

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – November 7, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the November 7th session of the Cape Cod Regional Government, Assembly of Delegates.

I'll call this meeting to order. This meeting will also may be recorded besides our regular recording.

So, we begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

The Clerk will call the roll.

Roll Call (94.18%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (5.82%): Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 94.18 percent of the Delegate's present and 5.82 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

Now we'll need approval of the Calendar of Business.

Deputy Speaker ANDERSON: Move Approval of the Calendar of Business.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor, say "aye". "Opposed"?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of October 17, 2012. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker ANDERSON: Move Approval of the Journal of October 17.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor say "aye". "Opposed"?

Mr. CAKOUNES: Abstained.

Speaker BERGSTROM: Okay.

(Motion carried.)

Speaker BERGSTROM: Now the next item on our Agenda is Communications from the

Board of Regional Commissioners.

I see two of the once and future Commissioners here. Welcome and congratulations are in order.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Thank you, very much. I'm not going to speak for Sheila, but I can say that we're both very happy to be back and to continue for another four years.

And, also, congratulations to the members of the Assembly who were re-elected: Pat Princi, Julia Taylor and --

Commissioner LYONS: And all of the -- the whole --

Commissioner FLYNN: -- and for everyone; yes.

Speaker BERGSTROM: That's right.

Commissioner FLYNN: So we look forward to another strong and wonderful relationship over the next four years.

Commissioner LYONS: Stronger.

Commissioner FLYNN: Yes, stronger, yes.

Anyway, today we took a look at the services that we have available for Information Technology. We met with John Morse, who's the IT Director, and also Peter Carlson, who's been a consultant to the department for some time.

And we were actually getting an update from them on what they're doing, and it turned out that we didn't actually have all the material available to us prior to the meeting, so we just listened to their report. We're scheduling another meeting where we can get really into a deeper discussion about the future of Information Technology.

We expressed -- the Board of Commissioners expressed concerns about the future in terms of Open Cape and the RUSS services and the interconnections that will be available for us and ways in which we can support the Town's in various ways.

I attended the meeting on last Friday from 9 to 12; it was a long meeting. It was a report from Inner Isle, who was hired by the EDC to go out and visit every single Town on the Cape, both Town Halls, libraries, all the schools, and the police and fire departments. And they did an assessment of the hardware/software applications that are available and how each of the Towns, through those various departments, uses their facility.

And it's absolutely amazing to know that there are 211 different applications used by 15 towns. So there's a lot of variety and a lot of variation. And in terms of -- and that includes the phone service as well.

And looking at how some towns can communicate with their schools, some can't; they don't have any direct connections. Some aren't able to connect with libraries and police departments. Certainly no way sometimes to connect with the fire departments.

So, it's a very, very interesting report and you, I'm sure, will have a copy of it at some point, and you probably should have a presentation, not a three-hour one, but at least an executive summary of that.

Now the cost of Inner Isle was funded by the EDC, using the license plate funds because it became apparent to all of us that Towns operate so independently that we don't know what types of technology they have available to them and how they use it, and if they use it to the capacity that it could be used. So we agreed to fund that study or that review. It was very, very interesting.

And then we're concerned from the County level are we positioned to take advantage as a County of what would be available to us because of the Open Cape and the fiber reapplications, the speed, the high-speed network.

So, we're not there yet. We're going to have another discussion on that because we want to be sure that we're positioned.

The other part of our discussion was the website, the County website and the great need we have to have a much better website, one that is far easier to use, and information that people are really looking for, and ease of accessing.

And the Commission's done -- the Cape Cod Commission's done a great job improving their website and our Human Services Department under the leadership of Beth Albert has an extraordinary website that's available to everybody on the Cape about all the services that are not necessarily provided by the County, but by all of the various links that are available to anyone who accesses that website.

So that's kind of where we were today.

Commissioner LYONS: Yep. And just to, you know, the bottom line of this is with the regional area network that we are going to be able to provide, what we want to make sure is our IT Department is solid enough and prepared and what is their role in this.

We have a Strategic Information Office that we're putting together which will house not only County documents and County information, but any information on water, any of the scientific data that we can collect from all the various organizations that are working on similar issues or the same issue.

So we have to really be prepared to offer a service that's going to be quality, professional, and has a savings to the Towns.

And we want to make sure that our capacity meets that because if we were going to offer that and to be able to do that kind of activity, the capability is there now as they're building this Open Cape open fiber, expanding the fiber, we're going to be able to connect all these municipal buildings and the schools and the libraries and that sort of thing.

So we have to see -- this is the first phase of looking at all the different applications; we could be more streamline applications as a service, and that will ultimately save the towns money where they can then put their money into their own general purposes.

So, we're in the right direction. We have some questions for IT. They're going to be reporting back to us.

And I think that what we were talking about is that we'd like to have a workshop in looking at this and looking at all of the things on the table. And as we proceed with putting that together, maybe it would be good to have a representative from the Assembly as part of that workshop just so that you have that link in as to what we're doing and how we're going forward and to be able to present it here so that we're all on the same page and do the right thing together.

And it's also going to affect -- it will enhance your capabilities on Assembly websites as well so that you can communicate and have a better communication tool with the public. So, hopefully, we're all in the right direction.

And we also did discuss the League of Women Voters presented us with a very good memo -- a very thoughtful memo of encouraging us to pick up the slack basically on the Special Commission recommendations and that sort of thing.

And now that we were all here together and everybody's in place, I think it's time to do that. So we will be in communication with you more on those things too.

And I do want to congratulate everyone who's been reelected. And for those who weren't, I want to just say thank you for your service here and I congratulate all those who we'll see in January. So, thank you.

Speaker BERGSTROM: Is there any questions for the Commissioners on this? Yes, Teresa.

Ms. MARTIN: I just have a quick question. I didn't know if they were going? I'll look for them. Do you know if John or anyone else is going up to the two-day conference in Boston the Commonwealth does on Digital Government? It's a terrific two-day event. Pretty much, people go around and compare notes on.

Commissioner LYONS: When was it?

Ms. MARTIN: Its tomorrow and Friday.

Commissioner LYONS: I was not -- they did not discuss that with us, and, unfortunately, I will not be able to do that but --

Ms. MARTIN: It's too bad. As I've been before, I'll be going again. It's an excellent event. A great chance to hear what all kinds of other government entities are doing around digital government/digital governance.

Commissioner LYONS: Right.

Ms. MARTIN: Around the collaborations. It's a really -- you can really learn a lot there, and I would recommend it.

Commissioner LYONS: You know, we'll find out -- there should be other people going, but you will be going?

Ms. MARTIN: Yes.

Commissioner LYONS: Yes, so you can help us get that information. All right. Thank you.

Speaker BERGSTROM: Okay. Anything else? Yes, Marcia.

Ms. KING: Thank you, Mr. Speaker. I don't know if you saw on our Agenda, we're voting on an Ordinance to create a position of Director of Administrative Services and Finance, and I was wondering -- it comes out of the MMA Consulting --

Commissioner LYONS: Uh-huh.

Ms. KING: -- if your Board has discussed it and has taken a position or just how you feel about this?

Commissioner LYONS: Well, I think it's one of those -- I think it's an issue that we understand that we have to deal with, and I think that this only supports that movement forward.

So I welcome your attention to this, and it is something that's been sort of lingering there for a long time, and it's time that we take care of it.

We've heard them a few times, so I think it's time. So.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Along the same issue, this Board passed Resolution 12-06 a number of sessions ago, and it's directly related to the Assembly instructing the Speaker to cooperate with the County Commissioners to obtain a restructuring of the executive positions.

Has any thought been given to how you guys are going to do that? Are you going to have maybe a subcommittee put together? Are you doing this on your own? Are you bringing forward proposals or are you looking for us to bring forward proposals?

Commissioner LYONS: I think --

Speaker BERGSTROM: Leo, just -- I mean we didn't -- the full Assembly did not pass 12-

06. It's on the Agenda now.

Mr. CAKOUNES: It did 12-06 --

Ms. KING: We did pass Resolution. We're doing an Ordinance.

Mr. CAKOUNES: Right. Just for the record, Mr. Speaker, it was Proposed Resolution 12-06, and it was passed.

Okay. What we have here today is an Ordinance 12-06.

Speaker BERGSTROM: Oh yes.

Mr. CAKOUNES: And that's for the people at home too to understand. Thank you.

Speaker BERGSTROM: Okay. Anybody else?

Commissioner FLYNN: I was going to respond.

Speaker BERGSTROM: Oh, okay.

Commissioner FLYNN: Yes, we are very much aware of that, and we are basically very much in support of those recommendations regarding restructuring because they involve individuals who already hold positions. We have that to deal with as well. You can't just simply make a change. It will probably involve and perhaps some sort of a transition, but that is a work in progress as we speak.

And as the Chair, I'm meeting with some of those involved to get their response and their concerns about it. But in the end, I believe it is a direction that we are going to move in, and I think the Commissioners are supportive to that.

Commissioner LYONS: And that's really in regards just so the Director of Finance and the internal restructuring. And I really do look at these as human resource issues that have been neglected within the County.

So those are the things that we can do internally, but as far as the bigger picture of the structure of County government and those recommendations, you know, those are -- those have a Constitutional -- they have meat to them as far as Constitutional, so I don't feel like I could, you know, I could have an opinion on it, but I don't think that I have an opinion that can say well that's the right thing and that's what we should do.

I think that's something that has to be thoroughly vetted out, and I would appreciate what the Assembly feels on that. If you honestly look and sort of separate, we have to separate ourselves from it because it involves everybody in this room including this Board, without trying to make it so personal to us, but what is a good function. How do we function now and how can that be improved, whether it's restructuring or what improvements should we put in place.

So, I think that those are beneficial conversations that we should share, and I think any deliberation you do on those would be helpful to us.

Speaker BERGSTROM: Do you want to follow up on that, Leo?

Commissioner FLYNN: Well, I was going to just make one other statement. When we got the recommendations from the Special Commission, that was around March, February/March, and in looking at our term of office ending this year, those are major structural changes that have to be made to the County and they require a certain amount of deliberation. They require a certain amount of creativity; job descriptions have to be created; relationships have to be defined; organizational charts have to be developed. So there's a lot of -- a human resources piece that has to go into that.

And it didn't make sense because you can't just do it by mandate. Those are the kinds of changes that you manage. I suppose some could just mandate them, but in order to be successful, I think they have to be managed and managed well.

And I, personally, didn't think that that was something that you could do within a very few months of not knowing whether you were going to be here for the next -- for the long term or not.

And I think that now that we're here and we know now that we have four years, we can move, I think, forward in a much more structured and responsible way to get these done.

Speaker BERGSTROM: Yeah, Leo.

Mr. CAKOUNES: Thank you. On another matter, at the same time that the previous Resolution was passed, Resolution 12-07 was also passed by this body, which -- and I won't read the whole thing, but it basically stated that the County asked its representative to the Board of Directors of the Cape Light Compact and the Cape and Vineyard Cooperative to review their Bylaws seeing that both of those organizations have been around for a number of years and neither one of them has had a Bylaw review situation.

The Resolution further goes on to ask the appointing authorities to ask their representatives to do that.

First of all, are you aware of that Resolution? Does the County Commissioners intend on asking their representative because they are the appointing authority to, in fact, review those Bylaws from both those organizations?

Commissioner LYONS: We have, and I believe in their October meeting, they did. They deliberated on those issues on the recommendations that you sent forward in September, and they voted to adopt.

And, right now, they are going to be doing -- they're involved in a total full audit that goes back to 2003, I think. I mean it's really like a 10-year audit. They're going to go through everything, and it's going to be a very thorough -- focused on their dealings, not just their dealings within the County structure.

So, it's going to be a very thorough audit. It's going to be lengthy; it's going to be lengthy in time in dealing with all of this.

And I think that some of these things were pointed out as far as not wrong doing but flags of caution. You can have a conflict here or you can make a mistake in these practices. So were there ever mistakes made? What were those? It really does take a look back and have that full audit, and they are looking at the Bylaws as well.

As a matter of fact, they did amend one Bylaw to reflect today as opposed to when the Compact was first adopted. And I think maybe you should have our representatives come over and talk to you about what those votes were at the Cape Light Compact.

But I do know that they took them seriously. They discussed them and that they voted on some of them.

Speaker BERGSTROM: Leo. Keep going if you want.

Mr. CAKOUNES: No, I just, you know, I was told that that did not happen. I was told that, yes, the audit situation is moving forward.

Commissioner LYONS: Right.

Mr. CAKOUNES: But I was told that the Resolutions that were passed by this Board were turned down, in fact, by the Cape Light Compact Board, and they were not going to be doing any Bylaw changes.

I do know that there was a change to the Municipal Service Agreement --

Commissioner LYONS: Municipal Service Agreement; correct.

Mr. CAKOUNES: -- which comes again to I don't think we have enough leeway in the Open Meeting Law to get into that at this time, but that's the situation people should be aware of

because that, as far as I'm concerned, went directly to, again, what we had asked for, certain documentations and certain financial agreements which were specified in that service agreement that we should get.

Now the new language that has been proposed and adopted says we can't get that language anymore. It's been taken out.

Commissioner LYONS: Uh-huh.

Mr. CAKOUNES: So, again, I was told the exact opposite of what you just said. Yes, there is a financial audit going on but the Bylaw review is not going to happen. That's what I was told, and I don't know either of which is true.

Commissioner LYONS: Well, I agree with you. I got conflicting information from a citizen, Leo. So I think that maybe we should have that straightened out before us as Commissioners.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: Anyway, just -- you know, one thing I have to comment on, because that's what I do, but you know part of the reason -- you explained earlier that you didn't want to get into a lot of these big issues because there was an election coming up.

The recommendations of the Special Commission came out in February or March.

Commissioner LYONS: Agree.

Speaker BERGSTROM: It's now November.

Commissioner LYONS: That's right.

Speaker BERGSTROM: There's going to be another election coming up in two years, I mean --

Commissioner LYONS: Well, we're starting now.

Speaker BERGSTROM: Okay. So, anyways, is there anything else from the Assembly for the Commissioners?

Well, thanks a lot, and, once again, we're going to be seeing you for a while.

Commissioner LYONS: Yeah. Thank you and congratulations as with you.

Thank you.

Speaker BERGSTROM: Yeah. Do we have any communications from Public Officials? Any communications from Members of the Public?

Assembly Convenes

Speaker BERGSTROM: Okay. The Assembly will now convene, and we will begin with a report from Government Regulations Proposed Ordinance 12-06.

The Governmental Regulations Committee held -- continued a hearing on Proposed Ordinance 12-06. You should have gotten a copy of the full Ordinance sent to you.

We deliberated over the language. The Ordinance was submitted by Delegate Mitrokostas. We deliberated over the language and thought that it could be better expressed.

And, finally, the Committee agreed to forward this to the full Assembly, but we recommended some changes in the language which would take the -- which you should've also received -- that it would take an amendment to amend the language because you have, right now, you have the full Ordinance.

So I'm wondering if one of the members of the Committee would like to propose an Amendment.

Well, first of all, we have to have a motion to put this on the floor to support or not support. Do you understand what we're doing?

I'm a little slow today. I was up till three in the morning watching the election. So, I need a Motion to Move Approval of 12-06.

Deputy Speaker ANDERSON: I make a Motion we move Approval of Proposed Ordinance 12-06.

Mr. OHMAN: Second.

Speaker BERGSTROM: Do I have a second on that?

Mr. OHMAN: Second.

Speaker BERGSTROM: Moved and seconded. Now do we have any Amendments to 12-06? No? I have language in front of me that was recommended by the Commission.

Do you understand what we're doing?

Mr. CAKOUNES: Yeah, but while you guys are talking, I have a comment during discussion.

Speaker BERGSTROM: Yes, we're in discussion purposes.

Mr. CAKOUNES: I purposely brought up that previous Resolution that was passed because I'm going to use that in connection with this particular Resolution.

We have discussed this Ordinance, sorry. We discussed this as a Resolution and that we would be looking for a restructuring.

I just asked the County Commissioners what their position was on it. They told us they're going to be actively pursuing this now that both of them know they've been re-elected.

It's an Ordinance. I have kind of a pet-peeve, I guess, with making what I think is major changes in language in Ordinances.

I would rather stand with our position on the Resolution that says that we, as a Board, are looking for change.

I look to our Speaker for maybe putting together a Subcommittee or maybe bringing forward some different proposals so we can discuss them, and then put together some kind of a recommendation or a package to send along to the County Commissioners if that's the way they want us to proceed.

I guess at this point and certainly as its written, and this is what we're talking about now because that's what's on the floor, I would not support it, not because I don't want to see it go that way, but just because I kind of feel at this point there's a lot of other information and a lot of other discussion we need to have to make this kind of proposed change.

And I feel that we as a Committee or Board have taken that stand by again approving the previous Resolution that I talked about and that I happen to bring forward.

So, as it's written, I can't support it.

Mr. MITROKOSTAS: Mr. Speaker.

SPEAKER BERGSTROM: Yes.

Mr. MITROKOSTAS: I'd like to amend the Ordinance as proposed to the language that the Committee approved for recommendation to the full body.

Would you like me to read it or is the printed version sufficient?

Speaker BERGSTROM: Well, you might as well read it.

Mr. MITROKOSTAS: Proposed Ordinance 12-06: To create the position of Director of Administrative Services: Barnstable County hereby ordains: The Administrative Services and Finance Department should encompass the management of all financial and support services,

including accounting, treasury management, grants management, purchasing, and facilities maintenance. The department should include the functions of the Resource Development Office. The information technology function of the County should be integrated in the proposed department. Therefore, it is necessary to create a new position, the Director of Administrative Finance -- Services and Finance separate from the County Administrator.

Speaker BERGSTROM: All right. So you're basically amending it by striking the language in the original proposal and substituting the language that you just read.

Mr. MITROKOSTAS: As the Committee recommended, yes.

Speaker BERGSTROM: The Committee recommended. Well, anybody can make it; you don't have to be on the Committee to make a recommendation.

So, do I have a second on that?

Mr. KANAGA: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. So we all understand now what we're doing; we're amending the original language in --

Mr. MITROKOSTAS: If I can comment?

SPEAKER BERGSTROM: Yep. Sure.

Mr. MITROKOSTAS: So we're going to be deliberating on the short original version that I submitted. It was never my intention to have a long form of this Ordinance, but the explanation was incorporated into the Ordinance just by way of explanation why the committee stripped it out again. It's not relevant to the intent, the explanation. The intent here is sufficient.

What I wanted to say was I think Leo's peering of the Resolution and the Ordinance isn't appropriate. I don't think one had anything to do with the other.

The Resolution that we were referencing earlier specifically asks the Commissioners to remove the overlapping functions of the County employees and the CLC and CVEC organizations.

We're talking about taking the functions that are now being undertaken by the County Administrator, separating them out, and embody them in someone else. If, coincidentally, it happens to be one of the people he restructured, that's fine, but we're not saying that. These are two different things completely.

Speaker BERGSTROM: All right. Yes. Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. We all received this Amendment as an e-mail attachment.

The way Spyro read it left off that phrase "Section 1," which helps me an awful lot because I got totally confused. I thought this was going to be amended to the original.

So is that the intent then that we follow what was e-mailed to us but strike "Section 1"?

Mr. MITROKOSTAS: I have no issue with Section 1. If I skipped it, it wasn't intentionally.

Ms. ANDREWS: No, no, it makes more sense not to have a Section 1 if you don't have all that other stuff. So, okay.

Speaker BERGSTROM: Julia, did you?

Ms. TAYLOR: Yes. I apologize for not being able to come to the hearing. I've been very busy, not just the election, but things are very hard at school at the moment with many students applying to college right now.

However, I do, in general, support this idea. I actually had a very interesting conversation last night with Troy Clarkson, a former Selectman in Falmouth who served both as the Administrator of Plymouth County and now he's a Town Manager in another town, and he was

very struck by the differences in the responsibilities and powers of those two positions as we sort of have talked about.

So, I very much see the change to the Finance Director as part of an overall plan, I would hope, to make some adjustments in the duties of the Administrator.

So, I wouldn't want that to not continue forward in some way that we could at least discuss. But, meanwhile, I think this is a legitimate point and it might speed it along.

I'm a little worried that maybe it's something we could pass and the Commissioners would not actually be in a position to implement it immediately for budgetary and other reasons, but I wouldn't want that to necessarily stop us nor would I want us to get into a big fit if it didn't happen tomorrow.

So with those caveats, I'm interested.

Speaker BERGSTROM: Before we go into a general discussion of the intent of the Ordinance, we have an amended version on the table. So we have to speak to the Amendment before we vote on the --

Ms. TAYLOR: I like the Amendment.

Speaker BERGSTROM: Okay. Well, does anybody have a comment on the Amendment? So the Amendment's on the floor, so we'll take a vote.

Mr. CAKOUNES: May I ask a question?

Speaker BERGSTROM: Sure.

Mr. CAKOUNES: On the Amendment, does anybody know its effects to the Charter?

Speaker BERGSTROM: Well, this is my particular version. We talked to -- we requested an opinion from Troy, the County Attorney. He said that -- he quoted language in the Charter that says any change in the duties and so on and so forth of the Administrator would have to go through a Charter change.

However, we're not changing the duties, in my opinion, and I think I have good grounds. We're not changing the duties of any of those particular positions. We're simply saying do they have to be separated.

Plus, when this was implemented, it didn't go through the Charter. In other words, we had a Treasurer and we had an Administrator. The collision was combined. It didn't go through a Charter change, so I can't imagine that separating them had to go through a Charter change.

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: The Treasurer position was eliminated in the original Charter for the County, but we definitely had a separate Finance Director. That was, in fact, happened to have been Mark Zielinski, and we also had a County Administrator.

So, this doesn't -- I mean, obviously, this Finance Director reports to the Administrator. Are we all thinking that's what this means?

So that I think Ron is reasonably correct that this doesn't make that change.

Mr. MITROKOSTAS: Mr. Speaker.

Speaker BERGSTROM: Okay. Spyro.

Mr. MITROKOSTAS: Are you ready to take discussion?

Speaker BERGSTROM: What's that?

Mr. MITROKOSTAS: Are you ready to take discussion?

Speaker BERGSTROM: Well, first, we have to take discussion and vote on the Amendment.

Mr. MITROKOSTAS: Sorry.

Speaker BERGSTROM: So, if there's no further discussion on the Amendment, we'll take a vote.

All those in favor of the Amendment substituting for the original language say "aye".
"Opposed"?

(Amendment carried.)

Speaker BERGSTROM: Okay. So now we have the Amended version on the floor. Spyro, did you want to speak to that again?

Mr. MITROKOSTAS: If you don't mind, I'll start it off. Five -- excuse me, a couple years ago, the County had \$5 million in unreserved -- unencumbered Cash Reserves. As we're heading into the back half of this fiscal year, that number's going to dip to about \$3 million if not below depending on what happens with projected revenues.

We have approved a couple of budgets in that timeframe that we now see were out of balance by way of spending more money than we took in in revenues. Only by virtue is available cash did we not incur a deficit.

I don't think that that issue was clear to us in the previous budget that we passed. I'm not sure it was that much clearer in the budget we passed recently for this fiscal year.

But in our attempts to better understand it and to have somebody account for it, literally been unable to get somebody here to do that.

I think it was a practice that's become acceptable because we have fluctuations in real estate tax revenues in the County. Even though our budget seems to be sort of a level-based budget, it varies somewhere around \$24 million year to year with some incremental increase, but there was reduction last year.

What I found somewhat disturbing was that this is a common practice, that this is something that's acceptable because we have these available Cash Reserves that instead of making adjustments to the budget to foresee less revenues, we just assumed, I should say the County Finance Director just assumed that the Commissioners agreed that there would be cash available if anticipated revenues didn't come in.

So instead of making year to year adjustments downward in the budget, we just dip into these Cash Reserves.

At the last accountant's -- excuse me, in the last meeting we had with the accountants that did the audit, they told us that we're approaching levels that are not advisable for Cash Reserves for a County budget of this size.

So, unless the revenues click up this year and we start adding to this Cash Reserve, we're going to be in a dangerous situation in dealing with the next fiscal budget -- fiscal year's budget.

So, I would prefer to see the Commissioners separate up this budget function, have somebody available both to them and to this body during the budget process to explain what needs to be explained to us before we pass judgment on the budget.

Of those \$2 million that we've spent down, over \$600,000 of that money was spent for cost-of-living increases and wages. I think having known that we were dipping into Cash Reserves to do that, I think our approval of the budget would have gone a different way.

Cities and Towns aren't allowed to do this by law. For some reason, the County escapes this type of practice, I suppose. It's not allowed to take certified Free Cash and just use it, which is, in fact, what we're doing.

So a Budget Director would be a step in the right direction. It's a recommendation that was

made both by the accountants -- the consultants the County hired a year ago. This is where this language comes from. It was further recommended by the Special Commission in their report back in March. We're only trying to get the Commissioners to do what has been recommended to do. And if it takes an Ordinance to do it, I think that's all the better. Thanks.

Speaker BERGSTROM: Okay. Do you have any other comments on this? I was and Julia also served on the Special Commission and this subject came up, and I think of all the recommendations that were made and there were many aspects of the County government, this was the one that seemed to have the most unanimous support.

And I think that part of the reason was that as it stands now, as its structured now, a great deal of Mark's responsibility or the Administrator's responsibility is financial because under our system, unlike the Towns, the Commissioners do a lot of direct administration. They hire and fire people, at least Department Heads and they also sign contracts and, so they do a lot of stuff.

It was recommended by the Special Commission that the Administrator become a much stronger Administrator with whatever manifestation of Assembly Delegates and Commissioners becoming more of a policymaking board so that they would direct the ship but they wouldn't actually be steering on a day-to-day basis.

And given that, it makes a heck of a lot of sense to have a separate Treasurer because you have somebody who's running the organization and then you have someone who's keeping the books.

And regardless of what happens ultimately with the position of Administrator, I think that the availability of the Administrator acting as a Treasurer or as a Finance Director has been an issue consistently now throughout several months, and this has happened to another budget.

It's not his fault. Like you say, he told us today he got sick, couldn't make it. He has responsibilities; he has meetings and so on, and I know my ex -- my former life as a Selectman, I know I have a couple other people here who have done the same thing, the Finance Director carries a lot of the heavy lifting before the Finance Committees and before the Boards.

So, I think it's a good policy. It's recommended by -- not only by the Special Commission on County government, by the MMA, and we have good word from the Commissioners that they are now going to take it up.

So I think it falls in line with the majority of recommendations by everyone who's looked at this issue including our committee, the Government Regs Committee.

Why am I losing my voice?

Deputy Speaker ANDERSON: You're talking too much.

Speaker BERGSTROM: Yeah, that's probably right. I shouldn't have asked that question. So, if there's no further comment on that, we will take a vote.

Roll Call Vote on Proposed Ordinance 12-06 as amended: To create the position of Director of Administrative services and Finance.

Voting YES (94.18%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (5.82%): Paul Pilcher (1.27% - Wellfleet), Anthony Scalse (4.55% - Brewster).

Ms. O'CONNELL: Mr. Speaker, Proposed Ordinance 12-06 as amended passes with 94.18 percent of the Delegates voting "yes" and 5.82 percent of the Delegates absent.

Whereupon, it was moved, seconded, and by a roll call vote with 94.18% voting yes and 5.82% absent: VOTED to adopt Proposed Ordinance 12-06: To create the position of Director of Administrative services and Finance.

Speaker BERGSTROM: Okay. Moving right along, we have a report from the Clerk.

Report from the Clerk

Ms. O'CONNELL: Yes, not much today. I just want to remind you that I will be sending you an e-mail within the next several weeks regarding our holiday gathering. It will be at the Barnstable Restaurant. I think it's going to come in somewhere between \$22 or \$23 per person. That will include tax and tip. And right now I'm toying with a small sit-down version versus hors d'oeuvres.

So I will get back to you with all the details within a few weeks. And that's it.

Other Business

Speaker BERGSTROM: Okay. And an issue -- I've discussed with the Clerk and also just recently with Mark as he was here about our next meeting, which is the Wednesday before Thanksgiving.

By Charter, we're supposed to have two meetings a month, unless there's not a quorum. He tells me that they're going to shut the building down. It doesn't mean that we can't have our meeting, but I know a lot of you may have relatives or you may be traveling, so I'm going to throw it out to you right now.

The downside of not having the meeting is we have several things on the plate, for instance. I know that the Government Regs Committee want to look at some of the recommendations of the Special Commission, and I know that we also wanted to look at the -- I think it's Economic Affairs wants to have a meeting on the possible purchase of ARC.

So we have some things that are -- I mean they don't have to be done right away, but we have to push them forward.

So is anybody not -- definitely not going to be here the day before Thanksgiving? Well, we're all going to be here.

Mr. KANAGA: (Raised hand.)

Ms. TAYLOR: I don't like meeting in the locked building though.

Speaker BERGSTROM: Well, I don't know if it's going to be locked.

Clerk O'CONNELL: Well, what I'd do is I would just make arrangements with facilities, to make sure that the facility is open and accessible for the public and the Delegates. That's possible.

Or if somebody's plan changes and we're not going to have a quorum, then certainly you can let me know. The sooner the better so that everyone will have the advantage of knowing whether we are or we aren't meeting on that particular day.

And unless there were -- unless it was an emergency necessary, really pressing matters to need to meet, you wouldn't schedule another meeting. Your next meeting I think would be -- I

think its December 5.

Speaker BERGSTROM: In December.

Ms. O'CONNELL: So that's it.

Speaker BERGSTROM: Yeah, Leo.

Mr. CAKOUNES: You mentioned a number of Subcommittee; do you have Subcommittees scheduled to meet that particular day as of right now?

Speaker BERGSTROM: Well, I don't have -- I could have the government -- I'm the Chair of Government Regs, so I could schedule a meeting with the Government Regs Committee and begin looking at the recommendations of the Special Commission.

As far as the Economic Affairs goes, the Chair of that Committee is the one that decides what they want to do. I mean that's up to them. So, if they're going to hold a meeting, then you're going to have to do it. So.

Ms. MARTIN: And we talked about doing it; we haven't scheduled anything yet.

Speaker BERGSTROM: Talked about what was said?

Ms. MARTIN: We talked about wanting to do this, but we haven't been able to coordinate to confirm everyone can be there and that's the best date yet.

So, the answer is no, nothing is scheduled yet.

Speaker BERGSTROM: There's no meeting scheduled yet, so we can presume you won't have a meeting on that date then or you don't know?

Ms. MARTIN: Well, I was going to touch base with everyone after tonight.

Speaker BERGSTROM: Well, --

Ms. MARTIN: It's a lot easier than playing tag-team with e-mail.

Speaker BERGSTROM: We don't have to decide this right now, but, I mean, it seems like the majority of the people will be available.

You know, if you want to get away from your relatives for a couple hours, you could come here and we could talk about it. Julia.

Ms. TAYLOR: Since I don't have school that day, that's a good day for me to meet earlier if you have any Government Regs.

Speaker BERGSTROM: Okay. Well, I will make sure that the building is available and see what we're faced with. And if we can have it, we can have it. If I hear otherwise, we won't.

Anything else? So there's nothing else. Is there any other business to be brought before the Assembly?

Yes, Leo.

Mr. CAKOUNES: I have brought your holiday cranberries. They're in the cardboard box over there. You'll notice that all the bags have a sticker on them, "Please freeze them as soon as possible." They are organic cranberries, and they are subject to rot very quickly, so I'm not sure they'll make Thanksgiving or not.

At the very least, refrigerate them in the bags that they're in. And if you check them, you may want to just throw them in the freezer.

The DELEGATES: Thank you.

Speaker BERGSTROM: Thank you. Okay. I would just like to say that we -- it was my observation that that this election over half the people in Barnstable County got a chance to choose their Delegate, even though it was only four races. So it was a good turnout.

I know a lot of us run opposed, but you still stepped forward to do it, so you deserve some credit for that.

My congratulations to the winners, and my condolences to the losers. I've been there myself several times. I know it's no fun but that's the way it happens.

So, we got through the election. I'm actually going to get some sleep when I get home. I was up till 3:30 in the morning. I'm such a junky. And I hope no one else -- so anyways --

Deputy Speaker ANDERSON: Motion to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All in favor say "aye". "Opposed".

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:50 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates