

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – April 3, 2013

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, April 3<sup>rd</sup>, 2013 session of the Cape Cod Regional Government, Assembly of Delegates.

I don't think we're being recorded by anyone other than our normal contractors. So, I will now 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.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (90.78%): 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), James Killion (9.58% - Sandwich), 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), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).**

**Absent (9.22%): Christopher Kanaga (2.73% -Orleans), Marcia King (6.49% - Mashpee).**

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 90.78 percent of the Delegates present and 9.22 percent absent.

**Committee of the Whole**

Speaker BERGSTROM: Okay. Thank you. You have in front of you the Calendar of Business. Are there any changes to the Calendar? If not, I need a **motion to approve**.

Deputy Speaker MARTIN: So moved.

Mr. SCALESE: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor, say "Aye." "Opposed?"  
**(Motion carried.)**

Speaker BERGSTROM: You should have received a copy of the Journal of March 20<sup>th</sup>, 2013. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: **Moved.**

Mr. SCALESE: Second.

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

Mr. OHMAN: Present.

**(Motion carried.)**

Speaker BERGSTROM: We now move to Communications from the Board of Regional Commissioners.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Good afternoon.

Speaker BERGSTROM: Good afternoon.

Commissioner FLYNN: I'm forwarding to you a Proposed Ordinance to -- it has two pieces to it. The first has to do with the Fire Training Academy. You know that we -- the County has a contract with the Mass. Maritime to provide training, fire training services to the cadets.

And they're engaged in another program for the remainder of the year, and we're asking for \$45,160. And you know that that will be reimbursed by revenue from the contract.

The other piece is related to the dredge. There's been a revision in the estimate on the income for this year which is higher. And because of that, the dredge can perform more services to the towns.

So we're going to be asking for an additional \$12,000 in salaries to complete the additional work that we can now do because we have the revenues to cover.

So that's the Ordinance. Thank you.

Well, today, we had a couple of votes. One was to -- we voted the contract for web consulting to do the IT assessment for the County. And we expected that will probably take two months. And we were hoping to get it going before now, but we've had a few problems along the way particularly because that type of contract is eligible to be on the State Bid List.

So, therefore, we have to go through the State, which we did, and the State requires two or more quotes, which we did. The result was that no one else responded to the request for a scope -- based on the scope of services except Web Consulting, but they're the ones that we hoped that we would be able to engage anyway.

So it will take about two months. And I was hoping that it would be earlier because if they came up with something or some plan or some type of equipment or some change that we thought would be very helpful for next year that we might be able to -- if there were a need to put in any type of funding requests for next year that might result from that. But as it turns out, that's not going to happen.

So we'll just go along with what we have, and if it seems like we have to do something else, we could always ask for -- put it through as an Ordinance if it turned out that way.

We had the Speaker with us this afternoon, the Speaker of the Assembly. And we also had a discussion about the Charter Review Committee and the need for a Special Counsel. So we did vote today that we would begin the process of retaining Special Counsel.

Speaker Bergstrom has already contacted the local association -- not the local but the State Association of Attorneys, you know, through the MMA, I guess; is that who it was?

Speaker BERGSTROM: Solicitors and Counselors Association.

Commissioner FLYNN: Solicitors and Counselors Association, so we have a couple of names. And one, of course, as you probably would expect is Michael Curran. Some of you may know him or remember him in previous years. He's done a lot of work on Charters throughout the State. And then there's another name -- I can't remember what it is. So we will move on that very quickly.

Commissioner DOHERTY: Richie.

Commissioner FLYNN: Richie, right. And we'll have -- and we're not meeting next week and I'll tell you why. But the week after that we should be able to I think have enough information to move that forward.

So that was our biggest accomplishment today. We did -- and I'll let the Speaker tell you the results of our discussion regarding the Ordinance that you voted on last week.

Commissioner DOHERTY: AmeriCorps.

Commissioner FLYNN: Oh yes. I wanted to tell you why we're not meeting on Wednesday. Next week is considered the week to recognize National Public Service, which is AmeriCorps. So we have -- and it's called the Mayors -- the Mayors for AmeriCorps around the country.

We are the only County in the United States that sponsors AmeriCorps. Every other state it's either a city that sponsors AmeriCorps. What's unique about our program is that we actually provide housing for the AmeriCorps volunteers.

We have the Wellfleet House, which is owned by the National Park Service, and then the Bourne House, which is owned by the County. And it makes a huge difference to the AmeriCorps volunteers because some of them come from circumstances that would be prohibitive if they had to really find their own housing in a city, which, often times, is very hard for them to do, and to be able to have to pay for their housing while they're trying to do AmeriCorps and work on the side.

So it makes it a much better program and we get actually more from the volunteers because of the housing. So we're very fortunate to be able to have those facilities that we can do that.

So even though it's Mayors' Week to honor AmeriCorps, we have decided that we are going to do it here at the County. So next Tuesday morning at 8:30 if you want to come, you're welcome to come. We've got a bus. And Darlene and some of the AmeriCorps volunteers and the Commissioners -- we've asked Darlene to pick three projects that AmeriCorps has done on the Cape that we can recognize.

And I know one is in Orleans. And I'm not sure where the other two are. So we're notifying the Town Managers and the Boards of Selectmen that we will be in the town on that date at an approximate time and if they would like to join us.

We're going to make Proclamations there and recognize the work that AmeriCorps did in that town. So we're going to go to three different towns. And it will be great. We're going to have a video of that, which will go to the National Organization because that's what they want. They want to see what the local towns or cities have done to honor and recognize the AmeriCorps program.

So we will also get some national recognition for our program in recognizing AmeriCorps and the work they've done. So we welcome you if you want to take a ride; 8:30 a.m. at the back of the courthouse, Tuesday, April 8, I think or --

Commissioner LYONS: April 9<sup>th</sup>.

Commissioner FLYNN: April 9<sup>th</sup>. That's it.

Speaker BERGSTROM: Okay. Are there any questions for the Chair of the Commissioners?

Commissioner FLYNN: Okay.

Speaker BERGSTROM: Thank you. Any communications from public officials?

Okay. Do we have any 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'm here to invite you to come to our forum on April 20 based really on our concern about what's happening to elections and the Citizens United Verdict which allows so much more money into the democratic process.

So we are having a "Forum: Money in Politics. Where do we go from here?" It will be Saturday, April 20 at the Harwich Community Center at 10 a.m. So, I wanted you to know about it, and hope those of you who can will join us and add your voices in the discussion.

I'm also here -- we have done our Annual Directory of Elected Officials in which we have the County and State people serving. It's a little late because the new State people had to get room

assignments and that takes a while -- offices.

So I'll give those to Janice (the Clerk) to distribute to you and leave this announcement for you. Thank you.

THE SPEAKER: Thank you. Yes, hand in the back.

Mr. JIM ROGERS: Thank you, once again. The Assembly of Delegates is truly the one bright light of County government. Thank you.

Leo Cakounes is fond of saying -- he prefacing his remarks by saying he's nothing but a dumb farmer.

Mr. CAKOUNES: Simple farmer.

Mr. JIM ROGERS: Simple farmer.

I'm nothing but a simple but dumb teacher. For 32 years, I taught children, high school children --

For 32 years I taught students in math class that if they wanted information they could easily get it. They could go to the Superintendent. They could go to the Principal. They could even go to the Selectmen.

My belief and my idealism are being solely tested these days. I went to the recent CVEC meeting, and at that meeting both Mr. Checklick and the Treasurer claimed they did not understand the request that was made of them for financial documents from the Assembly.

Also, the attorney for CVEC said that it was not up to CVEC to guess what exactly what was requested of them. I thought it was all very simple.

So I would just ask you once again to please help me to keep believing the rhetoric that I passed on for 32 years to students at a South Shore public high school. Thank you.

Speaker BERGSTROM: Thank you. Are there any other members -- yes, I see another hand in the back.

Mr. PRESTON RIBNICK: Good afternoon. I'm Preston Ribnick from Wellfleet. And I want to thank, once again, the Assembly for your continuing commitment to openness and transparency in County government that Jim Rogers has said from my two years of experience here, it's the only bright spot in County government that I've encountered in these two years.

As Jim said, I and Jim attended last week's CVEC meeting, and I came away once again profoundly disappointed with the experience. There was no public comments allowed.

The meeting began at 9:10 a.m., and they immediately voted to go into Executive Session. They didn't return to Open Session until 3 p.m. So we waited from 9:10 a.m. to 3 p.m. And this has been their habit over and over and over again even though I've pleaded with them, please, to have the Public Session first and then to adjourn into Executive Session.

It was the first CVEC meeting that was open to the public for the last four months. It was the first CVEC meeting that had been open to the public for the last four months.

As Jim said, the board still refuses to provide the financial records the Assembly requested two and a half months ago because I don't understand what the records were that were requested.

And that happened even though Mr. Zielinski, the County's treasurer, the CVEC's treasurer, the fiscal agent for CVEC and CLC was in the room and remained completely silenced during the whole discussion.

Even when one of the board members from CVEC said perhaps we can interpret what the County wanted -- what the Assembly of Delegates wanted and maybe we could provide the documents to them. And that's when Mr. Bernstein said it wasn't up to the CVEC to guess what you wanted. Mr. Zielinski remained silent during that whole conversation.

So I'm here today to, once again, request that you invoke the full scope of your authority under the Charter and please secure the documents that you requested two and a half months ago.

Thank you for your time.

Speaker BERGSTROM: Are there any other Members of the Public who wish to address the Assembly? Hearing none.

#### Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene, and we will begin with Committee Reports and Minutes, Approval of Minutes.

And I will start with the Standing Committee on Finance, Draft Minutes of 3/13. John.

#### Committee Reports / Minutes

Mr. OHMAN: Thank you. On March 13<sup>th</sup>, 2013, the Standing Committee on Finance met to review the Proposed 2014 Budget for the RDO, the Regional Commissioners, the Finance Department, Shared Cost and Debt, Unfunded Liability, and Information Technology and the Assembly Budget. We began at 2 p.m.

I'm sure that all of you on the Finance Committee, the four of us that are here, have those Minutes and had a chance to review them. I'd like to call for a vote.

Mr. CAKOUNES: **I move that we approve the Minutes as written.**

Ms. Taylor: Second.

Mr. OHMAN: Moved and seconded. Are there any amendments? We're all set to go? I'll take a vote then on that. All those in favor? "Aye." "Opposed?"

**(Minutes passed.)**

Speaker BERGSTROM: Okay. Now I also have a Report from and Approval of Minutes from the Standing Committee on Public Services of 3/20/13.

Mr. ANDERSON: Okay. We had our meeting on the 20<sup>th</sup>. We met with the Registry of Deeds, the County Dredge, Fire Training Academy and the Facilities Department.

So, I'm assuming that everybody's got a copy of the minutes that were there, all four people.

So I need a **motion to accept them as presented with Cheryl's corrections.**

Ms. ANDREWS: So moved.

Mr. HITCHCOCK: Second.

Mr. ANDERSON: All in favor say "aye." "Opposed?"

**(Minutes passed.)**

Speaker BERGSTROM: Thank you. Now we have a Report from the Clerk.

#### Report from the Clerk

Clerk O'CONNELL: Thank you, Mr. Speaker. I just want to remind everyone that Finance will be meeting again on the 17<sup>th</sup> of April at 1:45 to conduct a Public Hearing on the Proposed Ordinance that we received today.

And then immediately following at 2 o'clock, there will be a Public Hearing on the FY 2014 Proposed Budget.

And that's all I have to report today.

Other Business

Change of Location for Posting Meeting Notices

Speaker BERGSTROM: Okay. Now under other business we have a discussion regarding a proposed change of official posting locations for Assembly meetings. It may seem like a minor point, but the Clerk and I have had discussions about this and also with the County Attorney. And, apparently, it's a very important point with regards to the Open Meeting Law and information to the public.

So, I'm going to let Janice explain this but it's something we're going to have to deal with.

Clerk O'CONNELL: Thank you, Mr. Speaker. Earlier today -- I apologize for the lateness in getting you some of these related materials, but I thought it might be helpful for you to have a copy of the information that's available online from the Attorney General regarding this particular item.

We're all familiar with Chapter 30A, that's the Massachusetts Open Meeting Law. It tells us how, what, where and when we've got to do what we do with regards to open meetings.

Today, I wanted to talk to you all with regards to the regulations that the Attorney General uses to enforce the Open Meeting Law, specifically related to where we post our meetings.

Currently, our meeting notices are being posted at the Superior Court building via the Administrative Clerk's Office for the County Commissioners. I haven't had any problems. I haven't had any meetings that had not been posted.

But what has occurred to me through the process of posting these notices is the fact that my notice gets sent to their office and I wait for a reply that indicates the date stamp and time it has been posted. It's posted on their official bulletin board.

After I talked to County Counsel, he saw no issue or reason why the Assembly could not be acting independently and post our notice in an alternative location.

What it does is it makes me the responsible person totally accountable for when and where that notice gets posted. It's an accountability issue for me. I don't want to send anything out to anyone, including you, Selectmen, other Town Clerks that doesn't have my name signed on the agenda with an indication as to the date and the time that is getting posted. I want to be consistent. I want the notices that I send out to everyone to look the same and be the same.

By allowing us to -- my recommendation will be to use the website for official posting. What goes on the Web will be the same thing that gets posted in other towns if the Town Clerks so choose to post it, at the Commissioner's Office, and in here at this building. None of that is going to change. Those notices are, I presume, still going to get posted everywhere that I send them to.

But what will change is the fact that the website will become on record with the Attorney General our official posting place.

Now we all know as with everything in life there is risk. The risk here is I forget to post it upstairs. Let's say this building was our official posting place; I forget to post it. Or it doesn't get posted in the Commissioners' Office, which is the official posting place now. Well, what would happen is that you could not hold your meeting.

How does that work when you use the website? If I forget to post it on the Web, the meeting is canceled. If the website goes down, which is something that I've had a couple of individuals ask about; if for some reason the server crashes within that 48-hour window when you must have your meeting posted then you would not be able to have the meeting. How often does that happen? No one has been able to tell me.

I think the risk is very, very small for that to happen. I mean if it went down on Friday and it was up by 4 o'clock Monday afternoon for a Wednesday meeting, no problem. It's got to be accessible to the public within 48 hours of your meeting. So I think the risk is very small that that

would happen.

So, with that, with all that information, what I'm asking is for the Assembly to -- if they would like to discuss it or have some consideration with my suggestion to notify the Attorney General, which I can only do once the Assembly takes a vote that we would like to exercise an alternative posting place and have that be the County's website.

That's it.

Speaker BERGSTROM: Okay. You guys understand? Do you have any comments on this? Yes, Suzanne.

Ms. MCAULIFFE: Yes. I remember when the Open Meeting Law first changed and they were really rigorous about posting municipal meetings. There had to be either a computer setup facing a window that someone could see at all times. There was some pretty strong sort of qualifications for County for posting.

I'm not sure that just a website might do it. Is there any way that we could consider putting a hard copy on a window upstairs?

Clerk O'CONNELL: Suzanne, I do that now, and I would continue to do that.

Ms. MCAULIFFE: Well, I mean to count that as a posting site because not everyone -- you will hear the argument not everyone has access to computers or is computer literate.

So there needs to be a place where people can actually go and physically look at as an official site. That's what I'm talking about, the redundancy.

We couldn't just use the computer. We had to have a computer plus-plus to count as a posting. So I'm just wondering if you could have an official posting, hardcopy and website. It's just a thought.

Clerk O'CONNELL: I don't believe you can. The regulation -- well, not based on what I read in the regulation. When I talked to them today, they indicated that we'd be looking at regulation 940 CMR 29:03, 3(b). That's what I would suggest, and the official posting place would be the website.

Again, that doesn't mean that it doesn't get posted in other locations or that we wouldn't continue that practice. But as far as having the official posting location, I think it would be the Web.

Speaker BERGSTROM: Okay. Leo, do you have something?

Mr. CAKOUNES: No. Go ahead. I was going to move it for discussion.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: The good news for us is we're not being cutting edge. I remember when Provincetown made this change and because I'm an old dog, not a dumb one, not a simple one, I was horrified when we renovated Town Hall and I walked in expecting to see the wall of meeting notices that I had known for 20 years and, instead, there were paintings.

And the reality is that thanks to the law as it's written, a lot of towns are doing this where under the law they're allowed to designate the official posting site as their website.

But the fact is you do still have an obligation. And I think that's the distinction that Jan was making that we have to file the plan with the Attorney General's Office which will say what our official posting site is, but we also have the backup.

So in Provincetown there's a notebook in the Clerk's Office that has all the minutes. If I understood what Jan is saying, and I've got a motion prepared if you decide you want one, that would be the one thing I would add to her outline of the proposal, which is that in the plan for the Attorney General or in our motion, not only will we have the website but we'll continue to forward our posted agenda over to the Commissioner's Office, which they can post as they have for the last 20 years.

So, in essence, we're doing everything exactly the way we've been for 20 years. The difference is we're simply flipping legally what constitutes the official site so that she has the ability

to post it and take responsibility for it. At least that's how I understood what you were saying and that makes an awful lot of sense. As long as we're expanding what we're doing and not retracting.

My only concern with our website is that it needs an overhaul and we all know it. We don't have control over that. But, ideally, all the County agendas should be in one place, and that's what I'm used to in my town. It's right on the "Home" page. It says, "Upcoming Meeting Agendas" and you click there and you can see everything for the week.

With our website, it appears you have to sort of know where to hunt and peck to find different ones. And if it's tough for me, how can it be good for the public? So, I have that concern.

But to the extent that this proposal gives Jan full responsibility and control over our agenda posting, you know, you take the grief when there are complaints; it makes sense that you get to have the responsibility too.

So, unless there's an objection, I'm prepared to support it as long as we amend it to include the posting at the Commissioners' Office that will come after you post it.

Speaker BERGSTROM: Janice, can I ask you, do you -- is it posted now on the website?

Clerk O'CONNELL: Yes, it has been since I've been here.

Speaker BERGSTROM: So we finalize -- I finalize the agenda by Friday morning and it's always been posted by Friday afternoon?

Clerk O'CONNELL: Yes, it has, but what was happening in the past was it would be sent to the Commissioners' Office and they would post it. And I'd have it on the Web and it wouldn't have my signature on it, and it didn't have a date, well, it had a date but not a time.

So what I'd like to do is I'd like to make it uniform so that what comes out of this office with the date and time on it is the official, the legal.

Speaker BERGSTROM: Well, I'm just trying to indicate -- I mean, obviously, Friday is Friday, and I just want to make sure that the IT Department or whoever posts it on the website is going to be there on Friday and are going to post it.

Clerk O'CONNELL: Oh no, I literally do it.

Speaker BERGSTROM: Okay.

Clerk O'CONNELL: I do it.

Speaker BERGSTROM: You literally post it. Okay.

Clerk O'CONNELL: I do it myself.

Speaker BERGSTROM: That's good.

Clerk O'CONNELL: So that's the thing about the accountability and the control.

Speaker BERGSTROM: The other advantage to the website is posting places that it is accessible to the public. So the public knows what they're looking at is the official --

Ms. TAYLOR: The more public.

Speaker BERGSTROM: -- the more public, yeah, than let's say hiking your way up to the County Office. Do we have anybody else on this?

Mr. CAKOUNES: No. I'm waiting for the motion.

Speaker BERGSTROM: Yes, well, here's you're -- you're on board here.

Ms. ANDREWS: **I'll move that the Assembly of Delegates adopt the alternative method of posting meeting notices as authorized pursuant to Mass. General Law -- excuse me, as authorized in the Open Meeting Law, Chapter 30A, Mass. General Law, and the Attorney General's Regulations 940 CMR Chapter 29:03, Section (1)(c) and 940 CMR Chapter 29:03, Section (3)(b).**

**With the following conditions: 1, that after our agendas are posted by our Assembly Clerk, they will continue to be forwarded over to the County Commissioners Office for physical posting at their office.**

**And 2, that this plan is filed with the Attorney General.** And that's it.

Speaker BERGSTROM: Cheryl, does the language that you quoted in there **include language specifying a website --**

Ms. ANDREWS: Absolutely.

Speaker BERGSTROM: Okay. So it's in the language. I want to make sure it's in the motion. All right. Got a second?

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Moved and seconded. Any further discussion? Okay. I'll call for a vote. All those in favor say, "Aye." "Opposed?"

**(Motion carried.)**

Ms. ANDREWS: Mr. Speaker, I had a third item, same thing, but under my conditions. I'll ask you if you would consider this an additional motion that the Assembly of Delegates send a letter to the County Commissioners suggesting that all County agendas be posted in a single site -- a single location on our County website in the future.

Something they can consider. At least they know -- I mean I know you're here, but at least they know for the record that --

Speaker BERGSTROM: Two of them are here so they're aware of it.

Ms. ANDREWS: Well, if I may --

Speaker BERGSTROM: I don't want to have to -- I mean, I can take another vote on this Cheryl but.

Ms. ANDREWS: Well, never mind, then I'll just say it publicly. It's a suggestion. Thank you.

Speaker BERGSTROM: Anyway, moving on. Now we have the discussion regarding the charge of the Charter Review Committee. I'd like to bring you up-to-date on my discussions with --

Mr. ANDERSON: Mr. Speaker.

I have a question. Where is the agenda on the County website?

Clerk O'CONNELL: Well, at the very top of the County webpage, there are tabs that run across the top of the page.

Mr. ANDERSON: Okay.

Clerk O'CONNELL: At the very end, there is the Assembly of Delegates tab.

Mr. ANDERSON: Yes.

Clerk O'CONNELL: When you click on that tab, you get a drop-down list.

Mr. ANDERSON: Yes.

Clerk O'CONNELL: You would need to look at "Upcoming Meeting/Calendar/Agenda" it's either upcoming or past, so you want to look at the upcoming.

Mr. ANDERSON: Okay. All right. Because it's kind of confusing because at first I went to the Assembly of Delegates and it said "Agenda." I hit that page and it says, "Page not found."

Then going your way, I come to the County Assembly -- Government Assembly of Delegates, Business Calendar Agenda for April 3. Okay. View in .PDF. All right.

Clerk O'CONNELL: That's where I put it.

Mr. ANDERSON: And that's where it is.

Clerk O'CONNELL: And that still works.

Mr. ANDERSON: Yeah. So maybe someone should take down that other thing that takes you to a bad link.

Clerk O'CONNELL: Yeah, you'll have to talk to me after, Dick, because I don't know how you're accessing that.

Mr. ANDERSON: Well, I just told you how I got that.

Speaker BERGSTROM: Yes.

Mr. ANDERSON: I went into the part that said --

Ms. ANDREWS: Show it later.

Mr. ANDERSON: I'll show you later.

Clerk O'CONNELL: All right.

Speaker BERGSTROM: Yeah, we've got to straighten out some of these -- hopefully, the IT changes that the Commissioners are making will make everything a little more user-friendly.

Mr. ANDERSON: Yeah.

Speaker BERGSTROM: I tried to retrieve an email today, and I was looking for the I think the Ethics Commission, and I knew I got something that's suspicious, so I put in search I put in "Ethics Commission" and I hit search and I got nothing. "No items found."

So then I went and scrolled down and there it was; Ethics Commission. I said, well, we're only 20 or 30 years into this. We'll get it straight in a couple more years.

Mr. ANDERSON: It's the geeks that make it so they think that everybody thinks the same way they do.

Speaker BERGSTROM: Well, anyway.

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: John.

Mr. OHMAN: Well, first of all, thank you for doing that. I think that's a great idea and it's going to add time certainty to our future of meeting postings.

But it has to pass muster with the Attorney General, and when is it likely to take affect to become the official posting site?

Clerk O'CONNELL: They told me as soon as I send them an email. And it doesn't require a formal letter just an email. That's right from the Assistant Attorney General.

Mr. OHMAN: Welcome to the 21st century.

Speaker BERGSTROM: On the other hand, we had to print and send manually our certificates that we took that test anyway with a stamp.

Deputy Speaker MARTIN: If anyone was curious about how to find this stuff, the easiest way to find stuff on the website is to go to Bing or go to Google and type in "Barnstable County Assembly Agenda." And in the first few results, you will have the actual current Agenda. It's the fastest and easiest way to find the information and not get confused in the navigation, the current navigation of the website.

Speaker BERGSTROM: Okay.

Deputy Speaker MARTIN: If anybody at home wants to find it, "Barnstable County Assembly Agenda."

Speaker BERGSTROM: And if you have any further problems, we have a resident Internet computer expert; the Deputy Speaker will be more than happy to straighten you out.

Anyway, all right. We straightened that out. Well, let me try again. Discussion regarding the charge of the Charter Review Committee.

#### Charge of the Charter Review Committee

Speaker BERGSTROM: As the Chair of the Commissioners said, I was there today to give them an update and to get their approval. They, of course, have approved the Resolution 12-03 and the Amendments to Resolution 12-03, and also the request for Special Counsel.

I talked to Representative Peake, who is the Chair of the Municipalities Committee up in the Legislature. She recommended us getting something to -- if we do anything that's going to require

going to the ballot in November of 2014, she would like to see it. It would be in our interest that they see it before this coming Thanksgiving, because the Legislature goes on recess after Thanksgiving and God only knows when they come back.

So that pretty much gives us a time frame. I was hoping to start as soon as we clear up the budget process. Mark Zielinski, the County Administrator, will draw up a scope of services for the Special Counsel and get the approval of the Commissioners so there's a financial component to this.

I heard the Finance Committee discussing it, so it seems like everybody's onboard with the costs.

So with that, I'll open it up to the Assembly as to any recommendations you have on the charge or anything else? Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. For my fellow members, in front of you, I put a white piece of paper that has four motions written on it. I neglected to put a heading on it. I apologize.

I want to just preface my comments with that I'm going to take this opportunity to -- while the notice says we're going to be discussing the charge of the Charter Review Committee, so I prepared these motions to kind of layout -- once again, I used the acronym of a road map. So, if you could bear with me, I would be prepared to take these one at a time, open them up for discussion and see if we would like to move forward with them if that would be okay with you, Mr. Speaker.

Speaker BERGSTROM: That's fine.

Mr. CAKOUNES: The first one is **I move that the Resolution 13-01 "County Structure" be forwarded to the Charter Review Committee for their consideration as to the restructuring of County government.**

Speaker BERGSTROM: There's a motion on the floor. Do we have a second?

Ms. MCCUTCHEON: Second.

Speaker BERGSTROM: Moved and seconded. Okay. I brought this -- before we get into discussion, I brought this up to the Commissioners today in our discussion of the charge of the Charter Review Committee and told them, indeed, that we had passed an Ordinance unanimously in regard to structure of County government. That Ordinance would be part of the considerations of the Charter Review Committee.

And regardless of -- in other words, there's not a time element to this, just because it came in first none of these things are going to happen until they go to the Legislature and then to the ballot.

So we have time to consider this and anything else that comes down. But, yeah, I mentioned that we had this and we were going to do it, so I don't have any problem with this. Yes, Suzanne.

Ms. MCAULIFFE: Would it be accurate to say that even if we accepted this because we have voted this Resolution that the Charter Review Commission could also consider the report from the Commission last year and anything else that happens to come about as the Commission does its work?

Speaker BERGSTROM: Well, yeah. I mean we're not --

Ms. MCAULIFFE: So everything's on the table in terms of structure.

Speaker BERGSTROM: Anything anybody proposes will be considered I can imagine, yeah. So, anyway, it's moved and seconded. Do you have any objections or corrections or additional comments? If not, I'll call for a vote. All those in favor, say, "Aye." "Opposed?" Okay.

**(Motion carried.)**

Mr. CAKOUNES: Thank you. The second one is **I move that the Charter Review Committee be asked to consider the formulation of a Recall Provision to be included in the County Charter.**

Ms. ANDREWS: Second.

Mr. CAKOUNES: Okay. Discussion, Mr. Speaker?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: This has been brought forward by a number of people in the public. I only mention it here because I want to get a consensus of the Assembly to find out if they are, in fact, interested in supporting a Recall Provision or not.

And if certainly you are, then this is the time to send our position to the Charter Review Committee and tell them to work on putting one forward.

If we're not, then this tells them not to waste their time doing it.

Speaker BERGSTROM: Yes, Julia.

Ms. TAYLOR: I would rather we didn't take -- I'm happy to have the Charter Review Committee consider it. I wouldn't want us to have a formal position. I wouldn't vote for this if that represented having a formal position on it; do you see the difference?

Mr. CAKOUNES: I can.

Ms. TAYLOR: So I understand what you're saying but that, to me, asking them to look over it because some people have suggested it be looked over is -- I would agree with that.

I wouldn't vote for it as a representation of my wishing it to be in there and telling the Charter Commission that; do you see what I'm saying?

Speaker BERGSTROM: Yes, Leo.

Mr. CAKOUNES: Thank you. Mr. Speaker, that's why I used the words Charter Review Committee to be asked to consider.

Ms. TAYLOR: Well that's what I thought it meant.

Mr. CAKOUNES: Absolutely.

Ms. TAYLOR: But then you said it was to give them the impression that the Assembly wanted it, a Recall Provision.

Mr. CAKOUNES: I apologize for that misleading statement because I agree with you. I'm not sold on the fact whether I want to see a Recall Provision or not at this time, but I certainly would like to see them consider it and bring something forward for us to review.

Ms. TAYLOR: Yes.

Speaker BERGSTROM: Okay. Anybody else? Just my personal comment, I think that I'm certainly going to support this motion.

My impression is that the practicality of a Recall Provision in the Charter has to do more with logistics than whether we want to do it or not. Whether or not the Town Clerks and the Secretary of the Commonwealth are willing to go through a very expensive thing. It's something we can find out first.

But I agree with Leo; we'll look into it. We'll find out the facts why it was taken out in the first place and go from there.

Okay. Is there any further discussion? Yes, Cheryl.

Ms. ANDREWS: Yes, one comment, since I have a sneaking suspicion it's going to be a long time before we talk about this one again, hopefully.

I didn't know that in this country there was such a thing as an elected official that was not subject to any kind of recall. The president is subject to a recall in a way.

Ms. TAYLOR: Not really.

Ms. ANDREWS: Yes, it is; it's an impeachment. And I didn't realize that there was ever any elected official that didn't have this. So, I hope that if people find various logistic impediments they understand that the public can make it so.

So, it will be interesting to get more of those facts, Mr. Speaker.

Speaker BERGSTROM: Well, yeah, I actually contacted the Attorney General in this matter

and he told me -- I said, “Do we need a recall?” He says, “Your recall is determined by whether it’s in your Charter or not.”

I was with you; I thought there must be something, but he said, “Nope. If the provisions are put in the Charter, it’s there. If it isn’t, it isn’t. So, we have that option.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Yes. We discovered that in our town when they wanted to have a recall on a school committee member, and it wasn’t in the School Committee Charter. So, no recall.

So we spent two or three Town Meetings hashing it out, trying to get that into because people feel that elected officials should at least have the ability to be recalled. If it’s not in there, it can’t happen.

Speaker BERGSTROM: Okay. This motion is on the floor. It’s been moved and seconded. All those in favor say, “Aye.” “Opposed?”

**(Motion carried.)**

Speaker BERGSTROM: Okay. Leo, you’re on a roll.

Mr. CAKOUNES: **I move that Resolution 12-04, Dual Representation of County Employees and Memo Dated March 20, 2013 from Attorney Robert Troy, County Counsel to the Assembly of Delegates, re: Proposed Ordinance 13-03 be forwarded to the Charter Review Committee for their consideration as to the County’s responsibility as fiscal agent for organizations and its employees serving on these organizational Boards or Committees. Furthermore, the Committee reviews Section 1-5 and other related sections as they pertain to this matter and in Attorney Troy’s Memo.**

Speaker BERGSTROM: Do I have a second on that?

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. It’s been moved and seconded. Any discussion?

Mr. CAKOUNES: Just to give you a little background and discussion on this. I’ve had a pending Proposed Ordinance, which has gone to the attorneys, and many of you have a copy or all of you should have a copy of his memo as the one that I referred to.

He had a problem with it being an Ordinance, and, quite frankly, he states in his memo directly that it impacts Section 1-5 of the Charter.

And I think that our Resolution that we passed, 12-04, really took a strong stand on that. We do want to clarify this. I don’t want to call it a loophole but gray area.

So I would appreciate the Charter Review Committee to consider this and to take a look at this area of the Charter.

Speaker BERGSTROM: Yeah. Okay. Leo, do you want us also -- I mean I have your Proposed Ordinance or Resolution that you submitted to the Assembly. Are you suggesting that we not -- the Assembly not do that? Are you going to withdraw that and we’ll simply send it to the Charter Review Committee?

Mr. CAKOUNES: No. Directly to that question, Mr. Speaker, I would like to bring that up at a later time. I’ve actually prepared that same language in a Resolution form because according to Attorney Troy in his Memo dated March 20<sup>th</sup>, 2013, he thought it was best addressed as a Resolution. So I intend on bringing that same language forward instead of an Ordinance as a Resolution.

But I don’t think that action should impact this particular action that’s on the floor now.

Speaker BERGSTROM: Well, you haven’t sent me anything yet so.

Mr. CAKOUNES: Right.

Speaker BERGSTROM: Okay. Do we understand what we’re doing here? There are legal issues involved here if you read Attorney Troy’s Memo. Obviously, the Charter Commission can’t

do anything that's unconstitutional or illegal or against the, I don't know, the Man Act or whatever.

So we're going to have to have Special Counsel look at those and offer an opinion and see if they agree with County Counsel. But I mean I don't have any objection to the Charter Review Committee looking at anything that has to do with County government and how we operate.

So. Okay. There's a motion on the full. Moved and seconded. All those in favor say, "Aye." "Opposed?"

**(Motion carried.)**

Speaker BERGSTROM: One more to go, Leo.

Mr. CAKOUNES: Thank you. This one's going to take a little time to explain but I will read it first.

**I move that the Charter Review Committee be asked to compile a "White Page" which, after deliberation will lay out the general consensus of the Committee on specific areas within the Charter for proposed change. These Sections shall include, yet not limit to, the "Restructure of County Government", a "Recall Provision", also "Representation by County Employees on Boards and Committees in which the County is Fiscal Agent." The "White Page" shall be presented to the Assembly of Delegates as a Resolution for their consideration and vote prior to the committee expending funds on counsel for legal language.**

Speaker BERGSTROM: Yeah, Teresa.

Mr. CAKOUNES: Why don't you get a second first of all.

Speaker BERGSTROM: Well, I have to get a second before we can discuss this.

Ms. MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Teresa, do you have a question?

Deputy Speaker MARTIN: I'm going to say this back to you. This says that before we spend -- before anybody spends any money of expensive counsel time, bullet points of what has been agreed to come as a Resolution we vote to agree on it before any money gets spent to write anything up. Is that it in a nutshell?

Mr. CAKOUNES: It's pretty much in a nutshell. I'm going to not dance around the white elephant in the room; okay. It's pretty evident that there is a couple of different ideas of how government -- the County government itself should be restructured.

I don't want to see this Charter Review Committee coming forward with a proposal that does not have a chance to pass the Assembly. I don't think it would be good government, and I don't think it would be beneficial for us to move forward in this.

So this idea of creating a "White Page" gives me the opportunity or gives the Charter Review Committee an opportunity to come forward with what they think is going to be beneficial changes to the Charter. And prior to them wasting -- I don't want to say "wasting," that's a correct term, working diligently now until Thanksgiving and then come to find out that when they bring that proposal forward to the Assembly that it doesn't win the required votes it needs to move forward.

It's kind of a position that we're being respectful to them but also giving them the opportunity to run some ideas in front of us prior to, again, working very hard.

Speaker BERGSTROM: Okay. Is there any comment on this? Yes, Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. I've actually taken a look at a couple of the reports that are on file in the office from previous Charter Review Committees.

And I think there's something to be said for what's going on here in the sense that if you begin your very first meeting of your Charter Review Committee worrying about what's in the Charter now and getting someone to interpret it for you, you can spend a great -- or even trying to write something up where you can spend a great deal of money without necessarily turning around

with a product that has a lot of value.

I certainly want to see the folks that are named to this Charter Review Committee to feel when they're done that it had some value.

I don't have a problem, for example, the Speaker was talking about making sure counsel can help, some "Man Act" that I don't know what that's about.

Speaker BERGSTROM: You don't want to know what the "Man Act" is.

Ms. ANDREWS: Maybe, who knows. You never know.

Speaker BERGSTROM: They got rid of it like 50 years before you were born.

Ms. ANDREWS: Okay. But to the extent that counsel is there for this committee, they should be there.

But what I'm reading in this is don't start writing your ballot language or your -- forgive me, your new Charter language too soon because I've read the Charter; you've read the Charter. Whoever writes the new Charter or any Charter changes is going to be spending some money.

So that, for me, the clarity comes in the final line of this motion, which is don't spend money on writing the new Charter. Instead, come to an agreement about conceptually what you want the new Charter to say, get the approval, and then spend the money to write it. That's how I read this.

And it also states, frankly, if you're on that time commitment for Thanksgiving that makes sense that that's what you do too.

Speaker BERGSTROM: Yes.

Ms. MCCUTCHEON: I seconded this because I think it's an interesting idea and we need to talk about it. But I liked the language -- a final language before you get to legal language.

And I ask the question of the proponent here; Leo, are you anticipating that this Charter Review Committee will meet without counsel and then at the end we'll bring counsel in and spend money on it?

Mr. CAKOUNES: No. I did not intend -- and I really wrestled with the last line in trying to get my thoughts across. I didn't intend this to be not having counsel present or not being able to ask counsel at all until this "White Page" has been approved.

My intentions are, as our Delegate from Provincetown said too, not spend time having this document finalized in its final stages and having a lengthy and quite large legal bill, and then coming to find out that the conception of what they want to bring forward is not something that the Assembly supports.

Speaker BERGSTROM: Okay. Yes, Julia.

Ms. TAYLOR: So, this would assume that really there aren't going to be people who are not part of present County government involved so that -- because County government in the form of the Assembly would be the only people that have the last say. So, we're not really going to be including -- I missed the vote last time. Sorry that I --

Speaker BERGSTROM: Let me give you a rundown. There's three of us; okay?

Ms. TAYLOR: Three Assembly members.

Speaker BERGSTROM: Three Assembly members and a Commission appointee, and three members are going to be appointed at-large.

Now the Charter says that they need membership from the municipalities. And I arbitrarily interpret that to mean that it includes past or present elected officials or town managers or some such people. It doesn't specify that, but, yeah, they're going to know what they're doing when they walk in the door.

Ms. TAYLOR: Well, my point is then I wouldn't serve on that if I were one of them under these circumstances. That would be sort of a problem.

And my second point is that are we positive that a Charter change coming from a Charter

Review Committee is passing the Assembly the only method of Charter change?

Speaker BERGSTROM: All right. I have answers for those questions.

Ms. TAYLOR: Because if that's the case, then this has some merit even though I don't think those other people would want to serve on it.

But if it's not the only method, then this is sort of just saying, okay, a Charter Review Committee could be established and it might come up with some recommendations.

But, even if there's another avenue for getting it on the ballot or to the Legislature, the Assembly won't permit that because it has a veto before any final language.

Speaker BERGSTROM: All right. Here's, yeah, I'll give you a heads up. I had a conversation with Representative Peake, and I hate to repeat it, not because she wouldn't want me to, but I want to make sure I don't put anything in her mouth that she didn't say.

But the two things she did say is she wants it by -- it would be to our benefit to get it by Thanksgiving.

She also said she thought it unlikely, in her opinion, that -- because I brought up that same thing. I said, you know, anybody could file a bill with the Legislature if they don't like the recommendations of the Special -- of the Charter Commission or the recommendations of the Assembly, they could simply file another Bill and so on. And she said that it is very unlikely, very unlikely that the members of our committee or the Legislature will consider any Charter recommendations unless it has a consensus.

She said, "If it gets up there with competing -- if it comes up there with competing Charter Reviews, it's going to be filed with Committee of the third reading or something which is somewhere off in Nome.

Ms. TAYLOR: Yeah, I've always assumed that.

Speaker BERGSTROM: Yes. So that's the gist of what she said. So as I spoke to the Commissioners today, I said we aim for consensus; if it's not available, then it isn't.

So, but I'd like to speak to this too is that you've got to understand what the process is. The Charter Commission will meet. They will make recommendations directly to the Assembly. The Assembly can then -- the Assembly's the only body that can forward those recommendations to the Legislature, which then has to act on them. And we have to make that decision 150 days. But if we get it by November, the time frame's not going to be a problem.

So, I understand where Leo's coming from. To say, well, I don't want to spend a lot of money on it, but I doubt if the Special Counsel will come up with final legalized language to send to the Legislature. I think that's something that will only be done after they get the approval.

In other words, we're the ones who are going to send it to the Legislature, not the Committee. They're going to come to us. If we don't approve it, then it dies there.

So, I don't see -- I agree with Julia. I mean you don't want to breathe down these peoples' necks. You want them --

Ms. TAYLOR: That's my feeling.

Speaker BERGSTROM: I always thought that people use the Advisory Committees like a drunk uses a lamppost, you know, not for enlightenment but for support.

They want somebody to come up with an idea that they already approve of, and I don't think that's the right way to go. So, I mean, that's how I feel about it.

Yes, Ned.

Mr. HITCHCOCK: I just had a question, Leo, when you read the proposed Motion, you said, "Legal final" however, you didn't say "final." You said "legal language." In your typewritten, I think it says "final." "Final" makes more sense to me in this regard.

In other words, that what you're looking for is ongoing legal advice as you deliberate. But

that the final language, which would be well-edited and all that sort of thing, would happen in a sense after the fact.

I also kind of wonder, it seems to me if there is going to be editing and writing in a legal proper language, that means the Committee better gets its work done well before Thanksgiving so that this can happen, and we'll have a final product and vote by Thanksgiving.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Directly to that question, I apologize for reading it improperly. My thoughts were to have the language as its written expending funds on counsel for final language.

And I would like to just add or remind everybody that when we passed a Resolution to create the Charter Review Committee, we did not use Section 9-4, which is the five-year periodic review section in the Charter which rarely talks about establishing and bringing in people from the outside and bringing in municipalities so that they can take a general look at the Charter to see each and every section how it may need to be adopted or changed. That's what we've done in the past.

To my recollection, I don't remember an opportunity where the Assembly has created a Charter Review Committee under 9-1, which is a general specific look -- I'm sorry, not general, but a specific look at an area of the Charter.

Quite frankly, I think we can do this without even having a Charter Review Committee, and I argue that last week when -- or last time we met when we approved a Resolution.

So, I put this language in here and it sounds like you people are expecting that they're going to do this anyhow.

So I would wonder why you wouldn't support it. It's basically saying because this is our Charter Review Committee that we're establishing to look at specific things, not a five-year review, specific things.

The largest elephant in the room is the County government restructure. And as the Speaker has just said, it has to pass us first, then not -- this Committee is not going to just -- if we don't approve what they bring forward, they're not going to do an end-run on us. That's not why they've been established. They're just going to abolish.

And I'm sure maybe some other people might come out of the woodworking and come forward with their own recommendations and go directly to the Legislature. It doesn't preclude anyone from doing that. This group was put together by us, by a Resolution to look at this government structure. And I think it's important for them to bring this "White Page" forward to make sure that they have the support of this committee before final language is established. That's all.

Speaker BERGSTROM: Yes, Deborah.

Ms. MCCUTCHEON: You know, often a concept gets presented to you, and until you see it in its real draft form with the details kind of thrashed out, you might have one position about it as a concept and another position about it once you see the details.

And this is really asking for sort of an interim report on some specific issues, which I don't as a philosophical matter object to, I think that voting on particular ideas before there is some kind of a final consensus is not always a good idea.

Speaker BERGSTROM: Yes. Just let me -- there's more information I probably should give you. It's that Mark Zielinski will set up a scope of services, and that will include certain things. It will include an initial review of the existing Charter to basically take out anything that doesn't have to be in a Charter that could be better left to the Manual of Governance Ordinance or Resolution.

It will include some participation in the meetings, although I don't think they have to be there at every meeting, but I do believe they should review the Minutes and make sure we're up and down a road that its either illegal or has some problems with it.

And I'm sure included will be the drafting of the final language should we decide to send anything to the Legislature. So it's going to be a package. In other words, it's not going to, you know, I'm presuming it's going to be a package, although we have to talk to Mark.

You know, I mean I don't think that -- I think we're arguing over minutia here. I think eventually we're going to have to have a, you know, Leo, we want to make sure that anything that's presented to the Assembly by the Charter Review Commission accurately reflects what is actually going to be sent to the Legislature. So language is important.

You know how up in Congress at midnight somebody inserts a word or something here, and next thing you know that it changes its meaning completely. But I don't really know that this is necessary. I mean I think that we're going to be -- I think regardless of whether we pass this Resolution or we don't, we're going to wind up in the same place.

But I really don't want to bring -- I want to feel that this Committee will do its work, make a report, come to this body one meeting and say, "Here it is," you know, and answer a few questions and then basically it's up to us.

Yes, Cheryl.

Ms. ANDREWS: I'm wondering if someone here can help me maybe with a historical question. It's clear that whatever language goes to the ballot is very short compared to what the language would be that goes to the Legislature.

And I think that's true even for the language that went to the Ballot, was it 1988 when this Charter was passed?

So can someone explain to me who wrote our Charter in the first place, the one that went to the Legislature? Was that a Committee?

Ms. TAYLOR: Yes. I was on that Committee.

Ms. ANDREWS: Okay. And who --

Ms. TAYLOR: And Cartwright (phonetic) was the lawyer.

Ms. ANDREWS: But who -- what group had the power to send it into the Legislature.

Ms. TAYLOR: The Charter -- there wasn't an established-by-law Charter Commission.

Ms. ANDREWS: By law in the ballot language? Is that what -- did it establish --

Ms. TAYLOR: There was a ballot question to establish it. It was voted to establish it. It was -- or, well, no, that I can't remember. I think it was the Legislature established it, the State Legislature established it, and that was the legal basis for the Charter Commission.

Speaker BERGSTROM: And that language is still in -- this language is still in the Charter, which means -- it says this Charter can be amended through the process according to section so-and-so, paragraph so-and-so so you'll see it.

And then if you look into the laws of the Commonwealth and you find that section, you realize it's an enormously involved, complicated, and time-consuming process and it would take years. It talks about holding elections for members. First of all, you have to vote to do this.

Ms. ANDREWS: Yes.

Speaker BERGSTROM: And then you have to hold elections for the membership.

Ms. TAYLOR: And I got elected from Falmouth on the ballot, on a Special ballot.

Speaker BERGSTROM: That's why everybody who looks at that section immediately moves on to something else.

Ms. ANDREWS: And the reason why I'm bringing this up just simply is because, in essence, that's what we're asking the citizens of Barnstable County to do.

They're going to have to look at something very small and not detailed and vote. So I don't know why we wouldn't be doing the same thing. In other words, we'll be looking at some simple ideas and vote on them.

Ms. TAYLOR: Advice.

Ms. ANDREWS: Advice is one thing; final language is the difference. That's where the money gets spent, and that's what I was trying to understand.

Speaker BERGSTROM: Yes, Leo.

Mr. CAKOUNES: I mentioned earlier the white elephant in the room, so I guess I'm just going to have to point it out. It's quite obvious that there are two forms of government which are being presented.

One is the Resolution 13-01 which was brought forward for discussion and talked about here at the Assembly. And it did achieve -- it wasn't unanimous, Mr. Speaker, but it was 68 percent of the vote. One could clearly feel that there was some consensus of this Board.

The second one is the Special Committee's suggestion where the Assembly is done away with and the County Commissioners go to either 5 or 7, some number, with some being either represented by a percentage of the Cape or voted Cape-wide.

I think that -- one of the reasons and probably the most motivated reason why I'm bringing this particular motion forward was because if, in fact, the Charter Review Committee settles to go down that avenue of a government restructure because it's going to -- their final version is going to need the approval of the Assembly, I would say that we should give them that either support or not support early in the process.

No one has brought forth a Resolution or a Motion suggesting that the Assembly of Delegates support a restructure of government, which eliminates the Assembly of Delegates.

Now, the press has said, and a number of people have written commentaries saying that the Assembly would never support that. We don't know that. It's not been brought forward.

But I'll tell you what has been brought forward and that's Resolution 13-01 and its entirely different restructure. This Motion gives the opportunity when they decide that major kind of restructure to run it by and see if they have the support of the Assembly or not. Because if they don't, as Ron just said, it's going to die in Committee.

And do we really want volunteers to continue to put a lot of time and labor into this if it does not have a chance to pass this Board? Let's give them the respect they deserve as volunteers.

Either that, someone put a Resolution forward to restructure County government the same way that the Governance Committee suggests and let's see if that passes.

But this is a catchall term just telling these volunteers come forward with your major changes and your major structures to see if they're going to pass here.

Speaker BERGSTROM: You know, I'm going to disagree with Leo on this because, I mean, politicians don't pass things for all sort of reasons, but the Committees that they appoint to make recommendations to them have to make recommendations according to their best judgment. All right.

If somebody doesn't want to vote for it because, I don't know, because some professional interest due to the like of something, that's our problem. But the fact is that I think you have to give this -- if you go into the process -- see, I think the people are going to be looking at this process. It goes to what Cheryl talks about. I honestly think it's going to be a public process. Looking at the sub-possibilities of having it live-cast, and we're certainly going to be -- it's already in the press.

So I think there's going to be some attention paid to this, and I think that if we go into the process basically trying to game the system early, it's not going to have any credibility. It's got to have credibility.

I've made great pains not to -- I mean I haven't really finalized the committee membership, but I'm making great pains not to go to anybody who's already on board as saying I was this or I don't want that.

I'm trying to get people to have an open mind and are going to look at it, and I think we have to at least -- and everybody has an opinion in this world and only they know what it is. But you have to go into the process with the idea that you have an open mind and you wait until the end of the process when you hear all the facts, you hear all the testimony, and then you say, "This is where we should go."

And, you know, if these -- you shouldn't feel like you're insulting them if you say no. I mean, we're all adults here and we know that sometimes you make recommendations. There may be good ones and for some reason they're not accepted.

But I think the Committee should have the freedom from day one to look at the facts, to make an assessment, and I think if they give it to the Assembly and the Assembly says, "Thank you. No, we're not going to go there," well, hey, they've done their job. You know, I wouldn't take it personally. I don't think anybody else would either. That's, you know, and we'll have to -- we as an Assembly have to take responsibility for that.

So that's my little speech. Anyway. Anybody else after that? All right.

Clerk O'CONNELL: You've got a Motion and a Second.

Speaker BERGSTROM: A Motion and a second, okay, on the Motion. Does everybody know what we're voting on now? Okay.

I'll take a vote. All those in favor, say, "Aye." "Opposed?"

Mr. PRINCI: No.

Speaker BERGSTROM: No, you're a no. Julia, you're a no?

Ms. TAYLOR: No.

Speaker BERGSTROM: I think you're going to lose this one, Leo. You're a no.

Ms. ANDREWS: Why aren't we doing a roll call?

Speaker BERGSTROM: We can do a roll call vote on the other three.

Ms. MCCUTCHEON: Well, you're just doing a mini roll call.

Speaker BERGSTROM: Yeah. I'm doing a mini roll call vote. In the Speaker's opinion, it did not achieve a majority of the weighted vote of Barnstable County.

Mr. CAKOUNES: The Speaker's right.

Speaker BERGSTROM: Okay. We got three out of four, Leo, that's not too bad.

Mr. CAKOUNES: No, I'm happy.

**(Motion fails.)**

Speaker BERGSTROM: That doesn't end the discussion on the Charter Commission if anybody has anything else to say on this or anything to add.

Yes, Suzanne.

Ms. MCAULIFFE: Just to throw out to -- but I don't have a Motion prepared. As long as we're considering recall, perhaps we want to also have the Charter Commission consider term limits. Just a thought.

Ms. TAYLOR: No. No.

Speaker BERGSTROM: I agree. I think we should limit the people who -- who people can vote for.

Ms. ANDREWS: Is that a Motion?

Ms. MCAULIFFE: Well, no, I was just saying whoever ends up on the Charter Review Commission, I mean, I don't have a formal Motion prepared, but that is something that, perhaps, someone would like to bring forward when they sit on the Commission.

Speaker BERGSTROM: Probably won't be Julia. Pat.

Mr. PRINCI: Just under discussion. You know, I served on a Charter Review Commission my first elected office in Barnstable, and part of it is research and also having the public and other

people that have dealt with Charter issues in the past come in. So, I mean I would, obviously, suggest that there be a public comment period prior to each Charter Review meeting and that all the Charter Review meetings have different sections as to what would be discussed at that time so it's clear that people that want to speak to certain points.

I had a constituent that's interested and has done a ton of research on the whole recall provision in the original Charter. So, just to make certain that the public has an opportunity to have a say in these discussions.

Speaker BERGSTROM: You know a week -- we're going to have an organizational -- the first meeting's going to be an organizational meeting where these issues will be discussed. I mean this is what I proposed. I don't know how the Committee -- but what I'm going to propose is we have an -- the first one should be an organizational meeting.

We'll discuss our time availability, how we will proceed. We'll map out probably less than a dozen meetings, and each one will have specific topics.

As far as the public -- you were here when our Attorney Troy discussed public comment. We don't have any requirement for public comment, but we're obviously going to open it up to the public.

My recommendation, although I don't know how the Charter Committee would vote, but my recommendations would be that we have specific meetings set up for public comment. Let's say every third meeting because in my experience if you hold public comment every meeting, you don't know whether you're going to have an hours' worth of or two hours.

So, if you go a little, in other words, if you go a little ways along in the process, let's say you have two meetings; you may come to some decisions. Then you have a meeting specifically set out for public comment. People come in and say, well, you know, we watched you. We were here or we watched your meetings on the Internet, and you decided this and I think this or I think you're right or wrong.

So there will definitely be public comment. Exactly how it's going to be structured, that is left up to speculation.

Yes, Teresa.

Deputy Speaker MARTIN: I just want to say that actually (Inaudible) it makes sense because I'm involved in the process right now and there's public comment, but it has helped move the process along because it's been very specific to the topic and the commentary.

And if the commentary is not about the topic in that session, it can go into a "Question file." It can be referred to the next one that says, "Help." Keep the dialogue much more meaningful that just sort of an open public discussion.

And I think some of what Leo was getting at and what we've all talked about is concerns about the process of this Committee and feeling uncertain of what it's timetable is, when the check in points are, what deliverables are, and what time schedule, and maybe the first meeting will help that.

I'd just like to request that when that's decided, it gets shared back with us.

Speaker BERGSTROM: Oh, it will be. Yeah, I'm hoping. I mean in a better world, we'll have created an Agenda by the first meeting so that you will -- we will map-out let's say 10 meetings between now and November. Each meeting we will have a topic.

And unlike some other organization I belong to, we'll have a stenographer. We'll have someone there taking notes and will hopefully take votes so that we don't go -- we don't go back over what we discussed the last week. I would like to move forward.

So it's up to me and the other members of the Committee, but I'm determined that we're going to move forward and we're going to have an attorney there who's going to eliminate any legal questions. We're not going to argue over whether something's legal or not legal. We're going to

know that coming in the door. And we're also going to be aware of if we're moving down a road that's unconstitutional or violates some other Massachusetts law.

So I think this will be a lot more effective than the last Charter Review Committee, which Teresa and I were unfortunately a part of.

Deputy Speaker MARTIN: And Leo.

Speaker BERGSTROM: And Leo. Was Leo on there too?

Mr. CAKOUNES: Yes, I was there.

Speaker BERGSTROM: So we know what not to do. Now we're going to move ahead. Now, that's -- are we done?

Ms. MCCUTCHEON: I have something.

Speaker BERGSTROM: Sure.

Ms. MCCUTCHEON: You know to a certain extent, I am very in agreement with Mr. Princi's position here that there should be a lot of public comment here.

I also think that what Leo's tried to do is to say that there are several issues that this Commission and this Charter Review Committee needs to deal with. And I hope that they don't feel bound to go through all of the minutia, every word of the Charter and decide whether to keep it or not. It seems to me that what we're talking about is some broad changes that ought to be focused on and appropriately dealt with by the Committee.

And I think that this is not a five-year review where every word has to get looked at. But I think you can expedite it by limiting what you're talking about because people can get bogged down in the minutia of how you might do some other kind of adopting of it.

I'd also like to say that when you get to a ballot for something like this, you really don't get three sentences; do you want to adopt something that you haven't seen. The notice that goes to voters is going to have everything in it.

Speaker BERGSTROM: Okay. Yes. Suzanne.

Ms. MCAULIFFE: Yes, I'm going to bring up CLC and CVEC, not up for a topic of discussion, but just perhaps we can consider it as a future Agenda item.

Some of the things that we're discussing in terms of the Charter Review are kind of trying to backdoor some of the issues that we're dealing with CLC and CVEC.

And I think everybody understands that these are good people doing good things but somehow the process and how they do things and some of the transparency and availability of records has spilled over onto County government.

So it would take a long time to wait for the Charter Review to kind of perhaps straighten out some of our issues. So I don't know if the Assembly wants to have a future Agenda item, maybe they don't, but I'm just -- you don't have to decide today.

Just bringing this forward perhaps it's almost a year for the subcommittee's report perhaps revisiting the recommendations of the subcommittee with a years' worth of work with CLC and CVEC might make some of the recommendations look a little different now. I don't know.

But I just am throwing this out and, perhaps, if anyone's interested in the future we do have it on an Agenda.

Speaker BERGSTROM: Yes, okay.

Mr. CAKOUNES: Are you under "Other"?

Speaker BERGSTROM: Yeah, we're still under other business, so anything you want to bring up you can bring up.

Mr. CAKOUNES: Two things. One is I asked the Speaker at our last meeting if he would require a motion for us to resubmit the questions to CVEC dropping the word "Munis" because I understand in their response that you not carry their financial documents in Munis. And at that time,

you said that it wasn't required.

So, I'll ask the Speaker again; do you think it's necessary for me to make a motion to ask you to resubmit that request for documentation without being in Munis form?

Speaker BERGSTROM: Well, Leo, it wasn't that I didn't want to do it. It's just that I don't feel qualified to ask the question in specific enough language to make sure that I actually get an answer; do you know what I mean? I mean, I'm not a lawyer, so I'm just hoping that somebody might do that.

I mean I can ask County Counsel to do it; do you know what I'm saying is I don't want to get another reply saying I'm not asking the right questions.

Mr. CAKOUNES: Well, once again, I think after reading their response, it's pretty clear that they just do not do that kind of financing in the Munis program.

Speaker BERGSTROM: Right.

Mr. CAKOUNES: So it's unavailable.

Speaker BERGSTROM: What do they do it in?

Mr. CAKOUNES: So, I would suggest and it's only a suggestion that, again, being a simple farmer, that you just request for the financial documents in whatever financial program they use. And, once again, I --

Speaker BERGSTROM: Well, they just met last week and then reconsidered that request and we got nowhere. So I guess we'll -- I will resubmit it before the next meeting and we'll see if we have any better luck.

Mr. CAKOUNES: And, second, I understand that the audit has been complete. I read somewhere in I believe the town of Harwich's reports -- the representative from CLC from the town of Harwich reported to the Selectmen that the audit that was performed has been completed and is available.

So I would ask, respectfully, ask the Speaker if he could look into that and maybe request a copy of that audit if it is, in fact, true?

Speaker BERGSTROM: Sure enough.

Mr. CAKOUNES: Thank you. Oh, I'm sorry. One more thing. I'm very sorry. About three weeks ago or more than that, I did submit an Ordinance, and that's the Ordinance that I referred to in the previous motions that we made. And we did get a ruling on that from Attorney Troy.

So I reworded it as a Resolution, and I would like to submit it to you today, Mr. Speaker.

Speaker BERGSTROM: Okay.

Ms. MCCUTCHEON: Mr. Speaker, I'd like to speak to Ms. McAuliffe's suggestion.

Speaker BERGSTROM: Sure.

Ms. MCCUTCHEON: I think we all remember the day that nice woman, whose name I've forgotten, who's now the Chair of CLC --

The DELEGATES: Joyce Flynn.

Ms. MCCUTCHEON: -- right; came in here and sort of did a whole presentation. Now we can't speak back and forth in a Public Session.

I urge you to put it on the Agenda and let's invite her to come. If she's willing to talk, let's talk.

Speaker BERGSTROM: Okay. We'll do that. I have something. You guys know that the requirement for taking the little course on what is it the --

Ms. MCAULIFFE: Conflict of Interest.

Speaker BERGSTROM: -- Conflict of Interest Law, the deadline is the day after tomorrow. I took the test yesterday, a couple of days early for me, and I found that it's not as user-friendly as you think.

Ms. TAYLOR: Mine wouldn't send.

Speaker BERGSTROM: No, it won't send. What happens is you have to download a hard copy and send it -- a physical hard copy into the office of Ethics.

You would think that in the 21st century you could simply press a button and it would go in, but they said, "No, they don't have the capability of doing that." So.

Ms. ANDREWS: Ron, we can teach you because you can do it.

Speaker BERGSTROM: I'm sure -- I'll lean on the Deputy Speaker, but anybody who -- if there's still anybody out there that hasn't done it, you have to do it. Okay.

Mr. CAKOUNES: Is this the financial thing?

Speaker BERGSTROM: No. This is not the financial thing. That's later on this month. This is the Conflict of Interest Law Course.

Mr. CAKOUNES: Oh, the test.

Speaker BERGSTROM: A test.

Mr. CAKOUNES: I did that.

Speaker BERGSTROM: Okay. We all got that? Anything else? Ladies and gentlemen, anything else?

Ms. MCAULIFFE: Move to Adjourn.

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

**(Motion carried.)**

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:30 p.m.**

Respectfully submitted by:

Janice O'Connell, Clerk  
Assembly of Delegates