

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – December 19, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, December 19th session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to call this meeting to order. And we will 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.

And I would also like to add an additional moment for the young victims of the recent tragedy in Sandy Hook, Connecticut, which I'm sure you've all heard about. So, a moment of silence.

(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 (97.37%): Richard Anderson (9.15% - Bourne), 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), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).
Absent (2.63%): Cheryl Andrews (1.36% - Provincetown), Paul Pilcher (1.27% - Wellfleet).**

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 97.37 percent of the Delegate's present and 2.63 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

I will now 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 December 5, 2012. Are there any corrections to the Journal?

Hearing none.

Deputy Speaker ANDERSON: Move Approval of the Journal of December 5th.

Ms. KING: Second.

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

(Motion carried.)

Speaker BERGSTROM: Okay. I have received notification from each of the Commissioners individually that they will not be here today. They do, indeed, exist. I spotted them in the hallway earlier today, but Bill had some family business; Mary Pat is having some kind of thing for the victims and also a celebration of someone receiving a Purple Heart in Falmouth, and, also, Sheila can't be here.

Do we have any Communications from Public Officials? Communications from Members of the Public?

Communications from Members of the Public

Ms. JARI RAPPAPORT: I'm Jari Rappaport from the League of Women Voters, and today I had sent to you the copies of the statement we made to the Commissioners a week ago just for clarity since you've read about it other places.

Today, our interest is to -- our call to you for better communication between the Commissioners and the Assembly of Delegates.

The League has great respect for the members of the Assembly and for the Commissioners as individuals with real dedication to their respective roles and effective government.

Recently, we think there's been a breakdown in clear and timely communication. Today, we urge that there be a joint committee composed of representatives from the Commissioners and the Assembly designated to discuss current avenues for communication, the sources of the breakdown, and then, most importantly, to develop new processes and pathways to enhance and foster both good working relationship and mutual respect between our two branches of County government.

We realize that the Charter delineation of powers sets some parameters, but in the interest of effective government, the League believes both branches need a fresh look and a fresh start to the information flow and concerns and knowledge of all the members of our elected officials are shared with each other.

There will always be differences in opinions, but the free flow of ideas is essential to our democracy and serves the interest of all our citizens.

And this is not to poke fingers or accuse anybody or any group, but just that in the interest of moving the government along, I think that's one way to help do it if people got together and looked at what was happening, how it could be improved, despite the limits in the Charter of your role especially, and the knowledge that you have. In some way, you're bringing the two together more effectively, and that's just simply what we wanted to suggest is one way to achieve that.

Speaker BERGSTROM: Thank you. Are there any other Communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: Okay. The Assembly will now convene. We will begin with Committee Reports: Standing Committee on Natural Resources and Economic Affairs Joint Meeting draft minutes. Do you want to take this, Teresa?

Ms. MARTIN: Sure. Anyone else can jump in if you want to add to it. But, basically, many of us have been contacted with questions about the ARC. It touched multiple

different committees.

So to look at what process or procedures you might want to use, we gathered together to talk to see if there was even a role that the Assembly appropriately had.

After much discussion, everyone agreed it had touched -- did, indeed, touch multiple committees. There did not appear to be a specific role the Assembly had to play. However, and, Ron, you might want to -- there's no way we came out of this. We would sort of formally write an offer to the Commissioners noting that we had interest; we had expertise; we had inquiries from people in our communities, and we would be more than happy to work with them on the issue and the questions.

Speaker BERGSTROM: Okay. We will be doing that -- so you decided that -- in other words, if five members decided that you're going to suspend your meetings until you get a response --

Ms. MARTIN: We thought that was the first step.

Speaker BERGSTROM: Yes.

Ms. MARTIN: And we needed an answer on that before we could make any other decisions.

Speaker BERGSTROM: And are there any other -- anybody from that committee that would like to speak? Okay.

We have a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Thank you, Mr. Speaker. I want to remind everyone that you have mileage sheets in your individual folders. I would appreciate it if you could please update them if you need to, attach whatever you need to attach to them, and most importantly, sign them and return them to me before the end of the meeting when everyone exits the hall.

A reminder about committee assignments. I still have a few individuals who have not gotten back to me, specifically, I think I talked to the Bourne representative earlier; Provincetown; Dennis; Barnstable, and Brewster. I need to have your first three choices for committee assignments so the Speaker, whoever that may be, will consider that at the beginning of the year.

And also a reminder that next time we meet, I know not everyone will be here, we will have two new Delegates, but I will give you a little bit of instruction in the next meeting packet, which you will get I think it's somewhere around the 28th, 29th, 30th of December regarding the swearing-in ceremony, and that will take place on January 2.

Other than that, that's all I have to report.

Speaker BERGSTROM: Okay. Thank you.

Other Business

Speaker BERGSTROM: Under "Other Business," a follow-up to the Assembly inquiry to Board of Commissioners regarding disapproval action taken against Ordinance 12-09 on 11/7/12.

You probably received a copy of a communication which we sent to the Commissioners' office asking for a response. I should have had this sent under my signature, but, unfortunately, I didn't get into the office, so Janice signed it. In the future, I'm going to

send it under my signature.

The Commissioners or, I should say, the Administrator chose to respond by phone rather than giving us some official -- we haven't gotten a letter. They just spoke to us. So that was their choice. They haven't been too quick to respond to other requests that we've made. Maybe it's the time of year; I don't know.

But, Janice, do you want to describe what Mark told you or should I -- I don't want to give it third-hand

Well, maybe I'll just say what their response was and you probably read about it - is they routinely approve things after the meeting goes on. In other words, they bunch this request in with signing documents and other things, expenses and so on.

It still leaves open the question of why those documents weren't specified in the agenda. But, once again, the only response we got which was by telephone was that it was a routine practice.

So, with that, any other Delegate like to bring this up and speak to it? Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I know you stated that to date you have not received anything in writing and you've only received a phone message or a phone conversation with our Administrator. Do you anticipate a response in writing or do you feel that this is the response?

Speaker BERGSTROM: Well, I think unless we pursue the matter again and ask for a written response, this is probably what we're going to get.

As you probably know, some people filed a complaint, an Open Meeting Law complaint, which means they're probably going to have to provide a written response at some point anyway.

You know, it's up to the Assembly. If you want me to send another one, I will and ask them for a response, but they seem reluctant to do that. Leo.

Mr. CAKOUNES: Well, I'll leave that up to our colleagues to decide whether we want to move forward to ask a written response or not.

I feel somewhat concerned that there's a routine that has been going on for some time in which items such as I believe this strong magnitude are done not in an open public forum.

So my first question is if, in fact, this is their answer and I feel that I want to say to cover the rights of the Commissioners that I'm assuming that this is going to be their answer, this verbal answer.

With that said, my first response is I would like to have an indication over the past -- a minimum of three years of what items they feel are routine that can be signed not in a public forum and not with public discussion.

The particular item that raised this concern as I said in my previous comments was we had gotten to this point through a magnitude of public input. Not only from a MMA report that we paid for, but countless of open meetings with dedicated volunteers that looked at the structure of our government who came forthwith with suggestions, and then quite frankly, an open meeting in which we discussed it here and culminated in what we thought was the process that should be taken.

And I go back to the language that they used in their letter, which I feel is pretty strong, that this is not in the best interest of the Towns and Barnstable County to do that.

And if they feel that that is an action that requires or I forget the routine signing of a document, then, quite frankly, I want to know what else is in that file because this one's pretty big.

And I think this one deserved public input. Whether I agree with their actions or not is irrelevant. I believe that the action itself should have been done in a public forum.

So my first question is what else is in that file? I mean is it just filled with electric bills that should have been paid or some other things that are going on that may deserve some public input that aren't getting it.

I have a lot more on this, but that's kind of where I'm at. I'm not really sure where to go from here. I think the public needs to be aware of the fact that this is our final session as the Assembly. The next time we meet, we'll be a new group, if you will. Now many of us will be back but some of us won't.

I have a number of different areas and things that I would like to do. I'm not sure if it's proper to wait until the new Assembly convenes or to talk about them now.

I just have to gather my thoughts for a minute.

Speaker BERGSTROM: Anyone else? Chris.

Mr. KANAGA: Yes. If I could just try to distill this down, my understanding of it and you can correct me if I'm wrong, but, basically, it sounds like what they're saying is they chose to, as a three-member panel, veto an action of the Assembly outside of the public meeting.

And if that type of thing is a routine action, I think it would be prudent on our part to get that in writing because it's almost to me like saying, well, we routinely ignore the --

Speaker BERGSTROM: Go ahead.

Mr. KANAGA: -- Open Meeting Law. So I would just prefer rather than take a phone call on that to say really, you know, we need a written response.

Speaker BERGSTROM: Well, you saw the letter that we sent. I anticipated we'd get a response in writing but unfortunately we didn't.

But I think in the future, whoever sits in this chair is going to have to communicate more officially under the letterhead of the Assembly of Delegates and request a formal response.

It's a shame that we have to do that, but I agree with you. Calling us on the phone and telling us something, first of all, it puts me or whoever's here or Janice in a position of giving us information, you know, that may be second or third-hand; we'd rather have it.

This, well, I think -- my take on this is there's no doubt that they screwed up. All right. Now, I don't think there's any doubt that it was a mistake. Why it was made? We don't -- I mean I don't know why they did that.

But we did have some discussions and we were advised -- I was advised and also the Clerk, that the official -- the action they took was official, all right, as it stands now. Okay.

So they vetoed our Ordinance; we overrode their veto. However, violations that may have occurred during the meeting is something that could be brought up with the District Attorney, whoever's in charge of the Open Meeting Laws.

So regardless of what we say, they have other powers to refer to and how far we want to pursue this. I'm with Leo. It's a question of how far we want to pursue this. Do we want to have a working relationship with the Commissioners and try to get them to recognize the proper procedure, or do we just take this as an insult and run with it?

You know, I'm at the point now I don't know, and I have to talk to you guys.

Mr. KANAGA: I guess all I'm saying is we asked for -- we wrote them.

Speaker BERGSTROM: Yes.

Mr. KANAGA: We put down our thoughts on the matter, and I think it deserves a

written response.

Speaker BERGSTROM: Yes.

Mr. KANAGA: I don't think a phone call is responsive at all because that's to one or two people or whoever was on the phone or if it's a conference call. I mean we asked it as a body, so I would prefer to get a written answer. Not as an insult or not as anything else, just the courtesy of a written response to a written question.

Speaker BERGSTROM: Anyone else on this?

Ms. MC CUTCHEON: I think it's very hard to evaluate what our options might be until we see what they're willing to put in writing about this.

I think this -- I'm with Leo on the question of what else is being just sort of routinely approved and shoved under the rug and nobody knows about it. I'm not happy with that.

But in this particular instance, I think we're being put into a position of perhaps deciding to make a complaint of violation of the Open Meeting Law. I know that an action taken in violation of the Open Meeting Law can be invalidated.

Speaker BERGSTROM: True.

Ms. MC CUTCHEON: Well, what does that mean in terms of this action? I'd like to have a written response before we evaluate that next question.

Speaker BERGSTROM: Okay. The Charter said -- my understanding is when I looked into the Charter is if they do not act on an Ordinance within 10 days, that Ordinance goes into effect. So it's exactly the opposite that happens in the federal government. The President has a pocket veto, but under our Charter, they have to act. If they don't act within 10 days, then the Ordinance goes into effect.

Now if the action that they took was invalidated, to me, it would seem that means the Ordinance would go into effect automatically, but that's a question of County Counsel.

It's going to be in effect one way or another. So do you have anything else? Yes, John.

Mr. OHMAN: I'd actually like some clarification about the Open Meeting Law. I know -- I've been to several of the meetings and discussions, but I'm still not clear about the path that this Open Meeting complaint takes, the length of time it takes, and what the response will be. I think we need to know that to make an informed next decision as an Assembly.

Speaker BERGSTROM: Teresa.

Ms. MARTIN: I just want to say I think getting it in writing is really important because regardless of what happens -- how the decision was made and what path that follows, a written response to a body that's responded to through that body's Administrator to this body's Clerk is not a very real response. So I think it's really important for us to have the response in writing so it keeps us doing the right thing.

Speaker BERGSTROM: Yes, Pat.

Mr. PRINCI: I just want to say, you know -- sorry, I'm going to turn this on. The written response is fine, you know, but the best way to go forward with this would be to have our County Commissioners right here with us in a more productive workshop/correspondence type of environment, whereas we can -- if we hear something that we're confused about or might not understand, we can then ask questions.

I mean that ideally would be the best realm of communication. And since I've been serving on the Assembly, it hasn't really -- you know, I understand there has been an election and they've been busy trying to get elected and so forth, but the next year is coming, so my hope is that we do have dialogues to these meetings twice a month with the Commissioners.

Speaker BERGSTROM: Uh-huh.

Mr. PRINCI: In addition to maybe a written response. But if they were here, we could certainly get everything we need on the record and more so.

Speaker BERGSTROM: Anyone else? Leo.

Mr. CAKOUNES: Thank you. I'd like to just make a motion that we ask the Speaker to once again ask the County Commissioners the action that was taken on the rejection of Ordinance 12-09, and please respond in writing.

Ms. KING: Second.

Ms. MARTIN: Second.

Speaker BERGSTROM: Okay. Any other further comment on it? All in favor, say, "aye." Opposed?

(Motion carried.)

Speaker BERGSTROM: Okay. You all said aye. We'll do that ASAP. We'll see how quickly we get a response.

I should say that I talked to the Chair of the Commissioners today, and she reached out to me and suggested that coming in the first of the year, they would begin to move on some of the recommendations of the Special Commission. This is all, once again, in a conversation.

And she also said that she would like to include members of the Assembly in their deliberations. So, I think that's certainly -- it's disappointing they're not here today, but at least I think that there's some sentiment among the Commissioners that they realized that, as the representative from the League of Women Voters said, "It's time to mend some fences."

I'm also wondering if we could ask for volunteers to attend their meetings. I mean I don't think there's any one of us who could be there every Wednesday when they have a meeting, but we could try to see during the course of our meetings whether there's someone who can show up on a Wednesday and sit. They would get a first-hand account of exactly what goes on there.

Mr. CAKOUNES: The public or non-public ones?

Speaker BERGSTROM: The public ones. We can go to the nonpublic ones too, Leo, but I don't know if we'll get invited there.

Ms. MARTIN: I actually have a logistics question on that.

Speaker BERGSTROM: Yes.

Ms. MARTIN: Because most of us work and we have schedules planned in advance, and does anybody here know what their time of day schedule is because it seems to be kind of random?

Ms. KING: It's not random, but it used to actually be either 9 or 11 in the morning on Wednesdays, but because they come here, when we've had our meeting, they've actually moved their meeting to I think 2 to 4 so they come right from there.

So on the Wednesdays that we meet, I believe they usually meet at two. On the Wednesdays we don't meet, I think they even meet at 9 or 11 --

Deputy Speaker ANDERSON: 9:30.

Ms. KING: Is it 9:30? Okay. Yeah, so that's what they changed because of that issue. So that helps a little bit on some of those.

Speaker BERGSTROM: Okay. Is there anything else on this subject? Leo.

Mr. CAKOUNES: I'm sorry. I believe it's within the scope of the discussion, the Charter under Section 3-8 is the one that we were referring to in regards to action taken by this body. And then either a reaction declining that by the County Commissioners or, in fact, no action of making it become -- I don't want to say law, but coming in to fact.

We did, in fact, pass a number of Resolutions, and by the way, the Charter does read, “Every Order, Ordinance, Resolution or otherwise vote,” so I feel it is covered.

We did pass the Resolutions back in September, two of which I’m very concerned about, Proposed as 12-06 and 12-07. I feel that they are replaced now, yet I don’t believe the County Commissioners have taken action on them. And I think that we may want to follow-up on that and see that those are both at least completed.

To remind you, they are the ones that asked the representative of the County on both CLC and CVEC to bring forward a bylaw review of both those organizations, and I think the other one was funding of those organizations.

But, again, I think at some point we need to start considering those and moving forward with them, because as I read the Charter, they are, in fact, adopted now.

Speaker BERGSTROM: So that was Proposed 12-06 and 12-07, Leo, you said?

Mr. CAKOUNES: Proposed Resolution 06 and 07.

Speaker BERGSTROM: We’ll follow-up on that. Yes, Deborah.

Ms. MC CUTCHEON: I may not understand the situation, but, Mr. Speaker, do we have counsel available to us?

Speaker BERGSTROM: Yes, we do, but we don't get immediate response.

Ms. MC CUTCHEON: Do we have the right to pick one?

Speaker BERGSTROM: That’s a subject that I would like to bring up in the budgetary discussions or someone would bring up the budgetary discussions because there may be, and I’ve discussed this with the Chair of the Finance Committee, there maybe a time when we, like any organization, need separate counsel when we have internal disputes with the Commissioners or anyone else.

The County Counsel, in my view, you know, I’ve been in this situation before. Counsel’s not a judge. He’s not there to make decisions. He’s there as an advocate. So, sooner than later, he’s going to have to figure out who he’s going to back up and who he isn’t.

So if we have a discussion -- if we have a disagreement with the Commissioners, I think that often times we would need a separate counsel, but I mean I’ll defer to the lawyers in our group. We’ve got a couple here.

Ms. MC CUTCHEON: Well, I think that that’s, in this context, a little inappropriate, which is why I'm asking about counsel.

I think one of the Delegates asked what our legal remedies in the event down the road might be, and I think its important to have counsel look at the Charter and to look at the provisions of the Open Meeting Law, and to give us, I’d prefer, an oral opinion, a written opinion, and then a discussion about it so that the Delegates can make an informed decision about what alternative they might be willing to pursue as we go down this road.

I certainly think that we should not have the same counsel as would be advising the Commissioners in that context.

So I don't think it would be appropriate for me to be advising in that context the Assembly.

Speaker BERGSTROM: Oh, okay.

Ms. MC CUTCHEON: I don’t think Mr. Kanaga would want to --

Speaker BERGSTROM: I’m not suggesting that you do that, but I’m saying that if -- let's say the Commissioners, and I don't want to get too far into this, let’s say the Commissioners just ignored something, what options do we have?

Ms. MC CUTCHEON: Exactly.

Speaker BERGSTROM: But to be perfectly blunt, we sent them letter. The responses we've gotten from Counsel and from the Administrator had been on the phone. Now whether that's deliberate, whether it's done in a way say, hey, let's handle this or don't make a big -- I don't know. I agree with that. If you're totally inappropriate and they should send us a letter. If counsel sends us something, it should be written. In this case, they chose not to.

It's only been two weeks since we've sent this off. They chose not to. I think that's a mistake. We're going to have to ask specifically for written responses in the future. I anticipated we'd get one but we didn't. So that's where we are.

Ms. MC CUTCHEON: Well, can we at least have, you know, continuing discussion -- have this on the Agenda at our next meeting or?

Speaker BERGSTROM: I will ask for a written response from Attorney Troy on the questions that have been brought up at this meeting. We have already gotten a response from him, but I'll have him put it in writing. The same with -- we're going to also communicate with the Administrator, Mark Zielinski, and give him -- have him give us his reasons why -- how -- under what procedure was this Ordinance disapproved by the Commissioners outside of going there and banging on his desk.

Ms. MC CUTCHEON: Then it would be on our Agenda.

Speaker BERGSTROM: Then it would be on -- the response would be on our agenda; yes.

Ms. MC CUTCHEON: Great. Thank you.

Speaker BERGSTROM: Okay. Are we appropriately dissolutioned here?

Deputy Speaker ANDERSON: Yes.

Other Business

Speaker BERGSTROM: We have some other business here. Two of our members are leaving us. One has already left us. I see Paul -- he's probably deeply ensconced in Wellfleet politics right now and he's forgotten all about the Assembly. And that's probably a good thing in his case.

We're also losing the guy who started this whole thing rolling about a month and a half ago, and is now bailing out before it all comes to fruition. And I'm talking about Spyro, the erstwhile representative from Yarmouth.

He certainly was a presence, and believe it or not, I'm going to miss you Spyro. I mean you like to mix things up.

Mr. MITROKOSTAS: I'd like to point out that I've progressively have gotten further away from the Speaker's chair since I've got here. But I'm sure you're going to miss me terribly.

Mr. CAKOUNES: The next stop's the door.

Mr. MITROKOSTAS: Would you indulge a statement from the Delegate from Yarmouth?

Speaker BERGSTROM: Yes, we can do that.

Mr. MITROKOSTAS: Thank you for your kind recognition. I will remind you, however, that a year and a half ago I proposed a budget amendment that would give us a part-time budget director to help us through the budget, which was wrongly dismissed at that time as well. This question has been going on for a while.

I'm going to read a statement as opposed to making a swansong. The Assembly -- I'm

going to miss it. I want to say I'm leaving just as its getting fun, I think.

It's on the verge of taking its rightful place in the leadership and stewardship of the County. These most recent debates on the issues and Ordinances, Budgets, Budget Directors, Special Commissions, quasi-County agencies reaffirms in my mind that the Charter intended that the Assembly be in the forefront of these County issues.

I've been frustrated at times by the Legislative process but I've also felt rewarded by some of the outcomes.

If I were to continue to serve in the Assembly, I would like to see several things taken up.

I'd like to see monies that float in and out of the County all be accounted for in the budget going forward.

I'd like to see County personnel working only for the County and not other agencies.

I'd like to see pay raises justified and not expected year to year.

I'd like to see more scrutiny of benefits that are given to the County personnel, so we all understand what the true cost of that labor is.

And then I would demand that the Cape Cod Commission respect the role of the Assembly in the DCPC process rather than trying to circumvent it.

As the County begins to seriously address the biggest issues that lie ahead for us, that of wastewater, the Assembly should be sitting at the table.

But doing so with this important distinction that we each represent residents of Barnstable County who happen to live in our towns and not the town itself.

That the leadership provided by the Speaker of the Assembly can accomplish what the citizens of Barnstable County want from their regional government. You have the power to shape not only the budget but the Agenda. It's time to bring back into the realm of the Assembly not only the fiscal management of the County, but the direction of the County's future.

Two years ago, when I first started here, I had a sense of time and history because I first entered this room 28 years ago to meet with the CCP head director, Rob Rose, whose office Janice now occupies. And from that time on, I have been intrigued by County government. My service on the Assembly is just a natural extension for me of that interest.

Although I will not be continuing in this capacity, I will remain involved, sometimes as an observer; sometimes a participant but always interested in Barnstable County.

I wish you all Godspeed and good luck in your deliberations next year.

Speaker BERGSTROM: Thanks, Spyro.

(Applause.)

Speaker BERGSTROM: I can say personally that there is probably no one in this room or anyone in Cape Cod who believe for one minute that we've heard the last from Spyro Mitrokostas. There maybe some out there who ought (Inaudible), but I think they're going to be frustrated in that hope.

So, is there any other business to be brought? Yes, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I find myself in a peculiar position because, once again as I mentioned earlier, the Assembly as far as I read the Charter and understand it, is going to be entering a whole new session.

I didn't think it was proper at this time for me to make any comments or ask that the new Speaker, whoever it may or may not be, do things.

So I'd just like to take a real quick moment to let my colleagues that are returning know

that there are a few items that I'm going to be bringing forth when we get into our new session.

One of them is the -- it has been brought to our attention through the public that under our Charter, Article 7, there is a term of "Recall" in one of the titles. I think we need to address that, and I'm hoping to do that as soon as we return.

As I mentioned earlier, we have passed Resolutions. I would like to see Proposed 12-06 and 12-07 carried through.

I'm going to continue and hopefully with the support of the new Assembly to find out on how this vote went on the 12-09 Ordinance.

And I also intend on bringing forward either by Resolution or Ordinance my suggestions for the restructure of County government. I think we've waited long enough, and I believe that we need to start moving forward with this. And, hopefully, the County Commissioners will follow our lead. Thank you.

Speaker BERGSTROM: Okay. Is there any other business? Pat.

Mr. PRINCI: I just wanted to bring something up regarding -- Leo mentioned it briefly regarding the enabling Legislation, Article 7, the word "Recall" in there.

And I know I have talked with you and Janice informally because I tried to do some research on my own and couldn't really come to a -- I got a strong grasp as to what it actually means.

There was a constituent that had brought it to my attention, and he had done a lot of research on it. I went ahead and did some, and I was wondering if you might have any information?

Speaker BERGSTROM: Do we have an official -- did we have a written response from Troy on that? We have a response. We do.

Mr. PRINCI: We did. Thank you for looking into that.

Deputy Speaker ANDERSON: By telephone.

Clerk O'CONNELL: Yes. County Counsel has determined that that word "Recall" in the heading of Article 7 was there and should be removed and can be removed without any complicated process involved with any Charter change.

So it's a simple matter of I'm going to prepare a memo to the Assembly, to the County Commissioners, and to the County Administrator indicating that that word will be taken out or removed from the heading because County Counsel has determined there is absolutely no reference to it at all in the Charter. It's like a grammatical error.

It just needs to be removed but we need to memorialize it. So in the future should someone else come along and say, "Hey, that word was there, now it's missing; what happened? And how were you able to do that? Was it legal?" Yes, it is to simply remove it, so I will be taking care of that at the beginning of the new session.

Mr. PRINCI: And there was just one other thing if I could mention.

Speaker BERGSTROM: Sure.

Mr. PRINCI: This coming Saturday at 12 o'clock, I'd like to invite everyone and hope that they could possibly show up to -- it's a National Day to honor the Homeless Memorial. It's going to be held at 22 Main Street in Hyannis at 12 o'clock noon. There will be a press conference with a lot of information on the current homeless issue here on Cape Cod, in particular Hyannis.

So hopefully some Delegates could show up to that, and you would be welcomed.

Speaker BERGSTROM: Thank you.

Mr. MITROKOSTAS: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. MITROKOSTAS: If I can add one more thing?

Mr. CAKOUNES: You're still here?

(Laughter.)

Mr. MITROKOSTAS: In reference to Mr. Princi's question about the word "Recall" in Article 7 of the Charter. I think it would be missing the point that the constituent was trying to make to remove the word from the language.

I think the constituent's point is that there was a reference made to recall without any subsequent explanation. It is moot. My reading of the Charter was the same. The Secretary of State's reading of the Charter is the same. It renders it moot without having any additional explanation.

But the idea was not to take out a pencil eraser and erase the word. The idea was to try to determine should there be a recall provision in the Charter or not?

And I think this constituent's preference, and maybe the Delegate from Barnstable's interest, is to see if we should be having a recall provision to our Charter.

In all fairness to those who might be opposed to that idea, there is no recall provision in the Massachusetts Charter either. So, it tends to -- it will confuse them.

But I think in many voters' minds there should be some recourse going forward if you would like to redress an election or an elected official.

Speaker BERGSTROM: Yeah. I actually took a point of calling the Secretary of State's office on this. And I was shocked to find out that a recall procedure is not mandatory. In other words, unless your town has one, you can't recall an elected official.

I just presumed that any elected official would be recalled under procedure but that's not the case.

Spyro's point is well taken, and we can look into that. Unfortunately, everybody that's looked at the Charter since 1989 has missed that. So that's why we're here.

Anyway, any other business to be brought before the Assembly? Anybody out there? Hello. Dick.

Deputy Speaker ANDERSON: Motion to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Okay. Moved and seconded. All those in favor, say "aye."
(Motioned carried.)

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:40 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates