

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

NOVEMBER 9, 2006

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, November 9, 2006 at 7:04 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Robert A. Dion, Vice Chair
Alderman Greg Williams

Members Not in Attendance: Alderman Daniel Richardson
Alderman David MacLaughlin

Also in Attendance: Alderman-at-Large Steven A. Bolton
Alderman-at-Large Fred S. Teeboom
Alderman-at-Large David W. Deane

Chairman Tollner

I received an e-mail from Alderman Richardson saying he would be unable to attend due to a family commitment.

Before we go to the interviews, there are three people that are on our agenda this evening that there has been a discrepancy in their appointments. I do remember us interviewing them last year, but in speaking with the City Clerk's Office, I am going to make a motion later on tonight to just appoint Kathy Bolton, Kathy Nelson, and Michael Tremblay as re-appointments to the Child Care Advisory Commission. I guess there was a mix up in their re-appointments. Those three individuals I will do that. There are two individuals that have resigned, and I will make a motion to remove them from the agenda.

INTERVIEWS

Child Care Advisory Commission

Nancy Dowey (New Appointment)

Term to Expire: October 13, 2008

Chairman Tollner

I don't see Nancy Dowey in the audience this evening, so we will hold her appointment until the next meeting.

Personnel Advisory Board

Mary Jordan, Alternate (New Appointment)

Term to Expire: June 30, 2008

Chairman Tollner

For the record, some of you may be familiar with Mary. She heads up the Adult Learning Center in Nashua. For the record also, I am on the Board of the Adult Learning Center. Mary if you would be so kind as to state your name and address for the record. If you could for us just take a second or two and state why you have interest in serving on the Personnel Advisory Board.

Mary Jordan, 11 Heron Cove Drive, Merrimack

Well I have a huge interest in Nashua. I have been Director of the Adult Learning Center for many years. We have about 187 employees so I am always dealing with personnel and H.R. issues. I have a huge stake – I don't live in Nashua anymore, but I did up until about 3 years ago. I have a big investment in this town, and who are in the various positions.

Chairman Tollner

You are familiar with the responsibilities of being on the advisory board?

Mary Jordan

Yes.

Chairman Tollner

And you are aware of how frequently or I should say infrequently they meet?

Mary Jordan

Yes I am.

Chairman Tollner

Are there any questions from committee members or Aldermen?

Alderman Teeboom

I have known Mary Jordan a very long time. Both my Wife and I know her very well. My daughter-in-law actually worked at the Adult Learning Center for a while. Just to let you know how much I think of you Mary, let me be the first to give you a contribution in your new funding. Thank you.

Chairman Tollner

When Mary's appointment comes to the full Board I guess I will take that as a yes.

Alderman Dion

I would like to thank Mary for her willingness to serve. I know that this will take some time from you, but you have the credentials, and thank you for volunteering.

Mary Jordan

Thank you. I am happy to do it.

Chairman Tollner

Are there any other questions? Mary do you have any questions of us?

Mary Jordan

No I am all set.

Chairman Tollner

For information, what we will do is later on we will vote for your appointment in committee, then that recommendation will go to the full Board, and the full Board will vote on you. You will get a notice from the Aldermanic office to let you know, and you will either be sworn in at a Board of Aldermen meeting – if you want to be on television you will come during a meeting when we approve you or if you can't make it that night you can go down to the City Clerk's Office and get sworn in at any time.

Mary Jordan

Thank you very much.

Chairman Tollner

To the Child Care Advisory Commission, Nancy Dowey is here.

Child Care Advisory Commission

Nancy Dowey (New Appointment)

Term to Expire: October 13, 2008

Chairman Tollner

What we ask is that you state your name and address for the record. I know you are more than familiar with the Child Care Advisory Commission, but if you would take a second and let the committee know why you have interest in serving on the Commission.

Nancy Dowey, 3 Autumn Leaf Drive, Nashua

I worked with the Commission when I was the Director of White Wing School for nine years, and helped do Week of the Young Child and would always go to them if I had questions about services for our families in Nashua. Now my new job is working with families again, but with families who have children with developmental disabilities. Part of our job is helping them connect with resources in the city so I think this would be a wonder commission to be on.

Chairman Tollner

Are there any questions from committee members or Aldermen? You are familiar with, I know you have worked with them before, but how often they meet, the time commitment, and the responsibilities in becoming a commission member?

Nancy Dowey

Yes.

Chairman Tollner

Do you have any questions of us?

Nancy Dowey

No.

Chairman Tollner

Then you are all set. Thank you very much for your willingness to serve.

COMMUNICATIONS

**MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF TWO COMMUNICATION RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED**

From: Daniel Richardson, Member, P&AA Committee
Re: P&AA Committee Meeting Attendance on 9 November 2006

**MOTION BY ALDERMAN TOLLNER TO ACCEPT AND PLACE ON FILE
MOTION CARRIED**

From: Kelly Dowling, Mayor's Office
Re: Appointment of Child Care Commissioners

**MOTION BY ALDERMAN TOLLNER TO ACCEPT AND PLACE ON FILE
MOTION CARRIED**

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None

APPOINTMENTS BY THE MAYOR

Child Care Advisory Commission

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE CHILD CARE ADVISORY COMMISSION: KATHY BOLTON, NANCY DOWEY, KATHY NELSON, MICHAEL TREMBLAY, FOR TERMS TO EXPIRE OCTOBER 13, 2008 AND KAREN HARRIS AND DOROTHY RODRIGUEZ FOR TERMS TO EXPIRE OCTOBER 13, 2009
MOTION CARRIED**

**MOTION BY ALDERMAN TOLLNER TO REMOVE THE RE-APPOINTMENTS OF DEBORAH ROOT AND MARY ANN MELIZZA-GOLDJA TO THE CHILD CARE ADVISORY COMMISSION
MOTION CARRIED**

Historic District Commission

**MOTION BY ALDERMAN DION TO RECOMMEND THE CONFIRMATION OF THE RE-APPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE HISTORIC DISTRICT COMMISSION FOR TERMS TO EXPIRE SEPTEMBER 30, 2009: ALTERNATE WILLIAM HOOLEY AND FRANK H. MELLEN
MOTION CARRIED**

Nashua Housing Authority

**MOTION BY ALDERMAN DION TO RECOMMEND THE CONFIRMATION OF THE RE-APPOINTMENT OF WILLIAM MARCOUX TO THE NASHUA HOUSING AUTHORITY FOR A TERM TO EXPIRE OCTOBER 14, 2011
MOTION CARRIED**

Personnel Advisory Board

**MOTION BY ALDERMAN DION TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF MARY JORDAN, ALTERNATE, TO THE PERSONNEL ADVISORY BOARD FOR A TERM TO EXPIRE JUNE 30, 2008
MOTION CARRIED**

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

O-06-44

Endorser: Alderman-at-Large Brian S. McCarthy
ELIMINATING THE TRAFFIC COMMISSION

Chairman Tollner

I did speak with Alderman McCarthy today. He wasn't sure whether he was going to be able to make the meeting this evening. If he wasn't able to be here, he asked that we would hold this particular piece of legislation in committee.

**MOTION BY ALDERMAN DION TO TABLE
MOTION CARRIED**

O-06-46

Endorser: Alderman-at-Large Fred S. Teeboom
Alderman Daniel L. Richardson

**ESTABLISHING THE REGULAR MEETING DATES OF THE FINANCE COMMITTEE ON THE
FIRST AND THIRD WEDNESDAYS OF EVERY MONTH**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Teeboom

Since I introduced this particular ordinance, let me address it. It was suggested to me initially by a member of this committee who is not here, Alderman Richardson. To give you background, usually on the weekend before Monday often being the meeting of the Finance Committee, comes the package. Sometimes the Finance Committee meets on Tuesday, but comes a package with maybe 5-7 proposals for contractual approval with various amounts of information – sometimes almost no information, sometimes a great deal of information, always accompanied by a letter from the Purchasing Department.

Checking this takes time. You can read it, accept it, or can read it, accept it, and have some questions. You can address the questions to the Purchasing Manager or perhaps get some information from the Division Director or Department Manager who made the request. It takes time. If the meeting is on Monday night you have all day Monday, but it is not a great deal of time. Some of us work. I fortunately am retired and have lots of time, but some members don't have the time.

It was expressed to me by certainly Alderman Richardson and others that they want more time to check out these proposals. Thinking about that I started checking to see why we are doing this on Mondays and Tuesdays. The Purchasing Manager mentioned some rule of thumb, but I could not find that rule of thumb reflected anywhere in the ordinances, couldn't find that rule of thumb reflected anywhere else. The discussion then lead to let' s pick a date that gives the members of the Finance Committee some extra time. It was suggested to meet Thursday, in fact Director Lemieux suggested Thursday. I just picked Wednesday being a good day it seems – middle of the week, gives you Monday and Tuesday to check things out. No one has voiced to me any objection to this. The Mayor has not object to this. Mrs. Lemieux has not objected to this. The Purchasing Manager has not objected to this.

If there is an issue with the Warrant having to be signed by the Finance Committee I have not heard of an issue with that. Truly the checks cannot be mail until the Warrant is signed, and the Warrant gets signed by the Finance Committee. Instead of being signed on Monday or Tuesday it will be

signed on Wednesday and we will know exactly what day that will be. It will be every Wednesday unless there is a holiday, and the proposal says if it is a holiday then the Finance Committee will meet on the next regular business day. It seems straightforward and like a logical thing to do. It gives people a chance to investigate if they wish any questions before the Finance Committee. That is the proposal. Thank you.

Alderman Williams

Will this in any way affect payroll going out on time?

Alderman Teeboom

I have not heard of any problems with the payroll by anyone. Like I said I have not heard of any problems by anyone about anything.

Alderman Dion

I think this is good legislation. Sometimes when there is a holiday weekend Monday is the good day to have off. Not only that, but one thing Alderman Teeboom forgot or probably thought of and forgot to mention it. It will give the Finance Committee more time to study the Warrant. You get the notification on Friday that there is going to be a Finance meeting – it will give you more time to study the proposals like Alderman Teeboom said on the agenda – also to study the Warrant that always averages \$13 million. I know some Aldermen on the Finance Committee watch that Warrant pretty closely. That will give them a better opportunity to study it before the meeting.

Chairman Tollner

I did speak with Carol Anderson today. As far as the timeline for the calendar in 2007, the dates, if this legislation was to take affect, the dates that these meetings would take place would fall between 0-3 days later than the existing schedule, and there would be 6 Warrants with occurrences of 6 days later than the existing schedule, but she has no concern with the proposed legislation. The only issue that she brought up was that a few vendors would need to be notified of the new arrangement. She really doesn't have any overall concern with the legislation.

Alderman Deane

I just wanted to comment on Alderman Williams' question – most if not all of those checks are already cut and ready do to, and when the Warrant is voted on and signed, unless there is a request by the committee in the form of a motion to hold anything, the checks are released the following morning. I believe that is the process Mrs. Anderson currently has in place.

Alderman Williams

Thank you.

Alderman Bolton

Actually if I recall right Alderman Williams' question regarded payroll, and payroll is actually one of the exceptions to the Warrant process. The employees get paid on time without respect to the Warrant. If an issue arises and adjustments have to be made, it is made prospectively.

Alderman Williams

That is good.

Alderman Teeboom

I heard CFO Anderson talk about the schedule that is established. If you look under the Analysis it says "This will take effect four weeks after passage." I felt that would be sufficient time. If you want it to be effective the first of the year – it has also occurred to me since we are almost in December by all means you may want to make that change. It seems to take care of the existing schedule the best I know. I must admit I did not spend a lot of time talking about it with CFO Anderson. She wanted to make sure it got aligned with the current schedule.

Alderman Williams

Could the language be changed then to say commencing in January of 2007?

Chairman Tollner

You can do that.

MOTION BY ALDERMAN TOLLNER TO AMEND BY DELETING THE LAST SENTENCE AND REPLACING IT WITH "THIS ORDINANCE SHALL TAKE EFFECT JANUARY 1, 2007."

MOTION CARRIED

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE AS AMENDED
MOTION CARRIED**

O-06-48

Endorsers: Alderman-at-Large Fred S. Teeboom
Alderman Daniel L. Richardson

COMPARING SPECIFICATIONS FOR THE RECOMMENDED SEALED BID OF A MAJOR PURCHASE WITH THE SPECIFICATIONS IN THE CITY RFP

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Teeboom

This also deals with the Finance Committee. The cheese is paragraph in the bottom of the ordinance dealing with sealed bids only. Sealed bids mean not negotiated, means you know exactly what you want like an automobile – things that are well understood and described by name, like, identity.

Contractors bid on that sealed bid, you open the bids, and pick the best price/lowest price if the bids all meet the requirements. Therein lies the rub. How do you know the bids meet the requirements? Now the city – I have been on this Finance Committee for a while and I was on the Finance Committee for a few months twelve years ago, and the problem has always been the same in my opinion. That is you get the proposal from the Purchasing Manager who says let's buy these automobiles, and they may or may not attach to the Purchasing Manager's letter a tabulation. For the police cruisers we usually see a tabulation that says here is what we want and here is what is bid.

The bidder is supposed to fill this out and take exception. Some bidders do and some bidders don't. We have seen this in the past where like I think a Caterpillar truck was bought and the bidder filled out nothing on the form. I usually wind up calling the Purchasing Manager saying what is the story on this particular response, and I would have to run down to the office and look at it or there may not be a response. Of course, there may not be the time to get that kind of information.

What this does is puts some structure on sealed bids. The Purchasing Manager is given no additional work. In fact it makes the Purchasing Manager's job easier. The Purchasing Manager has to make a decision under statute whether to go and proceed with the purchase and make the recommendation to the Finance Committee. This says that the sealed bids – the requesting department shall provide the Purchasing Manager – the requesting department, the department that is requesting the purchase has to prepare a tabulation, which they should do under any condition. The tabulation says this is what we asked for as part of that sealed bid, this is what was bid – so when it comes before Finance we can tell immediately it all meets spec., everything is fine or we can see the exceptions so we can make a decision on whether it is a good purchase or not.

It eases the work on the Purchasing Manager. It certainly eases the effort on the Finance Committee members – they can double-check it. I myself try to check as much as I can. I think this is good legislation. It also puts a responsibility on the requesting department to make sure they know what they are asking for, but they don't have to do it in great detail. If they know what they want they can do it by like type. A good RFP is the one that just went out on the improvements to the audio system. If you look at the specifications on the RFP it lists in tabular form what is required, the components. It actually gives an example so this is indicative of a spec. It doesn't say it has to be so many pounds; so much volume because that would be far too difficult to specify all of that, but it says here is a like item. When something is bid we can look at the like item that is bid, maybe it is a like item or maybe it is a different item that can be explained very easily – this is a like item and this is why. In fact, the bidder would have to say why the substituted item is a like item. The Purchasing Manager would say to the requesting department are you sure that what you are buying is in fact a like item – is that what you want? Then when we get it before Finance we know it is yes, and we know that what we are buying is what the requesting department wanted, it is a good product, and meets all of the requirements.

It seems to me, and I have had many years' experience in contracting my whole life. I would always if it were something known – not a negotiated RFP, not the service job, not something that is complex, but sealed bids - to me this is the absolute way to go. Thank you.

Chairman Tollner

Are there any other comments? The motion on the floor is for passage.

MOTION CARRIED

O-06-49

Endorser: Alderman Daniel Richardson

**DELETING UNENFORCEABLE NON-PUBLIC MEETING PROVISIONS AND URGING
BOARDS TO INVITE MAYOR AND ALDERMEN TO PARTICIPATE**

MOTION BY ALDERMAN DION TO TABLE

MOTION CARRIED

O-06-50

Endorser: Alderman-at-Large Fred S. Teeboom

DEFINING VETO PROCEDURE FOLLOWING RECONSIDERATION

MOTION BY ALDERMAN WILLIAMS TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Teeboom

Thank you very much Mr. Chairman. This is the third and last ordinance I am introducing tonight. This came out of a meeting of the full Board not long ago when the subject of the Mayor's veto came up, and it dealt I believe with the Broad Street signaling. There was some discussion about did you have to vote on that veto that very evening. Some Aldermen said yes, some Aldermen weren't sure, and I checked into that because a Mayor's veto is something that admittedly Mayor Streeter uses sparingly, still it is an important action on the Board. It takes 2/3 to override.

I started looking at Mason's and had some discussion with Attorney Connell. I said where does it say in the ordinances that you must pass that tonight, the night that you receive the veto. He said it doesn't. I checked Masons and Masons doesn't address that. As long as you don't take action – you don't have to take a vote on it, you hold it, and the first thing says the option to take action on the veto following a successful vote to reconsider – remember the first motion is to reconsider – is preserved by the vetoed item either tabled at the full Board or referred to committee. The option to hold the veto, for the Board to reserve its rights to override the veto is retained. You may say that is kind of unfair. You may want to cherry pick the time to get all the Board members present that you want to override, but that is an option the Board has.

The Board can refer it to committee. That is what it says here. The option is retained. If the committee decides to amend then you have a whole new section that takes place over a new motion at that point, but if the legislation is not amended it is held in reserve. That is item g.

Now the second question came up – is the motion to override the Mayor's veto really an override? If you look at Masons it says the motion to override the Mayor's veto is itself a matter of

reconsideration. It is a special case. You could actually reconsider a reconsideration motion. You can override a Mayor's veto and then reconsider that override technically. I said this is bizarre – it may not happen, but it is kind of a bizarre situation.

Let's just say that the motion to override irrespective of failure or passage itself cannot be reconsidered. In Mason's rules that is perfectly fine as well. Under our rules, we would have to stipulate that because reconsideration motions have to be – action on the reconsideration has to be stipulated by the body that deals with the reconsideration – that is also in Mason's.

Item H says a voted to motion override irrespective of passage or failure itself cannot be reconsidered. Maybe the Board has never done that. I don't know. I have not been around long enough. G gives the Board options and H kind of diminishes that option because a member cannot ask to override what has been passed.

That is the legislation. I think it clarifies certainly G clarifies it greatly. If you think H is too confusing, take it out. H is basically a technicality which says to override the Mayor's veto itself is truly acted as an override motion, and you cannot override an override – you cannot reconsider an override twice. Thank you.

Alderman Bolton

What happens if there is a vote to override the veto and that fails? Will the Board then be free to consider amendments to the legislation and send it on?

Alderman Teeboom

Absolutely. This does not address amendments. That is covered under a separate section of the code that talks about amendments. We are talking about an un-amended – the motion is made to override the Mayor's veto, take an action, take a vote, get a majority vote. Now the action is back at the Board. If you amend that a whole new activity takes place. If you don't amend it by this action first of all it is held until it is acted on so you can table it, it is not acted on, you send it to committee, it is not acted on, committee doesn't act on it, it is not acted on. If the committee amends it is acted on. If the committee says we are not going to act on that send it back to the Board, it is not acted on – until someone takes a vote on an action.

Having taken that action and having voted to either pass or fail the override H says you cannot reconsider that again although technically under Mason's rules you could.

Alderman Bolton

Suppose the Mayor vetoes it and it comes back to the full Board, the full Board sends it to committee. The committee recommends an amendment, the full Board does not go along with that recommendation, and fails to vote to amend, can the full Board then move to override the veto?

Alderman Teeboom

Let me look at G. The option to take action on the veto following successful vote to reconsider is preserved – well the veto item is either tabled at the full board or referred to committee. If the committee acts on that veto and recommends it back to the full Board, in my opinion an action has

taken place. If you wish to get that point clarified I suggest hold this and I will get clarification from the attorney. These are fine points. They are well taken. These are not simple motions. A reconsideration is not a simple motion. If that is the desire of this committee then by all means, and if you would like an answer to that question -- I don't want to represent myself to be an expert on any of this stuff. I am just trying to live with it the best I can and try to clarify things and have our proceedings go as smoothly as possible without a lot of controversy.

I felt bad before for Alderman Cookson when this action happened when effectively it didn't – when it was said you have to vote on this tonight. If the committee wishes to hold this and have this question answered by all means.

Alderman Bolton

I don't really like that if that is the right answer to that question because it seems to me that until the full Board takes action the full Board ought to have its rights preserved to do whatever it is legally entitled to do. This idea of once the committee recommends something that removes one of the options the full Board would have – I would not be in favor of that.

Let me ask you another scenario – Mayor vetoes a piece of legislation, it come back to the full Board, someone moves to override the veto, that fails to get the necessary 10 votes – gets 9 votes say, someone else then moves to amend presumably with the idea of making it more palatable to whatever concerns the Mayor had or whatever concerns other Aldermen had, that motion to amend fails, can the Board then move again to override the Mayor's veto?

Alderman Teeboom

Can they move to amend the original motion – the amendment fails so can they move now to go back to the original motion – is that the point?

Alderman Bolton

The original measure that the Mayor has vetoed – can you then...

Alderman Teeboom

Alderman Bolton I don't have the answer to that. Let's check into that. I suggest you hold the legislation. If Alderman Bolton has any other questions by all means – Attorney Connell is very knowledgeable on the rules I found out, and Mason's book is not easily read and is difficult English language.

Alderman Bolton

If I can just make my point on this example – again I think while the measure is pending before the full Board the Board ought to have all of its options preserved. Just like on any other piece of legislation you can try to amend it, if that fails then you can decide to pass it as is, you can try to amend it in some different way, but until you either move along and either indefinitely postpone it or pass something that is still in front of the Board and the Board can still act on it.

If you want to say that following the meeting at which an override motion failed, that it cannot be redone, but at least during the meeting while discussion is taking place strikes me that we ought to

keep all options open.

Alderman Teeboom

Alderman Bolton if you suggest some wording at this point – the fine points that Alderman Bolton brings up are probably not found in Masons and I won't make them up on the fly – I would suggest we table it and look into it. If Alderman Bolton has a particular feeling for what he prefers to have – the option always kept at full Board not matter what happens in committee, we can amend it at this point if you have the right language for it. Otherwise give me a chance to think about it and come back.

Chairman Tollner

How about we take you up on your suggestion to hold it in committee. Maybe you and Alderman Bolton can e-mail each other and get some recommendations – I think the big concern is really letter H for the most part. Maybe you guys can e-mail each other back and forth with the cooperation of the City Attorney, and can come up with recommended wording for section H.

Alderman Teeboom

I will be glad to.

Alderman Dion

I want to thank Alderman Bolton for bringing up those points of law. I think what we are referring to here – the case in point was the Broad Street issue that the Mayor vetoed. If I remember correctly the night that it came back to the Board with the Mayor's veto we did not act on the Mayor's veto. I remember Dave Connell saying that in order to – there was talk about sending it back to committee and if we didn't act on the Mayor's veto then that legislation couldn't come back in the same form – there would have to be some form of amendment before it could come back before the Board. As I recall those were the events that happened on that issue. That I believe is what Alderman Teeboom is talking about.

One thing that stays in my mind is this – if we never acted on the Mayor's veto where does the Mayor's veto stand? I would like to ask Alderman Bolton that if he knows the answer.

Chairman Tollner

I can answer – you have to act on the Mayor's veto in a certain number of days, and if you don't then the veto stands.

Alderman Bolton

The measure doesn't become law.

Alderman Dion

What is it five days I believe?

Chairman Tollner

I think it is within ten days.

Alderman Dion

So in other words if you don't act upon the Mayor's veto the veto is upheld within a certain amount of days.

Chairman Tollner

I think it is the next Board of Aldermen meeting.

Alderman Bolton

It is the next meeting or a special meeting called for that purpose.

Alderman Dion

A motion was made to send it back to committee. Therefore, the original legislation is still in the Infrastructure Committee and we have been talking about it for the last couple of meetings. Some changes are going to be made there. I don't know if Aldermen Bolton or Teeboom are aware of it, but we are going to make some changes. Alderman Deane is involved. We are going to try to straighten that issue out. Yeah I think it is a good idea to hold it and study it a little more Fred, and see if you can change that language so that we all can understand it.

**MOTION BY ALDERMAN TOLLNER TO TABLE
MOTION CARRIED**

Alderman Deane

I would respectfully request that a committee member take from the table O-06-36.

**MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-06-36
MOTION CARRIED**

O-06-36

Endorser: Alderman Daniel Richardson
Alderman Richard P. Flynn
Alderman-at-Large David W. Deane

**PRESERVING FINANCE COMMITTEE APPROVAL AUTHORITY FOR PURCHASES
PREVIOUSLY DISAPPROVED BY THE FINANCE COMMITTEE**

MOTION BY ALDERMAN WILLIAMS TO RECOMMEND FINAL PASSAGE

ON THE QUESTIONAlderman Deane

I wasn't able to attend the meeting at which this was discussed. I did watch a good portion of it, and I wasn't too impressed with some of the explanations that were given by the administration on why this is not a good piece of legislation. I think the scenarios that were floated about wouldn't exist. I think we hire a lot of very good professional people in the city – division directors and department heads. The road that was explained that would be going down to circumvent the Finance Committee's authority I don't think people would be doing that. Although this was driven by an issue that was not approved by the Finance Committee, and an expenditure was made after the fact in increments that were less than \$10,000 I did support the purchase, and I was in the minority on that. The purchase failed and yet the purchase was made anyway in increments less than \$10,000. Although I understood what the Fire Department was doing, initially because it was part of the station plan, the majority of the Finance Committee disagreed with the cost of the components that were being purchased, and to go out after the fact and dice it up into amounts and purchases less than what were originally submitted to the same vendors is wrong. It is just plain wrong, and I voted in favor of the purchase.

I look at this from my viewpoint. Like I said earlier the scenarios that were floated I don't think would exist. I think we have some very professional people that work for us. I think if they wanted to sell an expenditure to us they would come in, and it was just an issue with some of the costs of some of the items. We are more than willing to listen. I think this is a good ordinance that should be put in place. To say this is a frequent happening it is not. It is not a frequent happening. This ordinance was driven by that process that went on. I think it is a good ordinance to have in place to stop people from doing it, but I just don't think we have a staff as was explained what they might do – I just don't think that would happen. I think it is good to have this in place anyway. Thank you.

Alderman Dion

I support this legislation, and I certainly commend Alderman Deane. Although he was in the minority and voted for the purchasing of this furniture to have the guts to stand up and say what they did was wrong – I respect you for that Alderman Deane. It shows your character. I will support this legislation.

Alderman Williams

Last committee meeting we had I actually didn't support it. One of the reasons was I arrived at the meeting late and didn't have a lot of the information. I certainly didn't want to vote yes for something I didn't have all the information for. Secondly, I did have some council by the administration and what they said was exactly what Alderman Deane said – they were afraid some people might dice things up ahead of time. No matter what piece of law is in place there may be that odd person like this previous purchase that will try and get around the rules. After studying it for some time, it makes sense to go ahead. I am going to go ahead and support it this evening to put this in place because no matter what we do if someone wants to get around something they will, and like Alderman Deane said there are predominantly very good people working in this city.

Alderman Teeboom

The only point I would make the Purchasing Manager is the one you depend on. I think we have a

very good Purchasing Manager – very, very – she has a very sharp eye. Yes you could ice and slice. This thing was I think something like \$12,000 - \$14,000 when it first came before Finance. It was a \$2,000 desk in there. I started the discussion. I was quite upset about the \$2,000 desk. The Purchasing Manager is the person. If someone tries to slice and dice this to make it less than \$10,000 so it doesn't come before Finance I guess you have to depend on her to keep track of it just as you really should depend on her to keep track that doesn't happen again.

Laws can only do so much. You depend on good administrators. It certainly in my opinion gets the sense of this Board like a hammer blow across. The Purchasing Manager if anything knows this is being watched very carefully. People check the Warrants carefully. We have one member of the Finance Committee I think he goes away I have to go through the Warrant. I think yes you may not be able to enforce it to the letter as there might be ways around it, but the Purchasing Manager who we depend on to enforce it for us I think will be watching it for us very carefully. Thank you.

Chairman Tollner

I understand the intent of the legislation. The last conversation I had albeit brief after the last meeting – I know Mrs. Anderson has some concerns with it as does Mrs. Lemieux as well as the Purchasing Manager as far as the extra work or effort they would have to put forward. What I will do is I will sit down and meet with those individuals prior to the next Board of Aldermen meeting. Right now I will vote against it, but it doesn't mean I will vote against it at the full Board meeting. Are there any further comments?

Alderman Deane

As Alderman Teeboom stated, we go through the Warrant. I know I do. I go through it page-by-page, department-by-department. I look very closely and I keep all the Warrants and go back and do monthly comparisons on expenditures. Big brother is watching. It is not hard to figure out trending of expenditures to vendors. It is really easy. Like I said earlier I don't think the city employs people that do that. I think there might have been some frustration or a mistake or misjudgment on this end – I am not sure what happened, but it doesn't much matter anymore because it has already happened.

Chairman Tollner

I know that the last time I spoke with Mrs. Anderson she did have some concerns so I will talk to her. Whatever concerns she has maybe I will ask her to put in writing and send it out to the full Board prior to the Board of Aldermen meeting.

MOTION CARRIED

TABLED IN COMMITTEE

Ordinances

O-06-28

Endorsers: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large David W. Deane

**CREATING A FACILITIES DIVISION AND PROVIDING FOR A PROCESS FOR
THE EVALUATION AND PERMANENT ESTABLISHMENT OF SAID DIVISION**

PUBLIC COMMENT - None

DISCUSSION - None

ADJOURNMENT

**MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:55 p.m.

Alderman David MacLaughlin
Committee Clerk