday, the week before the public hearing.

Commissioner Martin stated just very quickly, I would like commissioners to think seriously about Commissioner Lopez's proposal in regards to salary for aldermen and School Board members, his alternative proposal to the current situation. The only question I would have and this is not a question to be answered tonight, but why is there a difference in a salary between a School Board member and an alderman given that when you look at the number of employees on the City side and the number of employees on the school side and the severity or intensity responsibilities on both sides. It is a question to ponder for the week.

Chairman Duval stated commissioner, I'm glad you brought that up because it was the exact thought that went through my mind. I have served on both and there is tremendous responsibility that goes along with both. I think at this time, it would be a gesture of the City to tell School Board members that they are just as equally valued as an aldermen and I think they should be. I think that is reasonable.

Commissioner Lopez stated that is a good suggestion. I don't have any problem with it. The only reason there was a difference is because it is in the ordinance that the School Board member only get \$2,000 now.

Chairman Duval stated right. There has always been a disparity there. It was always a puzzle to me.

Commissioner Lopez asked can I ask the clerk to make sure that all the commissioners get my recommendations that I submitted on February 13th.

Clerk Leahy replied yes, I will resend them.

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

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Chad Martin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Secretary of the Commission