

MINUTES OF APRIL 18, 1979 SPECIAL MEETING

REGARDING CHARTER REVISION

15th BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A SPECIAL MEETING of the 15th Board of Representatives of the City of Stamford, Connecticut, was held on Wednesday, April 18, 1979, pursuant to a "CALL" issued by PRESIDENT JOHN WAYNE FOX, under the provisions of Section 202 of the Stamford Charter and Section 7-191 of the Connecticut General Statutes, as amended.

The meeting was held in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Conn. The meeting was called to order at 8:30 P.M. after both parties had met in caucus.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President John Wayne Fox

ROLL CALL: Clerk Diane Raymond called the Roll. There were 29 members present (with Mrs. McInerney coming in at 8:45 p.m.); and 11 absent.

The absent members were:

Raymond Bernier	Mildred Ritchie	Mildred Perillo
Handy Dixon	George Hays	Donald Sherer
Fiorenzo Corbo	Michael Feighan	David Blum (ill)
Jeanne-Lois Santy	George Baxter	

The CHAIR declared a QUORUM.

CHECK OF THE VOTING MACHINE - Found to be in good working order.

MR. FOX said that April 15th marked the 30th anniversary of the first meeting of the Board of Representatives, and we are very pleased this evening to have many of those members present with us. Sam Pierson, who was the first president of the Board of Representatives, and many of his colleagues are with us this evening. I would particularly like to thank David Blum, who worked very hard in putting this gathering of recognition, if you will, of those people together; and I would also like to thank Pobie Johnston, who also worked very hard in contacting many of those people in arranging for them to be here this evening.

I think that, in many ways, the Board of Representatives over those thirty years has not changed very much. Many people might say that's unfortunate, but I do think that the concept of people volunteering their time to serve the community in which they live has not changed since 1949. From the people I talked to this evening, they were in fact very proud of the service that they rendered to the City. I think the members of this Board are also proud. Both groups are justified in that.

MOMENT OF SILENCE for DAVID O'KEEFE

MR. MORGAN said that this week the Stamford Democratic Party has suffered a great loss at the passing of David O'Keefe. He served as a member of the Democratic City Committee, the 7th District, which adjoins Mr. Morgan's in Glenbrook, for fourteen years; served on the Board of Recreation for 12 years, and served twice as its Chairman. He was an active participant in the community and political affairs in the City for a long, long time and was someone who played an important

MR. MORGAN (continuing).....role in the development of Mike's own political career in Stamford. He is someone that the community will miss.

MR. MacINNIS said he would like to add his condolences to Mrs. O'Keefe and David's family. He was a fine gentleman. Mr. MacInnis is proud to have been associated with him. They were both from the same district, the same community, the same church, St. Maurice's, and they all will miss him.

MR. FOX said David O'Keefe was certainly one of the most flamboyant people in local politics. He was also a good friend to many people such as himself getting involved and starting to get active in local politics. Mr. Fox asked everyone to stand for a MOMENT OF SILENCE.

MR. FOX said that he would also like to say that he was very happy to see that David Blum who had been in the hospital, is now out and able to be with us for a short period of time. He is still not feeling too well.

We can now proceed to the issues before the Board. This is a SPECIAL MEETING that was called on April 6, 1979. MR. FOX read the "CALL" of the meeting:

"I, JOHN WAYNE FOX, President of the 15th Board of Representatives of the City of Stamford, Connecticut, pursuant to Section 202 of the Stamford Charter and Section 7-191 of the Connecticut General Statutes, do hereby "CALL" a SPECIAL MEETING of said Board of Representatives for:

WEDNESDAY, APRIL 18, 1979

In The Legislative Chambers of the Board of Representatives

MUNICIPAL OFFICE BUILDING

2nd Floor, 429 Atlantic Street

at 8:00 P.M.

for the following purpose:

To consider and act upon the FINAL REPORT OF THE ELEVENTH CHARTER REVISION COMMISSION, and to act upon proposed Charter changes to be submitted to referendum at the next general election."

MR. FOX said they can now go directly to Mr. Loomis.

CHARTER REVISION COMMITTEE - Ralph Loomis, Chairman

MR. LOOMIS said we have three options tonight. We can accept the report of the Charter Revision Commission dated April 12, 1979 in total; or we can reject it in total; or we can accept and reject different provisions of the Report.

We also have a fourth option which we cannot exercise tonight, but which we could exercise at some other time, and that is to draft certain provisions which we would believe would result in limiting taxes and bonding, but those limitations would be in ordinance rather than in Charter form.

(Note: This tape was defective in some spots on both sides, and some of the dialogue was lost. We had screeching, extreme high-pitched noise, and unintelligible language; therefore, unable to transcribe verbatim in total.)

THE UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250

TO: DIRECTOR, UNITED STATES DEPARTMENT OF AGRICULTURE
FROM: [Name], [Address], [City], [State], [Zip]

SUBJECT: [Topic]

RE: [Reference]

DATE: [Date]

1. [Text]

2. [Section Header]

[Text]

3. [Section Header]

[Text]

4. [Section Header]

[Text]

[Text]

[Text]

[Text]

[Text]

[Text]

[Text]

MR. LOOMIS (continuing) spoke on the spending limitation, the mill rate being attached or hooked up to a Consumer Price Index, the effects of this; the provision of over-riding a restriction that was too tight by the Boards of Finance and Representatives; provision for petitioners' referendum on a budget; and provision for a "sunset provision" which says that in five years the entire process would have to be reviewed, reassessed by another Charter Revision Commission. He said the historical analysis of the past mill rates suggests that if this sunset provision were adopted, it would indeed be restrictive if history is any indication of what the future might be. He said Dr. Oscar Hoffman indicated Monday this proposal would, administratively, create a number of problems. It would be very complex for his department to administer because, in effect, he would be fixing rates for four different tax districts and they would have to be fixing them throughout the entire budgetary process because that is what is called for in this proposal. Also that in some cases, the restriction might allow more room than necessary, and thus could be a license to spend.

MR. LOOMIS said his Committee deadlocked in their vote on this proposal, with Mrs. Hawe and Mr. Esposito voting against it. Mr. MacInnis and Mr. Loomis voted for it. Mrs. Raymond was not present. Parliamentary procedures states a tie vote is a negative vote, so he requested that somebody make a motion to bring it up so the entire Board could debate and decide for themselves how to dispose of this particular recommendation. Mr. Loomis said he has the sections that pertain to this particular recommendation and would be glad to read them either before the vote or whenever it was desired.

MR. FOX suggested that Mr. Loomis proceed to make the report of the Committee on the given issues. As has been done in the past, the Motion to approve a given issue, having been made in this Committee with a vote of 2-2, the motion being lost, what will be done is to entertain a motion to approve and to vote on that motion, keeping in mind the negative report of the Committee. Mr. Fox said if Mr. Loomis would proceed to the proposals as they were voted on in the Committee, the Board would entertain motions to deal with them.

MR. LOOMIS said he felt it might be wise at this point, since this is a major recommendation of the Commission, to deal and talk about that and then move along to the second recommendation which deals with bonding, and did Mr. Fox wish him to make a motion to bring this out now.

MR. FOX said yes.

MR. LOOMIS said he did not have any motion written, but would say simply that he would MOVE to approve the Commission's report pertaining to their limitation on spending, and that limitation refers specifically to Sections 602, 617.1, 617.2, 610, and 613, the first phase of 613.1 and Section 614. **SECONDED.**

MR. FERRARA said on August 14, 1978 this Board adopted Resolution 1182 initiating the Charter Revision Commission with a specific charge to study the possibility of limiting municipal taxation. The original proposals of the Charter Revision Commission were a significant step forward in achieving their objectives. Unfortunately, the Charter Revision Committee and the majority of this Board turned deaf to the pleas of the taxpayers and resoundingly defeated these proposals.

MR. FERRARA: Page 1 of my exhibit details the history of the Consumer Price Index since calendar year ending Dec., 1972. The Index has fluctuated from a low of 3.4% to a high of 12.2%.

MR. FERRARA (continuing): Page 2, top half, shows the actual mill rate increasing in Tax District "A" from fiscal 72/73 to the projected fiscal 79/80 year. Page 2, bottom half, projects what Tax District "A" mill rate could have been if these proposed revisions were in effect since July 1, 1973. Due to time limitations, I was only able to simulate Tax District A. However, I believe that all the other tax districts would follow a similar pattern.

Page 3, top half, compares the actual mill rate to the maximum allowable mill rate under the Charter Revision proposals, assuming these revisions were in effect since July, 1973. Some interesting facts become apparent. During the seven-year period, the forecasted revision rate was higher than the actual mill rate in four of the seven years. Also at the end of the period fiscal 79/80, the forecasted revision rate is projected 3.7 mills higher than the actual mill rate. Over this period, the actual Tax District "A" mill rate increased 5.3% annually, whereas the Commission's projected rate increased 6.4% annually.

Page 3, bottom half, sums up the difference for the taxpayer. An owner of a \$50,000 house during the seven-year period could have paid \$303 more in property taxes under our revisions limitations recommendation than its actual tax bill was. Additionally, for fiscal 79/80, this taxpayer could be paying \$111 more in property tax than what he or she will probably be paying. Therefore, I ask the question "Where is the limitation on tax increases? Where is the protection to the over-burdened homeowner and senior citizen?"

The above-mentioned examples are not the only fallacies of these proposals. The original proposal limited the property tax levy for fiscal year to no more than 5% greater than the prior year's levy. Our revised proposals do not take into account our tax levy base, that is, Grand List. Let me demonstrate the serious shortcomings of our revised approach. Fiscal year 78/79 Tax District "A" mill rate was 63.2. And with a Grand List of \$1.356 Billion Dollars, our tax levy could have been \$85.7 Million Dollars.

The 1978 Consumer Price Index is 9%, yielding a maximum allowable increase of 7% per our revised proposals. This increase could raise Tax District "A" mill rate to 67.6 mills. Based on current estimates, the Grand List grew during this period, 3.6%, about \$49 Million Dollars, to \$1,405 Billion Dollars, producing a possibly levy of \$95 Million Dollars. This equates to 10.83% increase in taxes in spending, not the 7% increase projected by the Charter changes. The revised proposals are gibberish, and contradictions, and promise nothing but higher taxes. They are licenses for unlimited and uncontrolled spending, not the controls on increased expenditures petitioned for; therefore, I strongly recommend the rejection of this hoax. Let's stop trying to deceive our residents, but let us set aside our bias, and work for the best interests of our residents through tax limitations. Thank you.

MRS. HAWE: First of all, I would like to say that I think all of the Board members appreciate the work that the Charter Revision Commission has done. They've put in a lot of hard work over many months and I think that we should be grateful for it. I was one of the Committee members who voted against this final proposal. I am still 100% in favor of a sensible limit on municipal spending and borrowing. However, this proposal is not enough of a limit. In fact, this is worse than no limit at all. This proposal is tied to the Consumer Price Index, permitting our spending to increase at almost the rate of inflation. We would just be adding fuel to the fires of inflation with this. A limit should be something that constrains our spending to some degree. If this limitation had been put in

MRS. HAWE (continuing)...the 1973/74 fiscal year, and if, in each year since then, the new rate had been increased by the full amount of the limit, that is, 2 percentage points less than the rate of increase in the Consumer Price Index for the prior year, the taxes in two of the four Tax Districts would be higher than they are now, and taxes in the other two Districts would be only a fraction of a mill less. Now, of course, this might not have happened; we might not have spent up to the allowable limit all those years; hopefully, we would not have. Nevertheless, it illustrates the fact that a limit that would allow taxes to increase to the point that they are at now, is no limit at all. Why even bother to put it into effect?

Mr. Ferrara based his calculations on a 9% increase. My calculations are based on an 8.5% increase in the Consumer Price Index. Nevertheless, the point that we both make is the same. To further illustrate, last year with the Consumer Price Index at 196, this was an 8.5% increase over the previous year. With this proposal which we have before us now, we could have a 6.5% increase in the mill rate. This'd mean that it would allow this year, a mill rate increase in the "A" District of 4.11 mills, and an increase of 3.69 mills in the "B" District; an increase of 3.35 mills in the "C" District, and an increase of 3.76 mills in the "CS" District. I ask you, is this a limit on taxation? Plus the City could spend even more, since the Grand List increase this year is over 3%, which would bring in substantial tax revenue.

I would like to say just one more word on the proposed limit on bonded indebtedness. The way it is presented to us now, coupled with the allowable spending limit proposal which I just discussed, it would allow us to bond at an excessive amount. We would probably be over our heads in ten years. I urge all my fellow Board members to vote against these two proposals: the proposal on taxing limitation, and the proposal on bonding limitation. I hope tonight we will see the end of these.

MR. DeLUCA; The April 12th Report of the Charter Revision Commission before us includes proposals that are substantially different from the proposals included in their February 2nd report. The changes are set out in Sections 602, 610, 610.1, 612b, 613, 613.1, 617, 617.1, and 617.2. The changed proposals have never been made available for public comment as required by the Home Rule Act, specifically Section 7-191, of the Connecticut General Statutes. In view of the failure of the Charter Revision Commission and the Board of Representatives to hold a public hearing on revised language of the Sections mentioned above, I consider that they are ineligible for consideration or action by this Board.

I MOVE that these Sections be eliminated from consideration and that the proposals of the February 2nd report are the only legal language to be considered. On March 14, 1979, when we first discussed the original proposals, we refused to give the taxpayers, 12,000 taxpayers, who signed petitions, the right to vote on certain issues. Now, we also refuse to give them the right to a public hearing, and therefore, I feel we should cease and desist. And we should revert back to the February 2nd report. I would like to make a MOTION that in view of what I have just said that these sections be eliminated of consideration and revert back to the February 2nd language.

MR. FOX: I believe that your Motion to have these deleted, your desire to have those Sections deleted, could, as a practical matter, be accomplished if in fact Mr. Loomis' Motion which is on the floor to approve them, is denied. With respect to your motion and your comment, if you will, that they are illegal or improper because of the failure of the Commission to have a second public hearing, I would have to say that I would disagree with your interpretation of Section 7-191. All that we can do here this evening is to, and I have written to and gotten an opinion back from Mr. Sherman's office on this, which I believe was sent to the Board members, is what the Statute allows us to do, that being that we can approve or reject parts or all of the final report that is before us. There is nothing in the Statute, as I read it, which would allow us to go back to the proposals which were before us at our previous Special Meeting. I believe Mr. Loomis would have some further comments on that. I guess the long and short of it, Mr. DeLuca, is that I would have to rule that your Motion, as you propose it, would be an improper one because as I see it, it would be in contradiction with the Connecticut General Statutes. Why don't we hear what Mr. Loomis' comments are and we could get back to you, if you'd like, Mr. DeLuca.

MR. LOOMIS: I would just like to underscore your ruling, Mr. Fox, because I have in front of me Section 7-191. In addition to having that in front of me and reading it precisely the way you interpreted it, I conferred with officials in the Secretary of State's office. What procedures have been followed are perfectly legal, and if Mr. DeLuca had consulted this Section, he would have seen where the specific language calling for the Commission to confer with the Appointing Authority or the Board, after the Board has acted, to come up with a revised report, if the Commission so desires. There is no provision, no requirement whatsoever, no mention of any public hearing. There is mention of one public hearing. The Commission issues its final report to the Board. So....

MR. FOX said that while Mr. DeLuca is reviewing that, perhaps we could proceed with Mr. Ventura who wishes to be heard.

MR. VENTURA (some dialogue lost here due to tape defect). I would just like to make a couple of comments generally on this whole thing of Charter Revision. The Commission came up with proposals the first time that were so stringent and capped any kind of spending or any kind of flexibility that the City would need in an emergency. They then went from one extreme to another, to a second proposal, which is so outlandish, in my judgment, that could put the City probably into a Chapter 12 situation. I just don't know when we are ever going to get the practicality of what we are going to do for the taxpayers of the City. I just heard so much of how we should as a Body, as a Government, limit tax spending to keep the taxes within the confines of what the citizens of this City would like to have it at. I just think this whole thing has turned out to be, in my opinion, a political farce; that many of the people who are involved have capitalized with special interest groups and publicity. I think we should chuck the whole thing. I think we should vote it down because I don't think either proposal is practical and won't do any good for our taxpayers. I would like to see this government run economically, and I would like to see that the taxes don't go through the ceiling, and that the people of the City are able to live in this City, not be driven out because of spending which is so horrendous, and the taxes are so high, that they can't live here any more. But let's get down to the nitty gritty of getting a practical system that is going to make it economical and feasible to live in this City, not to extremes, such as this. I urge this Body to vote this thing down completely. I don't think it does any good for any of us.

(A short statement by Mrs. McInerney lost here due to defective tape section.)

MR. FOX: I believe we are now prepared to put the question to a vote. The Motion is one made by Mr. Loomis, which is to approve those Sections which he outlined for us. A YES vote is to approve those Sections, a NO vote is to reject them. We will vote by use of the machine.

The vote is UNANIMOUS to reject those proposals: 29 NO votes.

MR. LOOMIS said the recommendation was to REJECT Sections 635 and 636 on bonding, and in keeping with usual procedures, MOVED for approval. SECONDED. (Tape bad)

MR. FOX: The report of the Committee again is a negative one. The Motion then is to approve those two Sections, keeping in mind the negative report of the Committee. We are now open for debate.

MR. MORGAN: Are there any related Sections to this that Mr. Loomis needs to refer to in order to clarify exactly what we are voting on?

MR. LOOMIS: I don't think so.

MR. FOX: Those two Sections (635 and 636) that you refer to take into account all other inter-related Sections. Once again, a YES vote is to approve those Charter changes; a NO vote is to reject them.

The vote, again, is UNANIMOUS to reject those proposals: 29 NO votes.

MR. LOOMIS: Yes, what I'd like to do now is to MOVE to approve the balance of the Commission's report. These Sections relate to spending and bonding limitations which I think would contribute substantially to the fiscal health of this community. They are recommendations which we haven't only talked about during the deliberations of the Commission during the past month or so, but also during the previous Commission which made some of these recommendations which, unfortunately, were defeated at the polls by a narrow margin. I don't think it is necessary for me to go into detail on these. We have talked about them on other occasions. Of course, it would be all those other Sections that I have not mentioned which, in effect, would be the balance of the Report. So I would make a MOTION to approve the remaining portions of the Charter Revision Commission's Report. That is with the recommendation of our Committee. SECONDED.

MR. ZELINSKI: Just a question, please. What would ^{be} the votes needed for this to pass at this present time?

MR. FOX: That would require 21 votes. We will vote by machine. The MOTION is CARRIED with 21 YES votes; 8 NO votes.

MR. LOOMIS: That concludes our report. I would say this, that we are going to have to come back and discuss exactly when the balance of this Report will be voted upon by the citizens. I would like to make one last point and that is that there is a lesson we can learn, or a moral to be drawn from these deliberations, is that any form by the Commission or anybody else or any kind of arbitrary magic figure that is decided upon is extremely difficult to effectively work in

It is the policy of the Government to provide for the health and safety of the people.

The Government is committed to the principle of non-interference in the internal affairs of other countries.

The Government's Policy on the Arms Trade

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MR. LOOMIS (continuing).....the context of our Charter, the way it is written now, and our entire budgetary process. You can come up with a whole lot of suggestions which on the surface, look just great, but when you sit down and look at the nuts and bolts, it's a much different story. So I think as some people said very early on, many of these ideas, good as they may be, are properly the subject of ordinance action as opposed to the Charter act, and so consequently, we will be making specific recommendations at the next Steering Committee meeting so that we can pursue these matters by route of an ordinance and go in that direction.

MR. FOX: Fine, that would be proper for the next Steering Committee Meeting.

MR. BOCCUZZI: I would just like to make an observation. The Board has turned down both proposals of the Charter Revision Commission. I have to agree with their action because the second Charter Revision Commission proposal was so watered down that it meant nothing. But I think that we are coming to a point the next month or so where this Board has to prove to the public if we don't have a limitation on the spending, that we ourselves, as a Board, have to put a limit on it. We are going to have that opportunity come Budget time, and I think that if we do the right kind of job on the Budget, we will satisfy a lot of taxpayers in this town.

MR. GUGLIELMO (his comments lost on the tape) - Something about 18% increase in tax levy being greater than any cut in services his constituents may have to take.

MR. VENTURA: I would just like to make one last comment. I've got some severe problems, my mike won't work; I used Mrs. Maihock's and it came apart. I wonder if that's some kind of indication that maybe I should keep quiet. What I wanted to say, in essence, is on the Board of Representatives. That, without a doubt we should be conscientious in our decision with reference to tax dollars, but to do a job on the budget; and to again politically pass judgment on budgets is definitely going to be a bad reflection on what we have to do for the taxpayers, but the City has to run, and the City has to be appealing for people who want to live here, and we have to conscientiously and practically be very careful what we do in this budget year.

MR. MORGAN: It seems to me that ^{the} many months that have gone into the review of the whole Charter Revision question have been a consciousness-raising exercise for many people in City Government, not just the people on the Board of Representatives. Because, really, the process is not limited to us. It includes the Mayor, who has to submit the Operating Budget; it is the Board of Education that has to submit their budget; and it is the Board of Finance which not only votes on the Budget before we do, but then has to set the mill rate after we are through with it. And if there's been one message that has been delivered to all of us, and I hope it's come loud and clear, it's that the citizens of Stamford want spending restraints, and they don't want tax increases.

I, for one, share those concerns. But what we've been faced with in the specific questions presented to us are dollar limits that were inflexible and percentage formulas that were tied to economic indicators or otherwise that were unworkable. And so they were voted down because we were essentially given the choice between a rock or a hard place, and neither one was acceptable to us, either the first Charter Revision Commission proposals, or the second one. I think Mr. Loomis was right in his final comments. We, and I think our experience has shown it, don't have a mechanism to deal with these issues through the Charter, but I think that some of these issues can be dealt quite effectively through ordinances.

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MR. MORGAN (continuing)....And I hope that is something that is genuinely pursued by people on this Board. I voted against these proposals tonight because I just didn't think they would work. But I do think that we just can't turn our backs on the feelings in the community that we do something about these fiscal issues, and I hope that we continue to pursue them.

MR. ZELINSKI: I would just like to say that I believe it's very unfortunate and tragic that something more was not accomplished in the area of tax spending, especially being the citizens of our community, approximately 12,000 signed petitions to have some type of limitation to alleviate the tax burden that they are experiencing. I do hope that as soon as possible, within the framework of our Charter, that the next Board of Representatives, in its wisdom, would have another Charter Revision Commission formed to hopefully look into this again, and come back with some recommendations; and finally, I would just like to say that even though I happen to disagree at one time or another with the Charter Revision Commission, or the Charter Revision Committee of this Board, I would personally like to thank the members of the Eleventh Charter Revision Commission for their time and their effort, that is the Chairman, Paul Callahan; Phil Berns; Fred King, the Vice-Chairman; Gerald Kolinsky, the Secretary; Jeremiah McLelland; Paul Pacter, and Marianne Pollak, for all their work and effort and time that they put into this; and also to our own Charter Revision Committee chaired by Ralph Loomis and Representatives Marie Hawe, Paul Esposito, Bill Mac Innis, and Diane Raymond for their work.

MRS. GOLDSTEIN: Tomorrow night starts the budget hearing for the 79/80 fiscal year. We will begin at 7:00. Everyone should have received in the mail today a revised schedule for next Thursday night. I do hope that anyone with questions in relation to the budget either gets to a member of Fiscal so that the questions can be asked of the different departments, or feel free to come to the Fiscal Committee hearings and present your questions to the Department Heads yourself. We will be going from tomorrow night almost straight through to Saturday, May 5th, so please, it's a long, hard process, and we'd like everyone who wants to, to become part of it.

MR. FOX: In conjunction with that, the Board of Representatives will meet on May 9th and May 10th to review and vote on the budgets.

(Comments here by Mr. Ferrara and Mr. Fox lost on the tape.)

ADJOURNMENT:

Upon MOTION, SECONDED, and CARRIED, the Meeting ADJOURNED at 9:45 P.M.

HMM:MS

Encl.-Voting Tally Sheet

By:

Helen M. McEvoy
Helen M. McEvoy, Administrative Asst.
(and Recording Secretary)

Board of Representatives

APPROVED:

John Wayne Fox
John Wayne Fox, President
15th Board of Representatives

1. The purpose of this document is to provide information regarding the security of the system. It is intended for use by personnel who are responsible for the operation and maintenance of the system.

2. The system is designed to provide a secure environment for the storage and processing of sensitive information. It is intended to protect the confidentiality, integrity, and availability of the information.

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