Moreover, this misconception and misconstruction of the powers of the Executive was clarified in the testimony of Dean Heckel (pages 28 through 31, Exhibit 12). It was made explicitly clear that the Executive Director's right to the selection of top staff was not "exclusive". Why the Committee ignored this is not explained in the report.

In point of fact, the decision with respect to the involvement of the Executive Director in the selection of "top staff" is contained in a recommendation to the Board of Trustees of UCC from the Personnel Committee. Mr. Tyson is permitted to elect his preference for staff from a list of qualified candidates selected by the Personnel Committee. A copy of this recommendation was also submitted to the Council Committee with Mr. Tyson's hiring agreement, but not annexed to the Committee Report as an exhibit. A copy of said recommendation is incorporated in the Appendix as Exhibit IX.

Perhaps it is even more significant that the foregoing recommendations to the Board of Trustees from the Personnel Committee was adopted at a Board of Trustees meeting on Monday, December 21, 1964, attended by both Councilman Addonizio and Councilman Bernstein neither of whom interposed any objection or comment to such recommendation.

Annexed to the Appendix Exhibit XI is an extract of pertinent portions of minutes of the Board of Trustees meeting of Monday, December 21, 1964, reflecting the attendance of Committee members and adoption of the recommendation.

Moreover, detailed procedures to be followed in hiring personnel were outlined at the UCC membership meeting of February 1, 1965, likewise attended by Councilmen Addonizio and Bernstein, neither of whom is recorded as objecting thereto. Pertinent portions of said minutes reflecting the foregoing are included in the Appendix Exhibit XII.

The recommendations adopted by the Board of Trustees, with respect to the hiring procedure to be followed did not constitute an abdication of responsibility of the Trustees of UCC. Neither did this vest "special, singular and exclusive control" in Mr. Tyson with regard to hiring. It gave Mr. Tyson a role to play in hiring, after the Personnel Committee made the selection of qualified people. The Trustees, through the Personnel Committee, were involved in the selection of personnel. The hiring procedures were sensible and sound.

However, included in this charge of the Committee is the claim that Mr. Tyson's authority, whatever it may have been, was "detrimental to the best interest of the community". There is not a scintilla of evidence to support this allegation. No witnesses were called to demonstrate that the method of selection of personnel was detrimental to the best interest of the community. To the contrary, leaders in the world of industry in Newark joined with others in the community in making selections. Perhaps this is best reflected by the care and devotion to duty reflected in a communication from the Chairman of the Personnel Committee, Mr. Chambers, to Mr. Tyson, regarding the selection to be made of Comptroller. (Exhibit XIII, Appendix). As further evidence of the care and concern pursued to seek out Newark residents for "key" jobs the communication stated:

"Not having had any success in getting a Personnel Director from the first three interviews it is obvious that we need to secure more applicants. On this point of recruitment, it was the consensus of the sub-committee on Screening and Selection that we need to get more applicants for each position, especially from residents of Newark." The report also alleges that the Committee "understands" Mr. Tyson's employment agreement "provided in part . . . that the Director would have the final say on all Anti-Poverty programs initiated and undertaken in the municipality". In addition, it is contended that this is similarly reflected in the by-laws.

An examination of the hiring agreement reflects that it is totally silent on program matters. Similarly the by-laws do not reflect final authority in the Executive on programs. Article VI of the by-laws provides for the appointment of Task Forces for the purposes of program planning, coordination, etc. The suggestions of the Task Forces are to be considered by the Board of Trustees.

At the Board of Trustees meeting of December 21, 1964, (Exhibit X, Appendix) attended by the members of the Council Committee, including Councilmen Addonizio, Bernstein, and Turner, the Program Committee submitted a detailed report setting forth the procedure to be followed in the submission of program proposals to UCC. This contemplated that "final action" on program proposals would be left to the Board of Trustees.