Speaker BERGSTROM: Good afternoon. Welcome to the May 1\textsuperscript{st}, 2013 session of the Cape Cod Regional Government, Assembly of Delegates.

Is this meeting being recorded by anyone? Yes. So the meeting is being recorded. You have warning.

We will now call this meeting to order, and we’ll 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 (100\%): 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), Anthony Scalese (4.55\% - Brewster), Julia Taylor (14.61\% - Falmouth).

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 100 percent of the Delegates present.

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: Okay. All those in favor, say “Aye.” “Opposed? “
(Motion carried.)
Speaker BERGSTROM: Okay. You should have received a copy of the Journal of April 17\textsuperscript{th}, 2013. Are there any additions or corrections to the Journal?
Hearing none.
Deputy Speaker MARTIN: Move to Approve.
Ms. KING: Second.
Speaker BERGSTROM: Moved and seconded. All those in favor say "Aye." “Opposed?” Okay.
(Motion carried.)
Speaker BERGSTROM: The Board of Commissioners are conspicuous by their absence. Maybe they’re running a little late.
So, I will then move on to Communications from Public Officials.
Communications from Members of the Public? Any Members of the Public wish to address the
Assembly?

There’s a stunning silence here.
Was the Commissioner’s meeting this morning?
Clerk O’CONNELL: The videographer will know.
Speaker BERGSTROM: Is it over?
VIDEOGRAPHER: Yeah, just like 15 minutes ago.

Assembly Convenes

Committee Report - Proposed Ordinance 13-04

Speaker BERGSTROM: We’ll now convene the Assembly, and, if we have to, we’ll deal with them when they show up.

So, we need a report from the Finance Committee on Proposed Ordinance 13-04 The Assembly will now convene and we’ll have a report from the Finance Committee on Proposed Ordinance 13-04, supplemental appropriations for the Fire Training Academy and the Dredge. John.

Mr. OHMAN: Thank you, Mr. Speaker. On April 17, the Finance Committee met to discuss Proposed Ordinance 13-04. There were two pieces of that.

The first piece is the Fire Training Academy. Director Lee Pareseau met with us and explained that they needed another $75,000.00 for a supplemental appropriation for equipment because they have taken on a large responsibility -- an income-producing responsibility with Mass. Maritime Academy.

After careful consideration, we approved that motion for $45,160.00 for Section 1 of that for 3-0-0.

Secondly, we went onto the County Dredge. Mr. Mark Zielinski came in to explain that the County Dredge had been awarded additional contract work and went beyond the scope of what was originally planned for the budget of 2013.

After careful consideration, we voted an additional $57,160.00 for additional labor costs that will all be covered by additional revenue in the same fiscal year.

Speaker BERGSTROM: Okay.

Mr. OHMAN: There’s no need to call for a vote on that.

Speaker BERGSTROM: What’s that?

Mr. OHMAN: There is no need to call for a vote on the Assembly. Those are not minutes but just a report.

Speaker BERGSTROM: Okay. Why wouldn’t we need a vote on that?

Clerk O’CONNELL: Because it’s not minutes; it’s a report. So now we vote on the Ordinance itself.

Speaker BERGSTROM: Okay. Well then I need --

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Yeah.

Proposed Ordinance 13-04: To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Mr. OHMAN: I propose that you accept Proposed Ordinance 13-04 as printed.

Speaker BERGSTROM: Okay. Do I have a second?

Ms. MCAULIFFE: Second.
Speaker BERGSTROM: Okay. Who was that?
Ms. MCAULIFFE: Suzanne.
Speaker BERGSTROM: Oh Suzanne. Okay. Is there any discussion on this? Does everybody understand?
Yes, Cheryl.
Ms. ANDREWS: Just a minor point, Mr. Speaker, when you set these agendas in the future, would it be possible to separate out reports versus votes?
Speaker BERGSTROM: Well, yeah, but we need the --
Ms. ANDREWS: Because you actually have two items but they’re together so it’s -- it’s just seems a little unclear. Just a thought when you set it up in the future.
Speaker BERGSTROM: All right. We’ll think about that.
Any other comment on this? Any discussion?
Mr. ANDERSON: Mr. Speaker.
Mr. ANDERSON: Could, John, through the Chair, could you repeat those numbers, please?
Mr. OHMAN: The Finance Committee voted to recommend Proposed Ordinance 13-04, Section 1, for $45,160.00 to this full Assembly. The motion carried 3 to 0.
On the County Dredge, it was recommended we vote in the amount of $57,160.00 in supplemental to the full Assembly. The motion carried 3 to 0.
Mr. ANDERSON: Thank you.
Speaker BERGSTROM: No further discussion? Okay. We’ll go for a vote on this.

Roll Call Vote on Proposed Ordinance 13-04: To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Voting YES (100%): 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), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Clerk O’CONNELL: Mr. Speaker, Proposed Ordinance 13-04 passes with 100 percent of the Delegates voting yes.

Proposed Ordinance 13-04: To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Speaker BERGSTROM: Thank you. And the Assembly will now -- I tried looking for the word and I can’t think of it.
Mr. OHMAN: Suspend.
Speaker BERGSTROM: Suspend. We’ll go into hibernation for a brief period while we hear from the County Commissioners.
So the Assembly is unconvening and you’re now up.
Communications from the Board of County Commissioners

Commissioner FLYNN: All right.

Speaker BERGSTROM: And we will reconvene when you’re done.

Commissioner FLYNN: Good afternoon. I just want to tell you we had a very delightful afternoon today for a couple of hours meeting with a Pakistani delegation of government officials, who are here on an exchange program.

A program that was a collaboration between the MMA, the Mass. Municipal Association, and the State Department. And there were three women here from the government of Pakistan. One was in the area of finance. She happens to be a physician, a medical doctor. She was called to duty in finance, and she’s been dealing with taxes. You know they have the VAT tax like some of the European countries do and other taxes. And we asked her what the biggest issue they have in Pakistan related to that, and she said corruption. We said, “Welcome to America.”

But they were absolutely delightful. They talked a lot about what they do there. And we had presentations for them. Some of our County departments like Sean O’Brien, Bill Clark, and Mark Zielinski gave an overview of what the County does. Patty Daley was there from the Cape Cod Commission. They were very interested in the Cape Cod Commission, and particularly in the area of land use and how it’s done.

They’re here for six weeks in this country. There were three states that were selected to do this, Massachusetts being one and I don’t even remember what the other two were.

Commissioner LYONS: There was only like six towns that were selected in that.

Commissioner FLYNN: Just six towns, and Charlie Sumner, the Town Administrator in Brewster, is the house for this. And he and his wife have been taking them to dinner and lunch and all of that.

So their assignment for Friday is to make a presentation to the community, and they’re doing that at 2 p.m. Friday at the Ladies’ Library in Brewster. So, if any of you are around Friday afternoon and you would like to hear a presentation from three really outstanding Pakistani women.

We asked them lots of questions, and one of them was -- well, it was a very competitive process to even get here to begin with. And then we asked them about English. They speak such perfect English. And it’s mandatory in the school system in Pakistan that they speak English, and it is spoken solely English in government and in business. People who are engaged in any of that, those activities must speak English. So it’s mandatory. I thought we might have people who we might have -- they might have an interpreter or something like that.

And the other question we asked them was about the status of women in Pakistan and how they are kind of treated, which apparently is very well now. I won’t go into all of that.

But we got into a number of really good discussions. We met with them for two and a half hours. So I never thought it would go on that long but we didn’t even want it to end because it was so informative.

So if you really are free Friday afternoon, you really should consider going there and hearing their presentation to us about Pakistan and government in Pakistan.

So that was our day.

Commissioner LYONS: If I could?

Commissioner FLYNN: Sure.

Commissioner LYONS: If I could just answer that, to me, their conversations unfortunately were
the conversation after the meeting, and it was all the women talking.

No offense to the gentleman; Bill did just happened to step out at this time. But, you know, I’m convinced that if we can take politicians out of the way and let people speak to people, it’s just another indication that we are all human beings wanting the same things for our children and for our environment and for our own lives and the lives of those around us.

Exchanges like that are very beneficial and very important. And the more we can take away the indignation or fear of the other much more progress we could make.

So, on that, I just do recommend you go into Brewster Library at 2 o’clock on Friday. They were very fascinating.

Speaker BERGSTROM: Any questions for our County Commissioners?

Yes, Leo.

Mr. CAKOUNES: About seven weeks ago, you had a meeting in Dennis, and I’ve requested to have a copy of the PowerPoint.

Commissioner FLYNN: Yes.

Mr. CAKOUNES: I was wondering if you would please ask to have that sent to me via --

Commissioner FLYNN: That is a draft document. It’s not a final document because we haven’t completed it yet. It was just a talking document. I mean you could view it; it’s not a presentation but it has no merit because it’s not the final document. It’s just a draft of what we’re going to produce before this strategic planning is over.

Mr. CAKOUNES: But it was a document that was presented at an Open Meeting. It was shown to --

Commissioner FLYNN: That’s right. But it doesn’t make it a public document if it’s a draft.

Mr. CAKOUNES: Thank you.

Commissioner FLYNN: Yeah, but you’re welcome to look at the draft if you want.

Mr. CAKOUNES: Well, can I have it?

Commissioner FLYNN: I don’t have it with me but yeah. As long as --

Mr. CAKOUNES: Well, again --

Commissioner FLYNN: As long as you don’t distribute it because it’s not -- and it says “Draft” right on it, so it’s not final.

Mr. CAKOUNES: If I could have a copy of it, I would appreciate it. Thank you.

Speaker BERGSTROM: Anybody else? One question I have; the Sequester is affecting a lot of funds that are filtering down from the states to various municipal and local governments.

And I brought up the issue today of Meals on Wheels, for instance, as being always pointed out to, you know, people saying, “They’re cutting Meals on Wheels.” So, I thought to myself, the County is involved with Meals on Wheels.

Have you been given any indication that some of the budget we’re going to be discussing this afternoon is going to be affected by cuts from the federal level? In other words, funding coming down from the federal government? Do you know what I’m asking you?

Commissioner FLYNN: We have nothing.

Speaker BERGSTROM: For instance, if they cut the Meals on Wheels program, that’s part of our budget.

Commissioner FLYNN: Well, we -- the County does contribute to the Meals on Wheels as some of the towns do as well.

Commissioner DOHERTY: It’s our money.

Commissioner FLYNN: But that’s our money that we give and not just for the Meals on Wheels.
We help support the program, not the Meals on Wheels themselves.

Speaker BERGSTROM: Okay.
Commissioner FLYNN: No. We have not been informed by anyone that those funds are being decreased.
Speaker BERGSTROM: All right. Anything else? Well, thank you, very much.
Commissioner LYONS: Thank you.

Assembly Reconvenes

THE SPEAKER: Now the Assembly will now reconvene.
I will turn it over, once again, to the Chairman of the Finance Committee, Mr. Ohman, to discuss Proposed Ordinance 13-02.

Committee Report – Proposed Ordinance 13-02

Mr. OHMAN: Thank you, Mr. Speaker. The Finance Committee met on April 17 to discuss Proposed Ordinance 13-02. That’s the Barnstable County’s Operating Budget for Fiscal 2014 in the amount of $27,875,846.00.
It was a lengthy discussion. I mean a lot of things came up. I’d rather do this, some of the things during our discussion of it.
The bottom line was that we voted 3 to 2 to send it as is in full form to the Assembly of Delegates 3 to 2, much close and many things are. And I would ask that you -- I would ask that the Assembly approve a budget of $27,875,846.00 for Proposed Ordinance 13-02.
Speaker BERGSTROM: Okay. Is that a motion?
Mr. OHMAN: That is a motion.

Proposed Ordinance 13-02: To make appropriations for Barnstable County’s operating budget for the Fiscal Year 2014, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County, and for County Capital improvements and to borrow money to pay therefor.

Speaker BERGSTROM: It’s on the floor. Do we have a second to that?
Ms. KING: Second.
Speaker BERGSTROM: Okay. It’s been moved and seconded. So now we have the budget on the floor. Is there any discussion/recommendations on the budget?
Leo.
Mr. CAKOUNES: Thank you, Mr. Speaker. I have an Amendment written up. I believe you all have it in front of you. I will read it into the record.

Proposed Amendment to Proposed Ordinance 13-02

“I move to reduce the Barnstable County proposed operating budget for fiscal 2014 to $27,782,068.00, and to reduce the revenues from Other Funds to $1,291,566.00, and that’s to be done as follows:
Under the General Government, Section 2A, Department 100, County Commissioners, under Group Number 1, Wage and Salaries, reduce it to $276,229.00.
Also, under Group Number 9, Fringe Benefits reduced to $134,921.00, which will now reverse Department 100 County Commissioners Expense Budget to a new number of $545,393.00.
Furthermore, under the General Government, Section 2A, Funding Source for Department 100 County Commissioners, specifically Group Number 1, for Other Funds or Revenues reduce that amount to zero, which will now reverse Department 100 County Commissioners Revenue budget to zero.
Thereby reducing the appropriations and revenues to equal a balanced Government total budget of $3,856,118.00.

Ms. KING: Second.

Speaker BERGSTROM: Okay. Do we have a second on Leo’s Amendment?

Ms. KING: Yes, I seconded it.

Speaker BERGSTROM: Okay. We’ve got it moved and seconded. Now the Amendment is on the floor. So we’ll discuss the Amendment.

Mr. CAKOUNES: Thank you, Mr. Speaker. In discussion, what I read was the former way -- I, first of all, I want to thank Janice for helping me prepare the formal language, and I also would like to thank Mark Zielinski, who I’ve been in contact with, for the appropriate and correct numbers, and the appropriate and correct line items from where they come from.

So, the language that I just read is the formal motion. You have also in front of you a document that I wrote up on my computer. It has a little different-type font size, that’s the only way I can express it. It says “Proposed Amendment to Fiscal Year 2014 Budget.”

In my estimation, it just clarifies, kind of simplifies exactly what’s going on here. For the sake of discussion, I have removed the income from Cape Light Compact which we are receiving 75 percent of the Assistant Administrator’s salary. I’ve removed that total amount, $93,778. So that line item will go to zero.
Subsequently, for the position which is salaried at $104,665, I will remove or have amended to remove the Cape Light Compact share, which is $78,500.
And, subsequently, the related Health Costs and Benefits to that portion of that position.
And down the page further, you see those specific line items in which they refer to, and that total adds up to $15,278, which, subsequently, goes back. And add those together; it comes out to the $93,778, which goes back to the proposed income.
And in discussion again, I go on on page two of that document to kind of give you my position on this. And I can do it as brief and as simple as possible.
Presently, we have a position, Assistant County Administrator’s position, which has been told to us that 75 percent of that workload from that position is done under the Cape Light Compact’s Service Agreement, and 25 percent of that position is right now presently working on Human Services -- Human Resources, thank you.
So, what I’ve done in my simple kind of minded thinking is said, well, we have a full-time County Administrator and Chief Financial Officer right now doing the work, and we have a position where 25 percent of the work is being done by this position. In my calculations, that’s 125 percent of a workload if you will.
We are planning on hiring a new County Administrator. The County Administrator will be coming in and taking at least half of the present Chief Financial Officer’s workload off of them. So, now we have 2.5 -- I’m sorry, 2.25 people doing 1.25 of the work.
It seems to me that it would be a good move to not hire the -- to wait until the new County
Administrator comes on board. That salary is in the budget. We will have now two full-time capable people running the office.

And the way I did the Amendment, it still leaves a balance of $26,165 in that salary and wage line item in which the new County Administrator will be able to tap those funds if, in fact, they so desire to either find a part time human resource officer or want to come back before us with a supplemental budget, inter-budget transfer and use those salary funds elsewhere.

That’s about it. I think everybody knows the argument. We’ve discussed this in length, and this basically just puts it to paper.

Thank you.

Speaker BERGSTROM: Okay. Anybody have any comments on this from anyone on the Assembly? John.

Mr. OHMAN: Thank you, Mr. Speaker.

When you take this off the page and all of the numbers, what’s actually happening is we’re going to lose a person who is the only person that really has any knowledge of the issues of human resources for the County if this goes through as such, and I disagree with that.

I think that this is a transition year. It’s a very important transition year for the County. The person that is going to be doing this job hasn’t even been hired by the County yet. These are vital pieces of information, vital part of County government that needs to have some sustainability to handle very personal human resource issues.

Therefore, I will not be able to support this Amendment.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: Well, I’ve discussed this before, and I won’t go on and on about it. I agree with Leo that we want to separate these positions, County government position, and we want a separate position for the Cape Light Compact.

I think we’ve heard from the Commissioners that that is their plan, that this is the last year for this. And I just don’t feel that we can’t make a compromise this year and retain vital services as John pointed out and wait. I don’t think anything bad will happen if we continue with the plan as proposed by the Commissioners. I think we will get better service, people will get better service, and we will still be able to solve the problem that I agree with Leo exists and that I want to see solved.

Speaker BERGSTROM: Okay. Anybody else? Yeah, I looked at this too, and although I understand where Leo’s going and I sympathize in a way. There are two things that come into my mind in looking at this and trying to crunch these numbers.

First of all, it’s not quite true that people are going to be doing the same job because as you remember about a month ago, maybe two months ago, the Commissioners gave the Administrator a lot more responsibility he has. So he’s essentially going to be doing more work now than he was before. And I assume that trends going to continue, at least I hope it will in the new fiscal year.

The other thing is that, as I’ve said before, I think the Commissioners have moved in the direction that I think I would like to see them move in straightening out the relationship between these entities. And I have to take them on their word that that’s the direction they’re going.

But even more importantly, to me is that unless I have a really substantive argument with the way the budget is structured now, any changes will result -- in other words, if we were to pass this Amendment, it would then go to the Commissioners who could then, in turn, veto it or override us and go back to us and go into a reconciliation process.

Now I’m willing to do that on a very substantive matter. If it has to do with an employee or a large expense, but on something that I think it’s more philosophical than it is financial, personally, I’m
reluctant to go to that process unless it’s a really important issue that I think has to be dealt with right away.

So that’s my fence -- fence-sitting argument but that’s where I am on it right now. Yes.

Ms. McCUTCHEON: I am -- probably everybody already knows, I’m in favor of this Amendment.

I don’t really think it’s a question of theory. I think it’s a question of principle. And, if nothing else, I think that we should stand for certain principles. We, as an Assembly, should.

And I think one of the things that we’ve discovered along the way is that there are lots of subsidies to the CLC coming from Barnstable County. There are other personnel. There are benefits. There is a vast panoply. There is office space that’s provided. This is to a certain extent a principle. This is an employee who works 75 percent of her time for the Cape Light Compact and there is an obvious conflict of interest.

I’m in favor of this for the principal.

Speaker BERGSTROM: Okay. Anyone else? If not, we will take a vote on Leo’s Amendment.

Roll Call Vote on Proposed Amendment to Proposed Ordinance 13-02: To reduce the Barnstable County proposed operating budget for fiscal 2014 to $27,782,068.00, and to reduce the revenues from Other Funds to $1,291,566.00, and that’s to be done as follows:

Under the General Government, Section 2A, Department 100, County Commissioners, under Group Number 1, Wage and Salaries, reduce it to $276,229.00.

Also, under Group Number 9, Fringe Benefits reduced to $134,921.00, which will now reverse Department 100 County Commissioners Expense Budget to a new number of $545,393.00.

Furthermore, under the General Government, Section 2A, Funding Source for Department 100 County Commissioners, specifically Group Number 1, for Other Funds or Revenues reduce that amount to zero, which will now reverse Department 100 County Commissioners Revenue budget to zero.

Thereby reducing the appropriations and revenues to equal a balanced Government total budget of $3,856,118.00.

Voting YES (41.71%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro).

Voting NO (58.29%): Ronald Bergstrom (2.84% - Chatham), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Clerk O’CONNELL: Mr. Speaker, Proposed Amendment to Proposed Ordinance 13-02 fails with 58.29 percent voting “no”, 41.71 percent voting “yes.”

Speaker BERGSTROM: Okay. Well, that’s what we do. Anyway, now we’re back to the main motion on 13-02, is it, which is the Barnstable County budget as proposed. Do we have any other amendments or discussion on the Barnstable County Budget?

Hearing none; I guess we’ll take a vote.
Roll Call Vote on Proposed Ordinance 13-02: To make appropriations for Barnstable County's operating budget for the Fiscal Year 2014, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County, and for County Capital improvements and to borrow money to pay therefore. Voting YES (61.54%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth). Voting NO (38.46%): Cheryl Andrews (1.36% - Provincetown), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O’CONNELL: Mr. Speaker, Proposed Ordinance 13-02 passes with 61.54 percent of the Delegates voting “yes” and 38.46 percent voting “no.”

Proposed Ordinance 13-02: To make appropriations for Barnstable County's operating budget for the Fiscal Year 2014, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County, and for County Capital improvements and to borrow money to pay therefore.

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

Report from the Clerk

Clerk O’CONNELL: Yes, I don’t have much to report today except that the Assembly of Delegates will be participating in a campus-wide IT assessment. And the Speaker has delegated me to work with Deputy Speaker Teresa Martin on that assessment. So we will be completing that during the month of May.

And that’s all I have to report.

Other Business

Speaker BERGSTROM: Okay. I’d like to say that with the appointment of Commissioner Doherty to the Charter Review Committee, we have a full complement. The contact list will be sent out to -- I hope to begin meeting on the 15th of this month with an organizational meeting to discuss everybody’s -- to discuss procedures and so on.

That will depend on contacting the individual members and finding out if they can make it, you know, and what their schedules are. But I hope to start as soon as possible.

Of course everyone’s invited. These are open meetings. Hopefully they’ll be televised, and I think that we will immediately -- this is my -- my feeling is we’ll immediately take public comment before we make any decision or move ahead in the process. And that’s without talking to the other members and having this organizational meeting. I guess that’s about all I can say at this point. It will depend on how
we proceed.

But even though it’s going to be summer and we could all have other things to do, we’re going to go ahead with this regardless -- irregardless.

Yes.

Ms. TAYLOR: Irregardless. Mr. Speaker, we could always meet at Liam’s.

It’s just a thought.

Ms. ANDREWS: The health insurance premiums will go up.

Speaker BERGSTROM: Yeah, I don’t know how my waistline will deal with that.

Clerk O’CONNELL: I’m sorry; there’s was one thing that I also should have added and I forgot.

On the 15th of May, we are pretty much sure that we’re going to be meeting with Finance and the auditors to review fiscal year 2012 audit. And, right now, that has been scheduled for 3 o’clock on the 15th, which is a Wednesday and the day of your next Assembly meeting. So I just wanted to let you know that.

Speaker BERGSTROM: All right. And, as usual, now that we’ve reached the summer season, if there’s anybody that’s going to have extended absence during the summer, let the Clerk know and that way she’ll be able to tell in advance.

We’ve had occasions in the last few years, not many but some, where we all showed up and there wasn’t a quorum so that’s important.

Julia, did you have something?

Ms. TAYLOR: Well, no. I’ll talk to her later.

Ms. McCUTCHEON: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCCUTCHEON: I have a matter I’d like to raise under “Other Business.”

Speaker BERGSTROM: Sure.

Ms. MCCUTCHEON: I have it in writing to give to everybody.

I tend to put pen to paper or typewriter or computery paper more readily.

I’d like to talk briefly about the report on applying agreed-upon procedures which we recently received from the Cape Light Compact.

And in a background to this, I’d like to remind you all that Dr. Flynn, who is the Chairman of the Compact, came before us some months ago and wanted to have a dialog with this Assembly about issues that had been raised.

Unfortunately, she appeared at public comment when we’re not supposed to have a dialogue. I have since then raised a question that she should be invited back. Well, the agreed-upon Procedures Report I think is a very good vehicle for bringing her back.

As this little writing points out, in her cover memo distributing that to the members of the Assembly, Maggie Downey stated that the auditor had completed Phase I of their work, and the Cape Light Compact Audits will be completed by June 30.

The auditors she hired, however, in the report itself on page 5 said we’re not engaged to and did not conduct an audit. Well, I think it would be reasonable at this point in time to have a discussion of who is doing what with who as to what with the audit and the money and the report on agreed-upon procedures and whether there is someone who’s going to form an opinion as to whether the expenditures that have been questioned were correct.

So I have a little motion.

Speaker BERGSTROM: The motion is -- we can’t really discuss too much under “Other Business.” But you can request -- in the context of requesting a future Agenda item, you can say --
Ms. McCUTCHEON: In the context -- what I would like to see happen is at our next meeting or assuming at the next meeting that Dr. Flynn can attend, I would request that she be on the Agenda in such a way that we can have an honest dialogue about what these issues are and what our questions might be, and then she should be able to bring whomever she chooses with her.

Speaker BERGSTROM: Okay. It is the policy of the Speaker to agree with any reasonable request by any member for an Agenda item, so you will be on the list.

Ms. MCCUTCHEON: So I don’t need to make it a motion?

Speaker BERGSTROM: No, you don’t.

Ms. McCUTCHEON: Okay. Thank you, sir.

Speaker BERGSTROM: Yeah, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker.

Mr. CAKOUNES: Thank you, Mr. Speaker. I believe it was two weeks ago at our meeting we passed a Resolution -- I want to say it was 13-2. It was the one that basically asked that the County government not have representation on any board or committee of which the County is a fiscal agent to.

The Commissioners met and ruled that that was beyond our purvey and that we did not have the authority to make such a recommendation and they voted it down.

And as according to our Charter, we have a limited amount of days to revisit that topic if we wish to.

So, I would respectfully request that the Chairman, because it is time sensitive, maybe put it on our next agenda for a re-vote.

And in the meantime, I would respectfully request that all the members take really three minutes of your time to view the County Commissioners’ meeting on which they discussed this and why they voted it down. It’s at the very beginning of the meeting. It’s only about two or three minutes long. You really need to watch it if, in fact, we are going to be reconsidering that Resolution.

Thank you.

Speaker BERGSTROM: Okay. I’ll put that --

Ms. ANDREWS: What’s the date, Leo?

Mr. CAKOUNES: Last week.

Speaker BERGSTROM: Yeah, go ahead, Janice.

Clerk O’CONNELL: I want to let the Delegates know that we are in the process of receiving a hard copy of the Commissioner’s response. They are sending a letter to the Assembly and it’s probably in interoffice mail, maybe sitting down in the postal room right now.

So, as soon as I get that, I will forward a copy of that to you.

Speaker BERGSTROM: Okay. And, Leo, I’ll put you on the agenda for the 15th, but also if the if the Commissioners’ rejection contains legal or procedural issues, I’m going to have to get an opinion from the County. You’ll get it on there anyway. But if they claim we can’t do this or its illegal or something, we’re going to have to get an opinion to back that up from counsel; do you understand?

Mr. CAKOUNES: Yes, sir. Yes, I do. Respectfully, we already have his letter when it was an Ordinance. That’s why I re-presented it as a Resolution.

But anyhow, somebody asked me what day it was and I just lost it. The 24th of April. The 24th of April. It’s at the very, very beginning of the meeting.

Thank you.

Speaker BERGSTROM: Does anyone have any other business to go before the --

Ms. MCAULIFFE: Just on that matter.

Speaker BERGSTROM: Yes, Suzanne.
Ms. MCAULIFFE: Is it worth getting an opinion from the AG or IG on this as well? Because when we did our Conflict of Interest test, there were specific examples in the test that mirror this situation that are in the test saying that they are conflict of interest.

So I don’t know if we sort of let our discussion play out at the next meeting or if we should request an opinion from the appropriate office on whether there is a conflict of interest?

Speaker BERGSTROM: That’s a good question and I don’t know the answer.

Yes, Pat.

Mr. PRINCI: Wouldn’t it be likely that if this type of issue was brought up, the individuals that may have had a conflict of interest perhaps could have sent something to the Ethics Commission for an opinion? Maybe they’re waiting.

Speaker BERGSTROM: Well, my understanding when it comes to conflicts of interest in the past is that the body that you’re a member of can’t really enforce conflict of interest laws.

It’s actually up to the individual, that that person -- it puts themselves in jeopardy if they, you know, somebody could complain and if it’s found that they were violating some conflict of interest they could be fined or something like that.

So, in a way, I mean, informationally, we could find out or they could find out themselves, but there’s no way that we, as a body, can --

Mr. PRINCI: Unless they disclose it.

Speaker BERGSTROM: I mean that’s my understanding of it. I could go to the --

Ms. MCAULIFFE: Mr. Speaker. We had some experience with this in terms of a board member having a conflict of interest, and you are correct. You have to ask on your own for your own conflict.

But you can ask a hypothetical general question to a lawyer saying -- to the lawyer of ethics, “If this situation existed, would you recommend that this person seek relief?”

And you can, in a way, compel someone to talk to Ethics and get a remedy for whatever the relief would be.

And, just recently, I was asked to serve on something, which what I had to go through because if it ever came to a vote before the Assembly, it wasn’t worth going through because you have to file disclosures. You have to do a lot of different things. You have to get a ruling, and you have to let everybody know what you’re doing, and you have to make sure there are copies of this.

So, if someone decides not to get an opinion, that’s their business. But if we feel that they need an opinion, I think we could ask them to get it.

Speaker BERGSTROM: I’m willing -- you know, I’ve already told -- said that I would like to contact County Counsel under any procedural objections or legal objections that the Commissioners have over Leo’s Resolution.

I could ask County Counsel to get in this, but I have to really refer to specific sections on the conflict of interest laws. I mean somebody’s going to have to do it besides me.

So maybe I’ll get together and we’ll send it. I’d rather, me personally, I’d rather deal with it in house first and then if people have objections, then we can go to the Ethics Commission, I guess, whoever’s in charge of this.

But if I get an opinion from County Counsel saying that the laws don’t apply in this case, I mean then he can respond to us. We don’t have to be individuals. It’s up to the individual members really to pursue this unless we have some kind of guidance here.

Ms. TAYLOR: You can call the Ethics Commission.

Speaker BERGSTROM: Does that sound reasonable? Ask County Counsel if there’s a conflict under the Ethics laws which we just took this month?
Anyway, well I will do that. Okay. Because I hate to see us get into a long discussion over something before we know where we stand -- where we currently stand.
Is there any other business to be brought before the Assembly?
Deputy Speaker MARTIN: Motion to Adjourn.
Ms. KING: Second.
Speaker BERGSTROM: Okay. Moved and seconded. All those in favor, say “Aye.” “Opposed?”
Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:40 p.m.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of delegates