

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – April 17, 2013

Speaker BERGSTROM: Good afternoon. Welcome to the April 17<sup>th</sup> session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to call this meeting to order. And I would like to add to our normal moment of silence an additional silence for the victims of the bombing in Boston on this Monday, for those who have died, and also those who are recovering

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: Is this meeting being recorded by anyone else? I guess -- no. Okay. Well, in that case, the Clerk will call the roll.

**Roll Call (95.45%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).**

**Absent (4.55): Anthony Scalese (4.55% - Brewster – arrived at 4:10 p.m.).**

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 95.45 percent of the Delegates present and 4.55 percent absent.

**Committee of the Whole**

Speaker BERGSTROM: Thank you.

I'll now need a motion to approve today's Calendar of Business.

Ms. MCAULIFFE: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. Any additions or corrections? Hearing none. All those in favor, say, "Aye." "Opposed?"

(Motion carried.)

Speaker BERGSTROM: Okay. You should also have received the Journal of our April 3<sup>rd</sup> meeting. Are there any additions or corrections to the Journal?

Hearing none.

Ms. MCAULIFFE: Move the acceptance of the Journal.

Speaker BERGSTROM: Okay. Moved and seconded. All those in favor say "Aye." "Opposed?"

(Motion carried.)

Speaker BERGSTROM: And now we have Communications from the Board of Regional Commissioners. I see the Chair of the Commissioners here. Welcome.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Thank you, Mr. Speaker. I don't know where my colleagues are this afternoon. I think they deserted me.

I think what I'd start out with in reporting on today, and you'll be happy to know, that we did vote today the scope of services for the RFP for Special Counsel for the Charter Review Committee. So that will go out.

And they only made one small amendment to it which was significant in a way. It had to do with focusing on the recommendations from the Special Commission.

So, let's see. I know you've spent a lot of time on the budget, and I happened to be here for the last two hours listening to the budget or the Finance Committee, rather, and its members that review all the work.

And as I was listening to the discussion, it reminded me that when I first became a County Commissioner I had to completely rethink and reorient myself to budgets because I'm very familiar with municipal budgets, but I certainly was not familiar with a County budget. And somehow in my mind I thought they were very similar, but I find that they are not. They are really quite different.

And one of the Finance Committee members mentioned the fact that some citizens have seen -- I think there was an article in the paper, the Cape Cod Times, about the increase in the budget, something in the neighborhood of 18 percent over last year. And if that were to occur, the municipality probably wouldn't because the municipality doesn't have that kind of money.

But it occurred to me that municipal budgets are really approved by Town Meeting and they're usually approved by a vote. A vote when they vote the budget, that it has to have a number on it, and then some articles that may contribute to portions of that budget have to be voted on. Sometimes they're not voted on by Town Meeting. And when that happens, that money just goes away.

It doesn't -- it reduces a proposed budget but there is no money there because in municipalities all those funds have to be raised and appropriated by Town Meeting and sometimes depending upon the nature of the expense that has to be voted on by Town Meeting.

But in a County budget, the revenues are already there and they're estimated that's true, but they're pretty clear. And the budgets that the Commissioners put together recognize the limitations on what those revenues are and that's all we can budget.

And we don't have to budget everything. We don't have to budget all of the revenue we have, and which we did not do this year. We put money into stabilization. That's going to be our budget policy going forward.

But in this case, if the Finance Committee reduces the funding for certain departments or certain services or whatever it may be - it doesn't take any money away because those revenues are still there because they come in from various sources and that's what they are.

Whereas, in a town, if a Town Meeting or a ballot question says, "No, we're not going to spend it," then the money's simply not there. It doesn't get raised and appropriated so-to-speak.

So we don't raise and appropriate in the County but the towns do. We just have revenues and then we spend on the basis of what our revenues are. So it does make a difference and it doesn't mean that those funds can't be reallocated. It doesn't mean that they even have to be spent. We just know that they're still there, where they could be -- they could continue to be there. They could be brought back again the following year because they don't go away.

So, anyway, I didn't mean to go too far on that. But I'm glad to see that everyone's

working diligently on the budget, and we look forward to a budget being passed, and then moving on with our goals and strategic objectives.

This morning, the Cape Cod Economic Development Counsel met for two and a half hours in a strategic plan, and all the Commissioners were there this morning to participate in that discussion and to really take a look at what the drivers will be for economic development and how the EDC might best use those license plate funds.

So, we didn't come to any real decisions but we came up with a lot of discussion about the opportunities that are out there for Cape Cod in terms of economic development.

And the question is how do we use those opportunities and translate those into action? We came up with some items for action but we didn't complete the process today. Two and a half hours is not a very long time. So I think we will go back and have a follow-up and then take a look at how that might move forward.

As you know, some of the license plate money has been going to the Commission, the Cape Cod Commission, because of the strategic initiatives related to wastewater and to the strategic information office, the big data center, and we have the Open Cape and then we have the Regional Area Network and the rest, and those things are still yet to come.

So that's the end of my report.

Speaker BERGSTROM: Okay. Leo, do you have a question?

Mr. CAKOUNES: I do. You mentioned briefly in your opening statement that you discussed the Special Counsel for the Charter Review Committee, and you alluded to the fact that you only added one major thing and that was something to do with the Special Committee's recommendation.

Am I to believe that this Special Counsel is going to have some input on the Charter Review Committee as far as ideas or which way to go?

Commissioner FLYNN: We should get you a copy of the scope of services. I think we had a draft. And I think that the draft has a number of activities, and I think -- no, it doesn't specifically say that that's what should be -- that's what the Review Committee should focus on. It just says that there is -- there is the report from the Special Commission and it needs to be considered, and the Charter Review Committee should focus on the recommendations.

But there's another whole list of areas that -- this is for the Special Counsel to know and understand and review and know that these are the services that we expect the Special Counsel to perform.

But it's mostly in terms of presenting material to the Review Committee, in providing legal advice or guidance in terms of the Charter. It doesn't direct what the Review Committee does. It simply says that -- it's a legal service, I think, as best described with the County Counsel or with the Special Counsel would do.

Mr. CAKOUNES: Can I ask if we can get a copy of that then, please?

Commissioner FLYNN: Sure.

Speaker BERGSTROM: Is there anything else? Yes, Cheryl.

Ms. ANDREWS: Along those same lines, Chairman Flynn, the question of the scope of services. You used the word "focused."

Commissioner FLYNN: Yeah.

Ms. ANDREWS: And I think that's what got at least my attention and maybe Leo's. For example, there was a citizen's request on the issue of the recall petition.

Commissioner FLYNN: Yes.

Ms. ANDREWS: So is that within the scope of services as well?

Commissioner FLYNN: It is.

Ms. ANDREWS: Okay. And then also voted on Resolution by the Assembly?

Commissioner FLYNN: Let me just say its two pages -- well, one and a quarter pages. It says, "The Charter Review Committee will review recent proposals to change the governance of Barnstable County focusing on the recommendations of the Barnstable County Special Commission on County Governance and an Assembly Resolution.

The Charter Review Committee will also consider other changes to the Charter such as the recall provision." And then it goes on from there.

And then the specific tasks reviewing the existing Charter; attend meetings of the Review Committee to provide guidance and direction; provide legal advice and appropriate language recommendations; assist the Committee Chair with facilitation; draft a new Home Rule Petition document for eventual submission to the general court; ensure that the new amended Barnstable County Charter document is consistent with the requirements of the Cape Cod Commission Act, and the candidates should have extensive experience in drafting Home Rule Charters in the Commonwealth. Charter work for regional entities is highly advantageous. The candidate will have extensive knowledge of the Home Rule Charter, process requirements and the workings of Charter Committees in the Commonwealth.

I'm just kind of not saying it all, but I'll leave this with you, Mr. Speaker.

Speaker BERGSTROM: Yeah. Just I received a copy of the proposed scope of services from the County Administrator, and there were a couple things in there that I said, well, I sort of didn't think were all that important. And one of them was focusing on the recommendations of the Special Commission.

But it also mentioned other recommendations we have passed, a Resolution or an Ordinance previously increasing the number of Commissioners and so on. That was included but I had no idea that you guys were going to amend it even further.

Commissioner FLYNN: We just amended one word. That's all we put in.

Speaker BERGSTROM: One word?

Commissioner FLYNN: This is what it said. It originally said, "The Charter Review Committee will review recent proposals to change the governance of Barnstable County including the recommendations of Barnstable County."

And we said, "The Charter Review Committee will review recent proposals to change the governance of Barnstable County focusing on the recommendations of the Barnstable County."

Speaker BERGSTROM: Well, that is a significant change. In a practical sense, the Committee's going to do whatever it wants to do.

Commissioner FLYNN: Yeah. That's true.

Speaker BERGSTROM: But the issue is is to whether or not -- for instance, I would if I had to edit that again. And before it was submitted to proposal, I would have said that any proposed changes would be submitted to the Legislature because we don't know -- we're not presuming that we're going to have a document to propose to the Legislature.

Here it says that a document -- it refers to a document or changes. I think that any resulting changes or any proposed changes would be approved -- would be reviewed by the Counsel to see if they're appropriate now.

I'm hoping this gets off to a good footing, but what the Committee wants to focus on or not focus on is going to be up to them, I'm just saying.

So, that's the reality of it. And, hopefully, we can get someone on board who understands that and go forward.

Commissioner FLYNN: Yeah, this isn't a directive to the Special Counsel. It's just a statement on the Commissioners view of the Charter Review Committee, how they might look at the recommendations. And you may not agree with us and that's fine. That will all happen during the Charter Review Committee.

Speaker BERGSTROM: The scope of services is basically giving the person who's going to be doing it a heads up as to what they're going to be facing. Well, it shouldn't be telling them, "Hey, look, you've got to look at this."

It's basically saying this is what we're expecting you to do and how much it is going to cost us, you know, which is another issue.

But, like I said, I don't want to get into a battle over it yet. It's too early in the procedure.

Commissioner FLYNN: Sure.

Speaker BERGSTROM: Anyway. Anybody else have anything to say about that? Well, thanks a lot.

Commissioner FLYNN: Thank you.

Speaker BERGSTROM: And I hope you will send us -- I'm talking as the Chair of the Charter Review Committee, you will send us a Commissioner or Commissioner's representative in due course.

Commissioner FLYNN: Next week, we will be voting on it.

Speaker BERGSTROM: Okay. We'll wait it with bated breath. Are there any Communications from Public Officials? Any Communications from Members of the Public?

### Assembly Convenes

Proposed Resolution 13-03: As of July 1 2013, no employee, or elected official of Barnstable County shall be employed by, serve as a Board of Directors, Trustee, or on any Committee, or Commission, appointed or elected, of an organization in which the Cape Cod Regional Government known as Barnstable County is the fiscal agent. This shall not affect the employee's participation in any agency or department of Barnstable County Government. Upon adoption of this ordinance it shall become part of the Manual of Governance and Procedures adopted Jan 18 1989, and further amended. Furthermore: This ordinance upon its adoption shall be referred to the next Charter review committee for its insertion into the County Charter. Suggested site: Article 6-1 New Sec. (a)

Speaker BERGSTROM: Okay. We will now convene. The Assembly will now convene, and we will consider Proposed Resolution 13-03 submitted by Delegate Cakounes; Restriction of employees of the County serving on agencies on organizations when the County is the fiscal -- or organizations, I assume that's what the means, when the County is the fiscal agent. I will turn this over to the Delegate from Harwich.

Mr. CAKOUNES: Thank you, Mr. Speaker. I first would like to officially withdraw my Proposed Ordinance 13-03 due to the recommendations by the County Attorney Troy opinion letter dated March 20, 2013.

Now that that Proposed Ordinance has been officially withdrawn, I did, in fact, submit a Resolution 13-03, which you have in front of you now.

I will not bother reading the "Whereas's." I just want to call attention to the fact that it does refer to a Resolution passed, Resolution 12-04 back in September of 2012.

I will, for the record, read the Resolution. "As of July 1, 2013, no employee or elected

official of Barnstable County shall be employed by, serve as a Board of Director, Trustee, or any Committee or Commission appointed or elected of any organization in which the Cape Cod Regional Government, known as Barnstable County, is the fiscal agent.

This shall not affect employee's participation into any agency or department of Barnstable County government.

Furthermore, this Ordinance upon this adoption shall be referred to the next Charter Review Committee for its consideration of insertion in the County Charter. Suggested sites, Article 6-1, new Section A, and subsequently adoption into the Manual of Governance and Procedures.

That's a motion made, I guess, to bring this forward.

Mr. PRINCI: Second.

Speaker BERGSTROM: It's been moved and seconded.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: We'll open this up for discussion. Leo, did you want to --

Mr. CAKOUNES: Under "discussion," I just want to briefly state that this is not a new concept. You've all voted on this prior back in September of 2012.

For the record, I served on the Harwich Finance Committee for 9 years, and as part of the Charter and the Harwich Finance Committee, no Finance Committee member can be a member of any other volunteer Committee or Commission or Board in the town. You certainly can't be a Selectman. You cannot be a Board of Appeals member. You cannot even be on any other Board or Commission because they feel that it is improper. And I think most of the towns that you people all represent have the same types of qualifications in place.

I see this as being a huge problem, and I think it's time that we confront it. I'm a little dismayed of the fact that our attorney believed it was not worded correctly as an Ordinance, so that's why I brought it forth as a Resolution.

As a Resolution, all its doing is pretty much stating our opinion and hoping that action will be taken in the future to see that this no longer happens.

Barnstable County is the fiscal agent for a number of organizations; two of them come to mind; Cape Light Compact and CVEC. And we have employees that are not only employees of the County and doing their due diligence in jobs for the County, but then they are also sitting on Boards and Committees with these other two organizations that we are the fiscal agents for.

I believe that this is action that needs to be taken, and it needs to be taken as sooner than later, and I'm hoping that today we get a positive vote on this. I think everyone agrees with it. There may be some hesitation because we don't want to move forward as quickly as July 1, 2013. But being a Resolution, it's just giving our opinion. And I'm hoping that in the next budget vote that we'll be taking we'll be looking at this area also.

But, once again, I hope that my colleagues will support it. Thank you.

Speaker BERGSTROM: Okay. Is there anybody else? Yes, Cheryl.

Ms. ANDREWS: Forgive the obvious question; so the only difference between what's in front of us today versus what we voted on before is this is a Resolution and the other one was an Ordinance; is that correct? I'm confused about that part.

Mr. CAKOUNES: If I may, Mr. Speaker?

Speaker BERGSTROM: Yes; Leo.

Mr. CAKOUNES: No. The one that I submitted earlier was the exact same language and it was an Ordinance, and I have taken that back and resubmitted this one with the language kind of tweaked a little bit as a Resolution.

The Resolution that you passed in September is written in its entirety on the first “Whereas,” so you can compare the two languages.

For a quick answer, the one that we passed back in September was specifically the representation of County employees on the Board of Directors of Cape Light Compact and the Cape and Vineyard Electric Co-op. This one takes kind of a broader standard, if you will, because, once again, I think if we’re going to be fiscal agents for other organizations, we should not be holding positions of authority of those agencies.

Speaker BERGSTROM: Okay. Yes.

Ms. MCCUTCHEON: I’d like to speak to this. I think recently we all had to take an ethics examination on the computer. And at the end of it, you know if you didn’t get any question right, you had to answer it until you got it right.

Well, there was a question on this that was almost identically this problem. What the rule said was the State or County employee may not have a second paid position within the same -- an agency of the same governmental level.

Now there’s a reason for this, and it’s illustrated in this case. There’s an employee who is supposed to be the Assistant County Administrator with the fiscal duty and responsibilities to Barnstable County who is the Executive Director of a creature of a County creation, an Intergovernmental Agreement created CLC, and that person negotiates changes in the CLC contract. She has to. She’s the person who is the Executive Director who manages the organization and has for years.

So when she bargains for changes in the contract between the Intergovernmental Agreement and the County, whose hat is she wearing? That’s why this is considered to be unethical, and that’s why I support this Resolution.

Speaker BERGSTROM: Okay. Anybody else? You know, more and more as you probably can tell I’m a creature of the Charter and what it provides for. If you look in the Charter under “Powers of the Assembly,” it speaks to a bunch of things that we can do. We could -- and the closest we can come to this is to establish, alter, or abolish any department, office, or agency.

So my take is that we really don’t have the power to change -- we don’t have the authority to change how the Commissioners run their staff. But as Deborah brings up, it’s not a question of our authority to do this. It’s a question of whether it’s appropriate under the ethics rules, which is something that I think is sort of out of our purview. We can complain, but we’re not the enforcement authority.

However, I agree with Leo. I think this is a positive step. I took that same ethics test and, you know, there has been reports that the County budget has often times been used to temporarily bring CLC’s budget into the red or CVEC’s budget into the red when their receipts lag behind. If you have somebody who’s a Treasurer of Barnstable County and also the Treasurer of these organizations on a receiving end, it becomes problematic.

The Commissioners have made provisions in the current budget to basically move some of these County employees out of their dual roles and I respect that, and I believe they intend to follow up on it.

But that being said, if we pass this Resolution, we’ll be on record of supporting that policy, and it will move on, I assume, to the Charter Review Committee if it has to be a Charter change. I mean I don’t know. I’d have to rely on the counsel to see how that would be accomplished, but that’s my take on it.

Anybody else have anything else to say? Yes, Suzanne.

Ms. MCAULIFFE: Yes. I agree with both the previous speakers. I think the issue that we have isn't so much the conflict of interest as what are CLC and CVEC in terms of their relationship to us. It's a very slippery, fluid, flurry thing. They're intermunicipal.

Today we heard from the County Administrator that they're County agencies. It's a moving target as far as I'm concerned.

So I think this needs to be dealt with at the Charter Review Level. I think State Ethics handles it if, in fact, they are County -- offshoots of the County or County departments. But I think it becomes a moving target. They aren't clearly anything when you are specifically kind of lining up to ask about something or get clarity on something or get information because there's a history of, well, we don't have to provide that, or you don't have jurisdiction over us. There's always something.

So, this is such a moving target that I think that the Resolution gets the sense of this group across very clearly, and I'm not sure that conflict of interest can handle this because I don't think they're purely a County agency.

Speaker BERGSTROM: Yes. Teresa.

Deputy Speaker MARTIN: Yes. I just want to speak specifically to the Resolution. It makes me uncomfortable because you know when you are trying to address a specific question, which seems a number of people have certainly addressed the two particular entities in that particular issue, but you do it through a really broad thing, you end up often with unintended, unthoughtout places that you end up in a couple years. And if this is as big an issue as you -- in a broad way, then I think sort of throwing it out for one discussion like this doesn't fully think it through.

And I would tend to put it -- if it's that huge of an issue, then it belongs in the Charter, and that's where the discussion should happen. I don't have enough information that I feel comfortable supporting it right now. I want to know every single agency right now that it is -- the County is serving as an agent for. And I want to see what the Boards were on those. And I want to see are these two exceptions or is this the general pattern?

I think this is kind of a broad response to a specific ongoing debate, and I don't feel comfortable with that if this is the way to address it. So I can't support this.

Speaker BERGSTROM: Anything else? Yes, Julia.

Ms. TAYLOR: Yeah, I'm worried about possible unintended consequences because I had sort of felt the issue was put to rest in this format when we got the opinion from Troy. So to have it come back in Resolution form without being able to go further makes me uncomfortable.

I'm sure that, you know, I think Mark has already changed -- hasn't he changed his work for CVEC, I think. At any rate, I want these jobs separated but I don't know what this -- and I'm talking about Mark and Maggie. If there are others, I don't really know what they are, and I don't want to vote something that might include a lot of the stuff that I don't know what it is.

I certainly think we have a further issue of what is the true relationship of these entities. That's sort of separate from the people issue. Are they County? Are they not County? But it isn't the same as the work.

So while I want Maggie and Mark out of this by the end of next year, and I think Mark really is out of it now, I don't know what this really involves.

I'm just basing my feeling based on what Troy said.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: The wording of the Resolution is specific, and, yes, it is broad. We are fiscal agents for a number of different agencies. There's no doubt about that. We know of

two. There may be many more.

I'm taking the stand in this Resolution that at no time should an employee of the County, especially people from the fiscal department, have a position as a Board of Director, Trustee, or to use the words exactly, Committee or Commission, appointed or elected to serve on those committees.

Now that's not to say that in a case of an organization which they need an appointed person from Barnstable County to sit on that board, that the Commissioners if they are, in fact, the appointing authority that they appoint someone. Not themselves, not the Chief Financial Officer of Barnstable County, but some member of the public who will serve them as a volunteer representation on that specific bullet.

Now this is a practice that many towns, I'm sure all of yours, follow. It's not going to have any damaging effects if we vote it in. It's going to have positive effects because we should not be having anyone who's an employee or an elected official sitting on Boards or Committees that we are the fiscal agents for. It's very simple. There's no backlash. There's nothing bad that's going to happen from this. It's good policy, and as was pointed out, it's in the ethics exam.

Speaker BERGSTROM: Okay. I'd just like to -- I did some thinking about this, obviously. And one of the issues that comes up is that as far as I can understand and I'm still sort of confused about these organizations, but they don't really have any employees. I mean Cape Light Compact doesn't have any employees. They contract out their work.

Mr. CAKOUNES: That's not true.

Speaker BERGSTROM: They do have them?

Ms. TAYLOR: They're County employees.

Speaker BERGSTROM: They have 11 employees that work for them?

Mr. CAKOUNES: Yes.

Speaker BERGSTROM: But those employees are not employees of Barnstable County?

Ms. TAYLOR: Yes, they are.

Ms. KING: They are.

Mr. CAKOUNES: They have 11 employees, possibly more. They are employees of the Cape Light Compact, yet they are paid through Barnstable County. They are given checks from the Barnstable County, and that amount is reimbursed to the County on a yearly basis from the Cape Light Compact.

Speaker BERGSTROM: All right. This is exactly what I'm getting to. I understand that. What I'm saying is that the issue is that Barnstable County is the fiscal agent, and, therefore, we're responsible for doing the work.

So, even though -- the way it's set up now is we pay these people and they go out and they do whatever, you know energy efficiency stuff. The best way to deal with it, I think, would be rather than have them be employees of Cape Light Compact paid by the County and the County being reimbursed, they should have some kind of a service contract with the County for a lump sum of money, \$100,000 or 150,000. The County will provide these services for Cape Light Compact. They it becomes regardless of who does it. It doesn't matter. It could be Maggie. It could be me. It could be Mark. It could be anybody.

But really what it amounts to now is having them actually paid employees of the organizations that they are overseeing because in a way, we have a Municipal Services Agreement. Barnstable County is providing services for Cape Light Compact. We shouldn't be paying their employees. That's really where the conflict -- this is, in my mind, this is where the

conflict comes up.

I don't know if it's relevant to this Resolution or not. Okay. Yes, Julia.

Ms. TAYLOR: Another thing. I disagree with Leo. I think there are boards that do need a County Commissioner, for example, and I don't think that they would always be -- I'm sort of vaguely thinking of JTEC.

I think there are places where I wouldn't agree with you that it would be much better if the County Commissioners appointed someone.

Mr. CAKOUNES: We're not fiscal agents though.

Ms. TAYLOR: But there could -- I just don't know. That's my question. I don't know. I don't think we all know. And I would like to know if that were an issue because I don't think I would necessarily think that would be an issue. But they are employees; they get a paycheck. They are elected. You included elected people.

So, I'm just -- I think this is a good thing to work out in the Charter.

Speaker BERGSTROM: Well, just to get back to what I was saying is that those of you who have taken not the ethics exam but basically filled out a financial disclosure report, which we do every year. One of the questions they ask are, "Do you serve as an officer or paid of any organization which receives money from, let's say, the County.

You know, even if we were -- let's say to give the funds to a charity, the Housing Assistance Corporation. If I was an officer of the Housing Assistance Corporation, I would not be able to vote on that.

So there's an additional conflict. I mean both CVEC and CLC are nonprofit organizations. They have County employees who serve on their boards, and, also, under the current structure, paid employees. In other words, they're paid directly from or indirectly from CLC funds, and, yet, they're part of putting together the County budget which supplies funds to so-and-so.

I understand what Leo's trying to do. The language, to me, doesn't seem to be that confusing. It's not going to be in effect, but I do believe that the County has to separate. The County employee should not be also employees of any organization that receives any kind of support or has any decision-making authority over them. And that's why I'm going to support this.

Have I stunned everybody into silence? Chris. Almost.

Mr. KANAGA: I'm going to support this too. I feel like we've been talking about this for a long time. We've been trying to figure out how to separate functions, how to make the lines of authority and payment clear, and the flow of information clear. And I think this may not solve all those problems, but it certainly addresses one. And I'm in favor of it.

Speaker BERGSTROM: Okay. Cheryl.

Ms. ANDREWS: It's kind of hard not to say anything that I've heard except that I started listening to all of you, and at first you started to confuse me, and then I got back to the ethics exam we just took, which has been revamped by the State.

When we took it originally, we were taking the municipal ethics exam; there wasn't a County one. This new one now is aimed at us.

And when I read the section about divided loyalty, I cut and pasted it. I was really shocked at what I saw. That is exactly what it's talking about. It's talking about someone wearing two hats, and, therefore, answering to two committees -- two groups at the same time. It doesn't work.

So you have my support as well.

Speaker BERGSTROM: All right. Well, why don't I call for a voice vote on this. I mean a roll call vote.

**Roll Call Vote on Proposed Resolution 13-03: As of July 1 2013, No employee, or elected official of Barnstable County shall be employed by, serve as a Board of Directors, Trustee, or on any Committee, or Commission, appointed or elected, of an organization in which the Cape Cod Regional Government known as Barnstable County is the fiscal agent.**

**This shall not affect the employee's participation in any agency or department of Barnstable County Government.**

**Upon adoption of this ordinance it shall become part of the Manual of Governance and Procedures adopted Jan 18 1989, and further amended.**

**Furthermore: This ordinance upon its adoption shall be referred to the next Charter review committee for its insertion into the County Charter. Suggested site: Article 6-1 New Sec. (a)**

**Voting YES (55.89%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% Orleans), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).**

**Voting NO (34.53%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Anthony Scalse (4.55% - Brewster) Julia Taylor (14.61% - Falmouth).**

**Voting PRESENT (9.58%): James Killion (9.58% - Sandwich).**

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 13-03 passes with 55.89 percent of the Delegates voting yes; 34.53 percent voting no; 9.5 percent present.

**Proposed Resolution 13-03: As of July 1 2013, No employee, or elected official of Barnstable County shall be employed by, serve as a Board of Directors, Trustee, or on any Committee, or Commission, appointed or elected, of an organization in which the Cape Cod Regional Government known as Barnstable County is the fiscal agent.**

**This shall not affect the employee's participation in any agency or department of Barnstable County Government.**

**Upon adoption of this ordinance it shall become part of the Manual of Governance and Procedures adopted Jan 18 1989, and further amended.**

**Furthermore: This ordinance upon its adoption shall be referred to the next Charter review committee for its insertion into the County Charter. Suggested site: Article 6-1 New Sec. (a)**

Speaker BERGSTROM: Thank you.

Mr. CAKOUNES: Thank you.

### Committee Reports/Minutes

Speaker BERGSTROM: Nobody filibustered that one. So that's good. I tried but. Okay. We are moving right along here to we have a series of minutes. The Standing

Committee on Health and Human Services. That's Chris.

Mr. KANAGA: Yes, sir. I'd like to ask for a motion on the draft minutes of March 20, 2013, for the Standing Committee on Health and Human Services, which I believe the members are here.

Ms. MCCUTCHEON: So moved.

Ms. MCAULIFFE: Second.

Mr. KANAGA: All in favor?

(Minutes approved by committee quorum present)

Speaker BERGSTROM: Okay. Now we also have the Standing Committee on Finance, draft minutes from their meeting on the 3rd of this month. John.

Mr. OHMAN: Thank you, Mr. Speaker. The Standing Committee on Finance met with the Chair of each of the Standing Committees for the Barnstable County FY '14 budget.

I'd like to get a vote of motion to approve the minutes with the members present at the time.

Ms. TAYLOR: So moved.

Mr. CAKOUNES: Second.

Mr. OHMAN: All those in favor?

(Minutes approved by committee quorum present.)

Speaker BERGSTROM: Okay. We now have report from the Clerk.

#### Report from the Clerk

Clerk O'CONNELL: Thank you, Mr. Speaker. I just want to let everyone know that we did receive a response from CVEC on the follow-up letter regarding financial information. So I think I emailed that to everyone.

I have a copy of it here at the desk in case anyone in the audience wants to take a look at it. And that will be going up on our website as part of the materials that you received officially at today's meeting.

And I also want to let you know that you will be receiving a notification on a Public Hearing for a Proposed Ordinance 13-05 that was submitted to me by the Cape Cod Commission on April 11<sup>th</sup> and that will be going to Governmental Regulation Committee on May 1<sup>st</sup> for a Public Hearing. And you'll be getting that notification and it will be posted next Wednesday in the local newspaper.

And that's all I have.

#### Other Business

Speaker BERGSTROM: Okay. Under "Other Business," we're going to be having a vote on the budget coming up. I'd appreciate -- I think it's a matter of courtesy; it's not necessary, but as a matter of courtesy, anyone who has significant amendments to the budget should try to provide them to the Assembly in a forum where we can walk into the door knowing exactly what we're faced with rather than have to discuss it on-the-fly, so-to-speak.

Other than that, you might've received notification that I appointed five members to the Charter Review Committee. Everybody got some criticism, so it must have been pretty good appointments. All of them are knowledgeable people.

You probably know them. Of course, there's the two Delegates, both Julia and Suzanne,

but also three public officials, Austin Knight from one end of the Cape in Provincetown; Linell Grundman from the other end, and a Town Councilor Ann Canedy.

When we get -- when the Commissioners get off the dime and send us the final appointee, we'll inform, you know, we'll start our meeting process, and we'll inform everybody in the Assembly of our schedule and the subjects that we're going to discuss.

And, hopefully, we appreciate any input both written or in person to the committee.

Ms. MCAULIFFE: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Just a point of information. There's been a lot of chatter about the appointment of the Charter Review Committee. Perhaps you would just like to elucidate why it was not a public open process and why you had the discretion so the people are not accusing us of violating the Open Meeting Law because it really was the authority of the Chair to appoint the.

Speaker BERGSTROM: Well, I simply took the amended Resolution that we started with at a couple of meetings ago, and I wanted to make sure -- the two things it speaks to is regional representation and also representation of municipalities within the County government.

So my three appointees, at-large appointees, are all either current or former -- actually, they're all right now current public officials from the three regions of the Cape.

And, also, I consider myself from the Outer-Cape. I don't know. Chatham is a member - - somebody suggested that Chatham was its own entity. But I'm out there, and I know that I've been out there for a while.

Mr. KILLION: Second.

Speaker BERGSTROM: And we've got somebody from -- we've got Suzanne, yourself, from the mid-Cape, and also we've got Julia from Falmouth.

We went through a process a couple years ago, now it might be more than a couple, where we sent out information to all the Boards of Selectmen on the Cape. They put forth nominees. We held an election, and those people elected nominees as so on. It wasn't an open process in the sense that the public really didn't decide, but it was limited to the public officials.

So I just thought that unlike the last Charter Review Committee, I wanted this to move forward. And the Assembly gave me the power of appointment and I used. So there it is.

And the appointees speak for themselves. I have to say right off the bat that I had not discussed the ultimate direction of the Charter Review Committee with any of these appointees. I mean they may have, on their own, said something here and there, but I didn't -- I have no prior knowledge whether Mr. Knight or Linell Grundman or Ann Canedy has any opinion on how the County should be organized or not. And I made a point not to. And I tried to balance it ideologically as well as geographically with a lot of success, but we've gotten some good people on there.

So, I've heard the complaints, but I mean it was my appointments to make and I made them. There you go.

Anyway, do we have anything else to be brought before the Assembly? It's only quarter to five, guys; come on.

Deputy Speaker MARTIN: Move to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those 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