

SECOND TAXING DISTRICT COMMISSIONERS  
Regular Meeting  
May 19, 2009

Present:	Otha N. Brown	Chairman
	Mary E. Burgess	Vice Chairperson
	Maria Borges-Lopez	
	Mary Mann	
	Sylvester Maultsby	
	Cesar A. Ramirez	

Also Present:	John M. Hiscock	General Manager
	Gwendolyn Gonzalez	Assistant Clerk

Public Present: Louise Mastroberardino

Absent: Al Ayme

Call To Order

Chairman Otha N. Brown called the Regular Meeting of the Second Taxing District Commissioners to order at 7:07 p.m. on Tuesday, May 19, 2009. The meeting was held at South Norwalk Electric and Water, One State Street, South Norwalk, Connecticut.

Acceptance of the Minutes

Commissioner Burgess: “(Not recorded) 2009.”

Commissioner Borges-Lopez: “Second.”

Commissioner Ramirez: “I’ll second that motion.”

Commissioner Brown: “Any remarks?”

[No remarks]

Commissioner Brown: “Then all those in favor say aye.”

Commissioners simultaneously: “Aye.”

Commissioner Brown: “Those opposed say nay.”

[No opposed]

Commissioner Brown: “And so ordered.”

Commissioner Burgess made a motion to accept the regular meeting minutes of April 21, 2009. Commissioner Borges-Lopez seconded and the motion passed with all six Commissioners present voting in favor.

### Chairman's Remarks

Commissioner Brown: "My brief... my remarks will be very brief tonight. I will be making a report on the Agenda Committee. We have a committee of three people; myself, the Vice Chairman, and the General Manager. The only thing I would like to indicate, that for our meetings it is the position of the Chairman, and as I understand it the Committee, that there be a certain modification, a small modification, in the matter of the conduct of the meeting with respect to reports. Reports that are up for action will be taken up at the regular meeting of the Board. Reports that are given that are not up for action, including for an example, I think you received a report from the General Manager that the next item, the Rules and Regulations, are very detailed and long. They have been provided to you in advance of the meeting packet for next Tuesday's committee meeting. Approval is not required at the main meeting. However by June the Rules and Regulations, as modified, should be approved. Which means that they, as modified in whatever form by the next meeting, if they are modified they will be placed on the consent calendar, and the... any other reports that the previous meeting, such as if it were the May meeting, would not be able to be up for action until the following meeting. And in the meantime, the Chair will designate the Committee that will be deliberating on this item to bring it before the Board for adoption or not approval. If you have any questions about that, I will not be available after tonight because I will be away, but the Vice Chairman and the General Manager, we discussed this matter, and they will be able to give you any other details. I would suggest that you... this report that you will hear tonight, and even future reports, that you make use of the General Manager, especially on some of these matters precedent to the meeting, so that we'll be able to carry on our meeting with dispatch. I hope this is understood. The next item is the consent agenda, and the first one is the legal counsel. Now that's paying the lawyer.

### CONSENT AGENDA

#### Legal Counsel – Annual Retainer Agreement – FY 2009-2010 Change June meeting from June 16, 2009 to June 23, 2009

Commissioner Brown: "The next item is the consent agenda, and the first one is the legal counsel. That's paying the lawyer. So John [Mr. Hiscock], I would defer to you on that one."

Mr. Hiscock: "We placed it on the consent agenda..."

Commissioner Brown: "I wanted to know if you had any comments, or have you had any inquiries or anything that you'd like to bring up?"

Mr. Hiscock: "No. No comment on it. It's essentially the same as prior years."

Commissioner Brown: "If not, the other one on the consent agenda is the change of the June meeting from June 16<sup>th</sup> to June 23<sup>rd</sup>. You did speak to me about that. I might also add that the Agenda Committee meets the Friday before the meeting. I think we have kept all of our meetings, and therefore that we... you've had an agenda prepared, but pursuant to that, so that this item will be the change of the meeting. John [Mr. Hiscock], if you want to address about that?"

Mr. Hiscock: "I think I issued a memorandum to the Commission indicating that I would be in Salt Lake City on the regularly scheduled meeting, and therefore I was requesting and suggesting that we move back one week to June 23<sup>rd</sup>."

Commissioner Ramirez: "With all my respect Chair, I will have to be excused. I have to respond to..."

Commissioner Brown: "You have to what now?"

Commissioner Ramirez: "I would like to be excused. I have to respond to a job that I'm supposed to..."

Commissioner Brown: "Well, do we have a quorum? Then I'll be excused; one, two [laughing]..."

Commissioner Ramirez: "Yes."

Commissioner Maultsby: "Yes, we have a quorum."

Commissioner Brown: "Very well."

Commissioner Maultsby: "We have a quorum."

[Commissioner Ramirez left the meeting]

Commissioner Brown: "Any remarks with regard to the consent calendar?"

[No remarks]

Commissioner Maultsby: "If not, then all those in favor."

Commissioner Burgess: "No, I'd like to move the consent agenda."

Commissioner Brown: "By all means [responding to Commissioner Burgess]. Second?"

Commissioner Borges-Lopez: "Second."

Commissioner Brown: "Any remarks?"

[No remarks]

Commissioner Brown: "If not, then all those in favor say aye."

Commissioners simultaneously: "Aye."

Commissioner Brown: "Those opposed say nay."

[No opposed]

Commissioner Brown: "So ordered."

Commissioner Burgess made a motion to approve the consent agenda, Legal Counsel, Annual Retainer Agreement, FY 2009-2010 and change June meeting from June 16, 2009 to June 23, 2009. Commissioner Borges-Lopez seconded and the motion passed unanimously with all five Commissioners present voting in favor and none opposed.

REGULAR AGENDA:

GENERAL MANAGER

Union Election – Update

Commissioner Brown: “The General Manager, which I think he describes his report as what... detailed and long. So he has the burden tonight in this regard. Thank you.”

Mr. Hiscock: “I just want to indicate to you that with respect to the AFSCME bargaining unit approximately a month and a half ago a group of seven employees petitioned the Labor Board to decertify the AFSCME Union as not representing a majority of the members of the bargaining unit. We met. We discussed the petition. Neither the employer, SNEW, nor the Union contested the signatures, and therefore an election was held last week. The employees voted six to twelve to de-unionize and decertify the Union. So there is no longer a Union bargaining unit in existence. Based on the strength of the vote six were in favor of unionization, twelve were opposed. It’s highly unlikely that anyone will challenge the results. You know if there close sometimes there’s a challenge. This wasn’t even close.”

Commissioner Mann: “Wow.”

Mr. Hiscock: “It’s a situation where, once you unionize, if you want to decertify you have to wait one year before you hold an election, that’s why they waited until now to actually hold the election. And I certainly wasn’t here for it. I just received the results. So that brings up an issue that I need to deal with a little bit, and the Commission will have to deal with. We did not, when we did the cost-of-living increase last January, retroactive to December of 2008, while we applied the percentage to the entire wage structure, we made it absolutely clear that we were not permitted to change the wages of Union employees. So we simply excluded them from the process. I think I made certain statements on the record that that’s what was going to happen. However, the report that you received, and the wage structures, ignored the fact that there was a union, and we just did it on the record here. We have some options certainly with respect to that, and one is to do nothing and certainly leave it where it is. The other is to simply apply the wage change, cost-of-living increase, and other changes in the Employee Manual to those union employees as if there was no union. And that’s really where we are. I’ve briefly talked to counsel about it. It’s not an issue with respect to counsel. It’s simply an issue with respect to the Commission and the circumstances.”

Commissioner Brown: “Could we kind of take care of that then? What is your pleasure with regard to that, because that would come within the purview of taking immediate action on that?”

Mr. Hiscock: “We could defer it and deal with it at a later date. We could discuss it at this point...”

Commissioner Brown: “But I don’t see any reason why... unless there’s compelling reason to do so, if anyone knows a compelling reason.”

Commissioner Mann: "At what point and time to you normally give cost-of-living increases?"

Mr. Hiscock: "We do it December or January depending on the issues that we're working on, and we always make it retroactive to the first full week in December. And they obviously missed out on that because of their union situation. So they clearly did not have any change in wages since December 1<sup>st</sup> of 2007."

Commissioner Mann: "Oh."

Mr. Hiscock: "Right, so they have... have held... and that's because they chose to unionize. I mean, and we all understood the rules. You can't make any changes. So they are no longer unionized at this point in time, so we are free to do whatever we think is appropriate."

Commissioner Brown: "Do you have a recommendation [directed to Mr. Hiscock]?"

Mr. Hiscock: "Well I would say in order to be consistent and continue on the same path that we've dealt with for many, many, many years, my inclination would be to simply apply the cost-of-living increase that was granted to all other employees and just leave them right on the org chart. Leave all of the job descriptions and work rules exactly as they are in the manual, and just completely ignore the fact that they were unionized, and simply revert to them being non-unionized. I think that that, from a management perspective, although it's annoying when you get into these situations, no doubt, but from a management perspective I think it's the best way to deal with the situation. I think it's, in the long run, the best solution for the Company simply to do that. I know it really is hard to swallow sometimes because we did spend some money and, you know, some legal money, but not a whole lot. I mean we never negotiated anything. We only met two or three times to try to schedule. We had very little legal time in it, and actually very little of my time in it. So it wasn't that we were dragged through a very expensive process only to have it evaporate. So that didn't occur."

Commissioner Borges-Lopez: "Is the...?"

Commissioner Brown: "May I have a motion?"

Commissioner Borges-Lopez: "I have a question."

Commissioner Brown: "Okay [acknowledging to Commissioner Borges-Lopez]."

Commissioner Borges-Lopez: "Will the cost-of-living increase be retroactive to December 1<sup>st</sup> as well, or is it from the time that the contract expired with the Union?"

Mr. Hiscock: "I'm suggesting that we make it retroactive. That's a... that's my recommendation. Let's put it that way. I think that in the long run it's the best for the Company, and I think it's..."

Commissioner Maulsby: "I think so too [responding to Mr. Hiscock]."

Mr. Hiscock: "And I think it will demonstrate something to the employees, that plain and simple, despite what they did, the Commission still is concerned about their working conditions, and their benefits, and their pay. And since we didn't spend a lot of money in a negotiation process, that we

essentially will be in the same position as we would have been had they never done this. So philosophically it's a hard thing to do, but that is my recommendation."

Commissioner Mann: "That would be back to December 1<sup>st</sup> of 2008, not [200]7, right?"

Mr. Hiscock: "Right, that would be to 2008, the same as the other employees. And it would be essentially already budgeted. It's already in the budget."

Commissioner Mann: "Okay."

Mr. Hiscock: "You know, we budgeted, we had no... we assumed there was going to be an increase for them anyway. If we had negotiated, we would have ended up giving them increase in negotiations. And simply, to put it in sort of a slang phrase, just declare it 'no harm, no foul' and move on."

Commissioner Borges-Lopez: "In that case I'd like to motion that we grant them the increase retroactive to December of 2008 to the 18 employees, correct?"

Mr. Hiscock: "18 employees, correct."

Commissioner Borges-Lopez: "That were under the union."

Commissioner Burgess: "I'll second that."

Commissioner Maultsby: "Based on the General Manager's recommendation [directed to Commissioner Borges-Lopez]?"

Commissioner Borges-Lopez: "No, that's just a motion [responding to Commissioner Maultsby]."

Commissioner Maultsby: "Just a motion?"

Commissioner Borges-Lopez: "Yes."

Commissioner Maultsby: "Okay, I'll second that motion."

Commissioner Burgess: "I seconded it already [responding to Commissioner Maultsby]."

Commissioner Maultsby: "I will second it twice [laughing]."

Commissioner Burgess: "Alright."

Mr. Hiscock: "But you won't make the minutes [directed to Commissioner Maultsby]."

Commissioner Brown: "Any additional remarks?"

[No remarks]

Commissioner Brown: "You have a motion, and also a second. All those in favor say aye."

Commissioners simultaneously: “Aye.”

Commissioner Brown: “Those opposed say nay.”

[No opposed]

Commissioner Brown: “So ordered.”

Commissioner Borges-Lopez made a motion to grant the cost-of-living increase approved by the District Commissioners in January 2009 to the 18 employees, formerly of the Union, retroactive to December 2008. Commissioner Burgess seconded and the motion passed unanimously with all five Commissioners present voting in favor and none opposed.

Commissioner Brown: “Proceed then.”

### GASB 45

Mr. Hiscock: “GASB 45, there was a... not in a final form, but in an almost final form, I’ll call it a draft. It only needs to be finalized before the document is presented. With respect to Other Post Employment Benefits we’ve talked about, OPEB, we hired a consultant Hooker and Holcombe to go through and evaluate the liability that we have for post-employment medical benefits that we have granted employees. As you’ve read through the report you can see that it no longer applies to new employees, but it’s the older employees that were granted it upon hiring, and from all of the Employee Manuals going forward, we discussed this with counsel at great length and counsel indicated that certainly there was sufficient precedent that the employees have reason to believe they are entitled to this benefit, and because we took it away going forward for new employees, and warned all of the new employees, that there’s no issue with respect to that. If you go to the tab six, and you go to page two of the report, the executive summary, you’ll see a, what I call a somewhat startling, or frightening number, the actuarial calculated liability for the employees that are covered; \$9.463 million. Procedurally what will occur is when we do the audit this year, this report will be part of the audit, and we will write the Company’s retained earnings down by \$9.463 million. That value of the Company disappears. That’s not to say that it should be a surprise to anybody, including the rating agencies, and anybody else who looks at our audits, because everybody knows it’s coming. I mean, the GASB 45 rules were promulgated quite a few years ago. We’re in the next to last tier based on size. All companies have taken this kind of a hit. All government forms have had to acknowledge their liability. The rest of the detail of the report isn’t terribly important. We asked them to break it down between Electric and Water, because Electric and Water changed the benefit going forward at different time frames, and did it in different ways. And because of the way our budget procedure is set up in the Charter, we are required to keep Electric and Water funds separate, so we needed to separate both the liability here and the funds going forward. But if you turn to page three I can give you some quick examples. If you look at fiscal year ending June 30<sup>th</sup>, 2009, the Annual Required Contribution, ARC, is spelled out, and I think the most notable number is the total under the combined column which would be the right-hand column, the \$730,428. That is the value for that one year of the post-employment benefits. That’s how expensive this is. When you put this on top of our payroll, it’s a very large number. It’s 20% of our payroll just for this benefit. Had we not ended it, that \$9 million liability probably would be between \$18 and \$20 million right now, because not all of our employees are covered. If you flip over another page you will see that on page four the active participants are 26, so only 26 of the current employees have this benefit out of the 48 or so employees. And retirees, we’re currently paying for 35. So there is a

total of 61 people covered by this. So this is a report. There's really not much to talk about with respect to the report. The report is what it is. Those are actuarial calculated numbers. There are no decisions on our part. There's no discretion on our part. It's simply the evaluation. The part that will involve some discussion and some decision making which I'm hoping that we will deal with in June, and we need to actually deal with it before the end of the fiscal year so that it's taken care of in the audit. If you go back to page two you'll see the Actuarial Valuation Date, the table at the bottom, of July 1, 2008. By the way, this is not July 1, 2009. This is the value as of July 1, 2008. And we have Actuarial Value of Assets, \$0, because we put nothing aside to cover this. We have the Liability of \$9.4 [million], and we have the Unfunded Liability of \$9.4 [million]. We've put nothing away. We have a Funded Ratio of 0%, because we're un-funded. You know like in pension plans they're generally funded very highly, and as the market fluctuates up and down, you know, they may be 80% funded, 90% percent funded, 110% funded. Now they're all probably dropped into the 70% funded area. So it's customary to fund these things. And you can see the Covered Payroll by the way of \$3.4 million. That's no our entire payroll, but it has to do with the employees involved. I'm working with legal counsel to set up a OPEB trust. And the OPEB trust is a document that we use, one - to fund if we're going to fund this; and two - it's the methodology that we used to actually pay these benefits. We are going to separate... we're paying pay-as-we-go now, so we're going to separate the pay-as-we-go out, and then we're going to contribute into the fund, and there are several ways we contribute. We can contribute exactly what the expense is for a given year and do it that way, and not take care of this liability, and it's called a pay-as-you-go method, and we'll always be un-funded, and we'll always have this \$9.4 million liability on the books. Or we can come up with a funding plan where we look at say funding this over 10 years or something like that, so that at the end of 10 years the probable funded ratio will be 100%. That's probably the preferable method going forward, because if you go to get rated for bonds, and at some point the District is going to have to issue bonds again. In 2012 the New Canaan Reservoir will be paid off and we'll have some additional bonding capability. We'll do better in the rating if we show a plan, we show a plan to fund this, and we show that we're taking care of it and moving forward. So over the next month I'm going to be dealing with counsel. I've talked to Frank Zullo a little bit about this, and Hooker and Holcombe gave us three IRS Section 115 experts to work with our general counsel if general counsel feels they need help. They've also indicated they've done a considerable amount of these kind of trusts at the hospital and for other large clients, so they have pretty strong familiarity. So what I expect to bring back to the Commission in the June meeting is a trust document for approval. We'll try to get it out substantially before the usual Friday before the meeting because it's going to be a document. I will bring counsel to view the document. It's a very legalistic approach in documents. It's all got to be set up properly. And we'll come up with a funding plan recommendation, or maybe more than one depending on what the numbers look like. So I just wanted, this evening, to introduce the topic, to talk about the topic, talk about the issues, answer any particular questions, and just sort of tee this up for next month's meeting. We do need to adopt a funding plan before the end of June, and we can continue pay-as-we-go. That is a plan, so it's not like we must put something away, it's just that we need to adopt something formally. Are there any questions about how this happens, what the procedures are, how we go about doing it, or anything else related to this benefit. It includes medical, dental, and life insurance."

Commissioner Brown: "Yes [acknowledging Commissioner Maultsby]?"

Commissioner Maultsby: "Mr. Chairman, through Mr. Chairman to Mr. Hiscock. The actuaries, are they in-house or are they actuarial organizations that we hire?"

Mr. Hiscock: "We hired a firm called Hooker and Holcombe, which does a significant amount of actuarial work. The only in-house work on this was simply providing the employee census information; age, gender, the employees that were covered based on the employee manual, which we ran by counsel to make it was the correct grouping. And that was our sole involvement."

Commissioner Maultsby: "Okay."

Mr. Hiscock: "Everything else was done by an outside firm. We don't have the expertise to do this. It's a fairly narrow field of accounting, the actuarial work. It's a professional specialty. So we would not have been able to do this ourselves."

Commissioner Maultsby: "Okay."

Mr. Hiscock: "I don't really recall the number, but the cost of this report was in the \$4,000 or \$5,000 range, and we have to redo this entire report once every three years based on our size. The bigger municipalities do it every other year. We get to do it every three years."

Commissioner Maultsby: "Okay."

Mr. Hiscock: "Any other questions?"

Commissioner Burgess: "At the end of the 10 years, this liability will vanish if we do it the one way?"

Mr. Hiscock: "Correct."

Commissioner Burgess: "Well it..."

Mr. Hiscock: "It will not vanish completely. It will still appear on your books, but there will be a liability and then a fund on the other side of the balance sheet which should match."

Commissioner Burgess: "Right. And that's 10 years?"

Mr. Hiscock: "Well I'd like to look at the numbers before I commit to 10 years. You could certainly, on the Electric side, take it out of the Electric Reserve Fund and fund 100% of it right now. We could not do that on the Water side. The Water side doesn't have those kind of reserves to do that. So I think what I'm going to suggest is just a uniform, across the Company, methodology. And anybody who looks at our books will, you know, essentially know that we've got a very large amount of cash on the Electric side, so we could cover this at any time we wanted to on the Electric side. The Water side is going to have to take a, you know, a multi-year approach."

Commissioner Burgess: "Thank you."

Commissioner Brown: "Anything else?"

Mr. Hiscock: "That's all I have on this topic, unless there are further questions."

Commissioner Brown: "Okay. Thank you very much. We'll go to the next item, which is...?"

### Electric Rules and Regulations

Mr. Hiscock: "Which is the Electric Rules and Regulations."

Commissioner Brown: "That's the one that's supposed to be what I think you described as detailed and long [laughing]."

Mr. Hiscock: "Well yes, if you glance through them they're..."

Commissioner Brown: "Very well."

Mr. Hiscock: "...and I wanted to talk to the Commission a little bit about this..."

Commissioner Brown: "By all means."

Mr. Hiscock: "...before anything happens. I'm not expecting the Commission, other than some of the general things like talking about the relationship is between the Company and the owner, or the owner's tenant, based on the owner following certain rules. It talks in general about those kinds of rules that relate to customers. But the bulk of the document is technical in nature. It spells out how you service certain types of accounts, locations of transformers, connections, risers, poles. I don't expect the Commission in any way to want to or need to get into discussion about those items. I only want to describe to you that it's taken us one year. We've met one or two times per month for the last year. We essentially had Mike Giordano spearhead this group, and it was the Department Heads plus Walter, the Line Superintendent. Walter Masheck is helpful, because as we set rules up we wanted to know how it would affect existing customers; because we don't want to disconnect between existing customers and the rules; because all that results in is a whole pile of appeals, and a whole pile of arguments and difficulty. So we really spent a lot of time talking about all of it, and what we accomplished, probably in addition to a good set of rules, is some uniformity on the part of the Line Department, because the Line Department has always had a tendency to view things in the current situation, whatever the contractors dealing with, and really didn't have any uniformity. And if you go through our Electric distribution system, it's awful. It's just inconsistent. Things aren't done the same way from year to year, depending on who is in charge, depending on who the linemen were, depending on the contractor's expertise. So the document will firm all of that up, and give us a uniform approach like other utilities. UI, CL&P; most utilities have a service book and a set of rules and regulations that they follow. Now there is an appeal procedure. You know, it's not cast in stone. We know we get appeals. So I simply would like the Commissioners to look at it, because at some point they have to adopt them. If staff adopts them without the Commission, we don't have as much legal grounds to enforce the rules. So it needs to go to the Commission for adoption. The other issue, that I'm not expecting to deal with in January, but I would like to deal with in a future setting, would be adopting portions of the Rules and Regulations by ordinance, and that would be by the electors, and those would be the service rules with respect to the relationship with the customer. I'm not talking the engineering components. The engineering components can be done by the Commission. I certainly wouldn't expect the public, at an electors meeting, to try to deal with the engineering specs, I mean that just makes no sense. But the general contractual things, the relationship between the utility and the customer probably would be even more enforceable if they were adopted by ordinance. And that's based on counsel's description of ordinances, and how they should be done. I'm not prepared at this point to do that because we need to revamp the Water regulations before we start adopting things in ordinance. And that's a long procedure that we talk about. The last time we adopted ordinances was in the 2001/2002

timeframe, and it was a complex process that we took months to do. So I can answer questions about this, procedurally how to deal with it, or what we want to do. As you can see it's a fairly thick document."

Commissioner Brown: "Any questions?"

[No remarks]

Commissioner Brown: "The other opportunity will be when the Committee meets. If there's some of you who have a special interest in this kind of thing, will have that opportunity as well. And you also have the opportunity at any time to see the General Manager if you have your own quirk about it, or something of that sort, to talk with him about it. He's already indicated his willingness to try to give you whatever he has in that regard. So that as a result this whole matter very well could come up in terms of consent, assuming that all of those things are worked out. But that's... we don't know."

Commissioner Burgess: "So this will come back before the Commission after you've done Water rules..."

Mr. Hiscock: "No."

Commissioner Burgess: "...or before?"

Mr. Hiscock: "No, I would like to bring this to the Commission in the June meeting."

Commissioner Burgess: "This... just the Electric?"

Mr. Hiscock: "Just the Electric. This document that you received I think last Wednesday. And because of the length of it, and the nature of it, I certainly didn't want to have you have only a week's opportunity to look at it. I mean it took us quite a while to do this because of the detail of the service... I mean things took hours and hours to work out, sometimes page by page. So yes, I would like to bring this back in June."

Commissioner Brown: "Thank you very much; not really too long. Anything else?"

Mr. Hiscock: "No, I'm simply just trying to understand what procedure you're suggesting at this point for this document. You had mentioned the word 'committee'."

Commissioner Brown: "The suggestion is that there is no action to be taken, so there will be no action taken."

Mr. Hiscock: "No, that wasn't my question, sir. Procedurally, where do we go from here? You had mentioned something about committee, and I..."

Commissioner Brown: "There will be a committee in operation for the purpose of going over any of those esoteric issues or anything that perhaps we can facilitate the matter so that we can hopefully by the June meeting be able to take care of that."

Mr. Hiscock: "Okay."

Commissioner Brown: "And I might also add, if there's some who don't like that idea I hope that you will definitely consult with me, and consult with the Manager and/or the counsel, because it will be enforced."

Commissioner Burgess: "Can I just ask what committee you're referring..."

Commissioner Brown: "I will confer... I confer with you, and we'll make a decision, and we'll have the..."

Commissioner Burgess: "Well I think this is of too great a magnitude to have a committee come back and put it on the consent agenda. I believe that we're elected..."

Commissioner Brown: "Well we haven't said that that's what it will do, because the committee will not be put... the committee may very come back and say 'We would indicate approval'. But whatever it is, that will go before committee before it comes..."

Commissioner Burgess: "There is no committee at this point."

Commissioner Brown: "There is a committee. There's a financial, or whatever it is, which you Chair."

Commissioner Burgess: "There isn't, Otha [Commissioner Brown]. Well, alright."

Commissioner Brown: "I will see to it there is. Yes? Anything else?"

Mr. Hiscock: "No, other than I was going to request that we delete item 9 from the agenda, which is the Generation Plant Rebuild Project. I asked to have this placed on the agenda because I anticipated an event would occur prior to this meeting that I would be reporting on. That event did not occur, and did not materialize. Therefore I have nothing to say on this topic. There's nothing that has changed since our last meeting, and our last discussion. So I'm simply asking to withdraw this item from the agenda."

Commissioner Brown: "Without objection."

Commissioner Maultsby: "So moved."

[Item 9 - Generation Plant Rebuild Project Update was withdrawn from the Agenda without objection]

### Public Participation

Commissioner Brown: "Okay, the only thing that's left is the public participation. It's good to see you [directed to Ms. Mastroberardino]. Haven't seen you in a long time."

Ms. Mastroberardino: "I came... I don't know if it's on your agenda or not. I didn't get a chance to call, but I was wondering... I spoke with Mrs. Lopez recently about the Ryan Park situation. I understand that you are all in favor of not having the public... what was it, public gardens or something like that?"

Commissioner Brown: "I know... we have not taken any... we have not taken any position on that. It has not come before the..."

Ms. Mastroberardino: "Why?"

Commissioner Brown: "Because we have not done so. No one has brought it up through the regular procedure. I do not plan to bring it up."

Ms. Mastroberardino: "Well I agree with this (inaudible)..."

Commissioner Brown: "But any Commissioner can bring it up through our regular procedure, and it will be..."

Ms. Mastroberardino: "What?"

Commissioner Brown: "I said any Commissioner can bring it up individually, and it will be decided at the meeting of the Agenda Committee as to whether it will be put on the agenda."

Ms. Mastroberardino: "I thought it was on the agenda."

Commissioner Brown: "It's never been on the agenda. Never."

Ms. Mastroberardino: "Well that's what I came here for, because I was under the impression that it was on the agenda."

Commissioner Brown: "Well I think there are a lot of other people in the community think so too, and they have indicated that the Second Taxing District would take the lead in it, and there's been no such disposition in that matter. But we do have a process, if it comes before the Commission. That's the way it will come out."

Ms. Mastroberardino: "Is it ever going to come up?"

Commissioner Brown: "I don't know what... I don't know whether..."

Ms. Mastroberardino: "Are you going to ever have an opinion... a public opinion on it?"

Commissioner Brown: "... I don't even know whether the sun will ever rise."

Commissioner Burgess: "Well..."

Commissioner Brown: "Oh, you plan to do it [directed to Commissioner Burgess]?"

Commissioner Burgess: "I plan to ask that it be on the agenda for the next meeting, because I think that we..."

Commissioner Brown: "On the... you expect to do it as... in terms of the process? The process was that a Commissioner would make a request that it be on the agenda in the proper way..."

Commissioner Burgess: "Well, if that's..."

Commissioner Brown: "...and then it would come before the Agenda Committee."

Ms. Mastroberardino: "And God help us (inaudible) committee. They'll never see it."

Commissioner Brown: "And then the Agenda Committee would make a decision as to whether it would be on the agenda. And then after that, if the full Commission..."

Ms. Mastroberardino: "Now you wonder why there's... nobody's here?"

Commissioner Brown: "Well, that's... there's certainly ample precedence for that."

Ms. Mastroberardino: "Well I'm telling you..."

Commissioner Brown: "And I'd like the record to reflect that."

Ms. Mastroberardino: "I have never heard of such a Commission that has no..."

Commissioner Brown: "There... I'm sorry, I will not debate the issue..."

Ms. Mastroberardino: "Wait a minute!"

Commissioner Brown: "I will not...!"

Ms. Mastroberardino: "I'm a taxpayer here!"

Commissioner Brown: "Well you can..."

Ms. Mastroberardino: "A rate payer!"

Commissioner Brown: "Not here."

Ms. Mastroberardino: "Not here?!"

Commissioner Brown: "No, you don't pay any taxes here."

Ms. Mastroberardino: "I'm a rate payer, I said."

Commissioner Brown: "I see, well really I don't... we do... I would be glad to talk to you about the process..."

Ms. Mastroberardino: "Just a minute, Mr. Brown..."

Commissioner Brown: "Thank you very much. Get used to it."

Ms. Mastroberardino: "...you're not... don't get me angry, or I really will blast off. And I never saw a Commission, Commissioners, this group, that has actually no interest in the District. No interest in the District whatever. 'Oh yeah, well okay, let it happen'. There's no concern. I don't... as long as I've been here, coming to these meetings, I have never heard anybody concerned with what is in this District, 'How can we make a better District?' Nobody. I've never seen any of our

representatives in the Council here. You're just figureheads. You're sitting there, and I don't know what you're doing here. Thank God you got Mr. Hiscock. He's the only one that makes sense."

Commissioner Brown: "By the way, Mr. Hiscock can also bring it up if he wishes."

Ms. Mastroberardino: "It's ridiculous! I've never seen such an inactive group..."

Commissioner Brown: "And I would like to have it reflected in the minutes, so that..."

Ms. Mastroberardino: "...as far as the concern of the District is concerned. Ah, let me get out of here before I get a heart attack."

Commissioner Brown: "Okay, anything else?"

Commissioner Maulsby: "A motion to adjourn."

Commissioner Brown: "Without objection, so ordered. Thank you."

#### Adjournment

The meeting adjourned at 7:50 p.m.

Attest:

Candace Pampoukidis  
District Clerk