

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – June 6, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, June 6th session of the Cape Cod Regional Government Assembly of Delegates. I would like to call this meeting to order and we will begin with a moment of silence to honor our troops who have died in the service to our country, and to all of those serving our country in the Armed Forces.

(Moment of Silence)

Thank you.

Now we will stand for the Pledge of Allegiance.

(Pledge of Allegiance)

Thank you.

The Clerk will call the roll.

Roll Call (97.70%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Thomas Lynch (20.92% - Barnstable), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (2.30%): Teresa Martin (2.30% - Eastham).

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 97.70 percent of the Delegates present and 2.30% absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

I will now need a motion to approve the Calendar of Business.

Deputy Speaker ANDERSON: So move.

Ms. KING: Second.

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

(Motion passed)

You should have received a copy of the Journal of May 16, 2012. Are there any additions or corrections to the Journal?

Hearing none, I need a motion to approve the journal.

Deputy Speaker ANDERSON: Motion to approve the Journal of May 16, 2012.

Ms. KING: Second.

Speaker BERGSTROM: It has been moved and seconded. All those in favor say "aye." Opposed?

(Motion passed)

I've heard from the Chair of the Board of Regional Commissioners that she is not prepared to give us a report today.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: No, that's not what I said.

Speaker BERGSTROM: What did you say?

Commissioner FLYNN: Good afternoon. What I said was you have a very large agenda today and the items that I would report to you today are not of an immediate consequence and I would be happy to defer them until your next meeting if that is what you would prefer.

Speaker BERGSTROM: Thank you.

Are there any objections to that?

Okay. Thank you very much.

Now are there any Communications from Public Officials?

Mr. Doherty is here so we'll recognize Commissioner Doherty.

Communications from Public Officials

Commissioner DOHERTY: A cheerful good afternoon to one and all.

I'm here today as the Chair of the Cape Light Compact. As you know, I'm also a County Commissioner and I am a former Member of this august body having served four years; it was my pleasure to do that. However, today I come for a different reason. I'm here this afternoon speaking as the Chairman of the Cape Light Compact regarding the report to the Barnstable County Assembly of Delegates Special Committee on the Inquiry into the Cape Light Compact.

I've prepared a detailed written response to the report for you dated May 31, 2012, and I've provided your Clerk, Janice O'Connell, additional copies of my response this afternoon. I will not read my May 31st letter into the record in its entirety. Overall the report contains numerous inaccuracies and statements not supported by facts or data and I strongly urge the Assembly to take action this afternoon.

For the record I want to reiterate the following two key points. Since 2001, the Cape Light Compact Energy Efficiency Program has had a budget. This budget has been approved and is administered by the Massachusetts Department of Public Utilities. The budget was provided to the Special Committee and is attached again as a quick reference. Just because the Cape Light Compact's energy efficiency budget is not in the format of a County department budget is no justification for repeatedly stating and insisting there is no energy efficiency budget. Similarly, the Cape Light Compact governing board has discussed and approved operating budgets for the past three fiscal years. Prior to that, the Assembly reviewed and approved the operating budget for the Cape Light Compact.

Second item: The report, the most recent supplemental information from a memo of the Special Committee, dated June 4, 2012, states that the Cape Light Compact may have conducted criminal acts and concludes that it's appropriate to request a forensic audit for use in a court of law. The author of the June 4th memo also claims that the DPU approve mil adder is a kickback. All of these statements are patently false and completely unsupported. These types of defamatory statements exemplify the inaccuracies contained in the report.

In closing, I urge the Assembly to a minimum immediately remove the report from public circulation and have the report entirely rewritten, with assistance from Barnstable County legal counsel, to insure that the report contains accurate information supported by facts and is devoid of inflammatory remarks.

With that I conclude my remarks and I have something for the Clerk.

(Document given to Clerk)

Speaker BERGSTROM: Austin Knight.

Mr. KNIGHT: Thank you, Mr. Chairman, Assembly Members. I'm Austin Knight. I'm a Selectman in Provincetown. I'm currently Chairman of the Board. The Town Manager asked if I would attend today to follow up on conversations that have happened, but first I'd like to make a brief statement.

The Town of Provincetown has had the good fortune of receiving many benefits through Cape Light Compact services; not only for our municipal projects at town hall – for lighting and so forth – but the residents of Provincetown have had a clear help from this organization. So for the future I hope this continues because we have – as many municipalities – have the benefits of this.

The CVEC Program is developing the Solar Panel Program at our transfer station – yet another opportunity for our town to take the benefits that these two organizations give to us to have rate relief and also taxpayer relief for the different parts of these programs. We have a large group of town's people who are elderly and who cannot afford some of the changes that are needed in order to upgrade their homes to make them more energy efficient. The Cape Light Compact has helped them tremendously.

So as the Board of Selectmen Chairman, and as a member of the Board, I encourage you that we main these programs for the citizens that it was established for. I've read a lot of reports the last few days – and I know you've read far more than I have – but to me it is so important to maintain the services that are provided to the taxpayers and to the ratepayers because they're the ones that are going to receive the benefits.

I just think that it's important that we remember what these services are for, and who they're for, and what they've done; and I, just as a Selectman, want to say that to you, the Assembly Members, and to you as the Chairman, I applaud the work that your organizations have done for municipalities across the Cape.

Thank you.

Speaker BERGSTROM: Thank you.

I have a sign-up sheet here. After I take comments from those who have signed up, if there is time permitting, I'll allow others who are here to speak and give comments. The first name on the list of the general public is Fred Fenlon from Eastham. Fred is a former Member of the Assembly of Delegates.

Communications from the Public

Mr. FENLON: My name is Fred Fenlon and I'm a member of the Cape Light Compact Board and a past Member of the Assembly of Delegates for two elected terms.

Various correspondences indicates that the Assembly's Special Committee inquiring into the Cape Light Compact and the Cape & Vineyard Electric Cooperative is recommending that the Mass Inspector General conduct a forensic, underline the word "forensic," audit to be conducted of the Cape Light Compact of alleged criminal and civil activity by Compact board members and/or staff. Forensic implies fraud, valuation, bankruptcy, etc.

My questions are, since I, Fred Fenlon, have been a board member and a volunteer of the Cape Light Compact without any form of remuneration, pay, for ten years, I would be subject to the possibility of forensic consequences; i.e., civil or criminal consequences. My first question of the Assembly of Delegates: Do you recommend that I should begin a process of retaining an

attorney to protect me and my family from civil and criminal consequences? And most importantly, should I expect the County to bear the dollar cost of these legal expenses?

My second and last question revolves around the Cape Light Compact staff. This Cape Light Compact staff has been responsible for saving thousands and thousands of Cape residents millions and millions of dollars over the past years, so the question is nearly the same as my first question. Should they begin a process of retaining attorneys to protect themselves and their families from civil or criminal consequences? And most importantly, should they expect the County to bear the dollar cost of these legal expenses?

Thank you.

Speaker BERGSTROM: Barbara Howard.

Ms. HOWARD: My name is Barbara Howard and I live in Harwich. I'm bringing to you a point of view. I am new to the Cape and have no direct knowledge of how it was governed before I came. However, it is a beautiful place with wonderful people and I feel blessed to be here. I think I may have many of you who now serve on CVEC and CLC to thank for the thoughtful preservation and future prospects of this extraordinary place and I do thank you.

It appears, however, that the Cape may have been governed in the past more like a small town where everyone is essentially on the same page, where we all know and trust each other; and where the governing decisions are relatively minor, obvious, expected, and totally understood.

That seems to have changed so rapidly that suddenly the small-town aspect no longer applies. Our representatives still have to work long hours, whole weeks, make tough decisions and continue to look after the Cape as they think best. But the complexities of our future needs and desires and protection have also grown. The number of people impacted; the amount of money essential for change and growth, and the manner in which governance must now occur have changed as well and have expanded enormously.

No one here is accusing anyone of intentional acts of deceit or criminality – not at all. It's just that the casual or the just-trust-us attitude toward governing and spending of public money is no longer appropriate. The rules for public oversight, the operation of meetings in the public's behalf, the specific accounting of all public funds raised, solicited, and spent, protect the governing bodies as well as the public at-large. If the public knows all about and approves of the activities of the governing bodies and things go wrong, we are all to blame. From where I stand, the large amounts of money solicited and spent so far by CVEC and CLC have benefitted only the attorneys. We all have been duped and made poor as a result.

Speaker BERGSTROM: Thank you.

Noreen Donahue?

Ms. DONAHUE: My comments will be covered by another speaker. I'll drop out of the list. Thank you.

Speaker BERGSTROM: Okay.

Kevin Galligan?

Mr. GALLIGAN: Thank you, Mr. Speaker, Members of the Assembly. I'm Kevin Galligan, an Energy Efficiency Program Manager with the Cape Light Compact and I'm here today, off the clock. I'm really here as a citizen of Barnstable County and from the Town of Orleans.

I offer just a couple of suggestions for you as later on today when you convene you'll be taking up the report of the Special Committee on the inquiry into the Cape Light Compact and CVEC. My over 30 years in the energy field, many of them involving projects and proceedings

in front of federal, state, and local regulatory boards, have burned into my brain, as well as my engineering degree at Northeastern, the critical importance of accuracy, data, and reporting. When dealing with energy matters, calculations – whether it is formula, laws, rules, and best practices – it is critical that we report accurately, particularly in the engineering field. I think it's also critical that we explain in the simplest terms for the public to understand what we're really trying to do for them, which we have taken seriously over the last 11 years at the Compact.

Yesterday, also many of you might have heard on **The Point**, Mindy Todd's radio station at WCAI, the Cape & Islands NPR station, she talked with an author. His name is Stephen Prothero about his new book, entitled **The American Bible**; about our words unite, divide and define a nation. It was a really good listen. I listened to it again last evening.

I hope the Assembly could think back to some of what was mentioned on the air yesterday, and maybe even listen to it as you deliberate the Special Report of the Committee. I do feel the outcome today could result in another document that we leave for history to judge how our words have united, divided, and in effect defined Barnstable County Regional Government in the future.

Simply put – and I quote the opening in Prothero's book – words matter. Because of the importance and accuracy of facts and words do matter; I respectfully request your support of what the CLC Chairman had recommended you do with that report.

Thank you.

Speaker BERGSTROM: Chris Powicki?

Mr. POWICKI: Good afternoon, ladies and gentlemen. My name is Chris Powicki and I've been an engineering consultant for over two decades and active locally in energy issues.

I'm also a resident and taxpayer in Brewster, and when I used to appear regularly at Cape Light Compact and CVEC meetings, I would refer to myself as the consumer from Cummaquid. Now I'm in Brewster so I'm going to call myself today the consumer from Brewster, and I think that's an important distinction. These two energy agencies are different from a lot of the other government agencies that are considered in the public realm here locally. Every consumer has a right and standing before these agencies.

First, I want to acknowledge that the Compact and CVEC are making very significant contributions in promoting energy efficiency and renewable energy and I support much of what they do. I don't always support the way they go about it. Certainly the staff and the volunteers work very hard at what they do. They are very well intentioned and they bring a lot of benefit to local communities but I think that your investigation has raised some legitimate questions.

Conceptually, I've always believed that these institutions are ideal for putting the power in the hands of the people and accelerate progress towards sustainable energy future in a way that your standard utility is not going to deliver the benefits that these consumer-based organizations can deliver. But I also want to take a minute to look back at the reality in a couple of key areas.

The Compact was formed to secure the best market rates for power through aggregation but in a decade of operation, its power supply program has actually increased the costs for residential consumers by \$30 million dollars over the rates that would have been available through NSTAR if people had stayed on the NSTAR service. So the intent was to reduce rates and that has not happened.

Secondly, when CVEC was formed residents and businesses were promised a direct share of the savings from its renewable energy projects but instead they've been asked to foot the bill and to forego any savings. So I think that there is clear evidence that some consumer interests are being compromised by the way that these organizations are going about their business.

I want to take a minute to commend the Special Committee on the difficult work they did in trying to shine some light on the operation of CLC and CVEC. Though I might disagree with some of the language in the report – I think that there are errors that probably deserve correction – I think that the recommendations you came forward with are in the interest of the public and the consumers, if not the exact wording. I'm hopeful that agencies at the state level will follow up on these recommendations now that some light has come in and that they'll actually apply some of the necessary disinfectant.

Then I want you to also consider what happened when another regional agency – the Cape Cod Commission – was in the crosshairs. Diverse stakeholders were brought together to conduct a critical evaluation of why the Commission formed and what it actually did during its initial years of operation and ultimately there were some recommendations put forward by these stakeholders. New leadership was brought in and the Commission has undergone a comprehensive restructuring.

I think the same thing could happen with the Cape Light Compact and CVEC to everybody's benefit. There is no need to disband these organizations which I think some people are interested in doing. I think instead that some change will help as they move forward.

Given that the Assembly and Barnstable County as a whole have very limited abilities to effect any change, I'm hopeful that the Assembly's investigation and the work at the state level just represents starting points for a broad and inclusive dialogue. I would recommend that the Special Committee present recommendations in final form in public hearings in each community as a means for kicking off some of that discussion and starting to effect change at the local level. Certainly that's where the power of the people resides.

Thank you.

Speaker BERGSTROM: Thank you.

Kathy Sherman?

Ms. SHERMAN: Kathy Sherman. I'm also from Brewster. I am here partly because I was at most of the subcommittee meetings and also the subcommittee's consideration of some of the parallel issues. And I want to say that I felt that the Committee did an excellent job of trying to look at the matter of governance and operation in a manner that was forward-looking and maybe that doesn't come across as much as it should in the report.

Also, following on what Mr. Powicki said, there were issues that came up. One issue was the very identity of these entities and it's important, I think, for us to gain some understanding even about matters like whom is responsible for fulfilling the renewable RPS obligation, or in what the relationship is for the supplier – the competitive supplier, ConEd Solutions. Other operational matters that we don't know that impact on the consumer are who is it that buys Renewable Energy Certificates because that part is very, very volatile. Even before other member towns became part of CVEC, they were negotiating not just with – CVEC wasn't just operating in its role as helping to develop renewable projects, it was negotiating for Rex with Fairhaven and Falmouth, and those are expensive. The Solarex are going to impact even more so at 55 cents a kilowatt hour.

So I think that some things were not considered in the domain of what the subcommittee looked into; for instance, just the simple amount of money going into legal expenses. In terms of the Compact, we know that budgets are discussed and the next meeting of the Compact will have further discussion. But with respect to the Open Meeting Law, does the public that's in attendance at that meeting have the right to see what's under deliberation? It's a simple question, and this is not a criticism of the people who serve on the board because they don't

know. I was at a meeting where the material was given to me by the person who was distributing it and then retracted immediately because I, as a member, didn't have a right to hear it. The budgets are there and it's a question of the access to it.

So I hope that we can go back to the spirit in which this was intended. There was very little – except for the amounts of money – there was very little criticism of the energy efficiency portion of the Compact's activities. It's not about staff but it is about taxpayer money that goes into the operations. It's ratepayer money. That money is largely either what we pay on our electric bill for the renewable energy surcharge that's come back to the Cape in the form of feasibility studies, etc. and also the energy efficiency.

Whether the DPU is fine about covering that, that's another matter; but the basic concern is it's not even the conflict of interest in the money-sense, but conflict of – as it has been put before, too many hats, and whether these projects that CLC has provided a lot of money for on municipal land is an appropriate use of ratepayer funds. I think that should be the focus. The other half that I'm very worried about with the municipal projects is environmental assessment, and that really didn't come under the purview of this report. I think that maybe there needs to be a modification of language, but basically I know that the subcommittee worked very hard to make a document that would be constructive and the language that I have heard in rebuttal of it is not constructive.

Thank you.

Speaker BERGSTROM: Mitch Relin, Brewster.

Just as a point of information, as people come up they make a lot of claims and comments, and so on, and some of them may be accurate and some not accurate; but as far as I'm concerned how we're going to run this, if you get there and say that the moon is made of green cheese, we're not going to disagree with that. In other words, everybody can just say what they want and suffer the consequences later if they turn out to be completely wrong.

Mr. RELIN: It's green cheese, Mr. Speaker, not blue cheese.

(Laughter)

Mitch Relin, resident of Brewster. As with some previous speakers, I recognize that Cape Light Compact has done and continues to do good for the Cape. My house was audited for energy use and I had my light bulbs switched out and my attic insulation was redone at a terrific cost. It's terrific. I appreciate and support the efforts that CVEC was set up to do to promote, to develop, and coordinate projects of renewable energy and I would like to see those kinds of efforts continue but there are other concerns.

I've attended these meetings for a couple of years. I attended many of the subcommittee meetings. I've sat in on County Commissioner meetings. I've sat in on CLC meetings. On occasion, some people have commented that this whole process of the inquiry into CVEC and CLC was because of Brewster Wind and this was a way to get the wind project in Brewster cancelled out and get back at CVEC and CLC. I can tell you that that's not true, at least from my experience and from my perspective.

Sure, I looked into CVEC and CLC as the Brewster Wind Project was going through its permitting process and what I found and experienced was that the process that CVEC was engaged in and CLC lacked transparency; was almost secretive in some of their documents; was disrespectful to citizens who wanted to ask questions or seek some answers, seek some documents. It's the process and apparently the structure that was of grave concern. I want to see those agencies continue to work but done in an open and transparent manner. As others have

said, I know the subcommittee spent a lot of time and did their due diligence and came up with a report that I feel is on target and should be supported by the full Assembly.

When issues happen – and each of you are residents of your own towns and have your own personal lives – when issues come up with whatever form of government at the local, county, and state level, you want your voice to be heard and your concerns and your questions answered. I have not found that to be the case in my dealings with CVEC and CLC.

You, the Delegates of the full Assembly, are our people's voices. You have been able to ask the appropriate questions and to some extent getting full answers. I rely on you to continue your support of our concerns so that we feel that somebody hears us, somebody can help facilitate making these agencies better and more responsive.

So, again, I support many of the activities of CVEC and CLC. The process, the structure needs to be looked at and I hope changed. Please support the report.

Thank you.

Speaker BERGSTROM: Lilli Green?

Ms. GREEN: Lilli Green, Wellfleet.

I would like to thank the Assembly for taking the concerns of the public seriously, forming the Special Committee, for all the hard work of the Special Committee, and for the report and recommendations that were written and approved unanimously by all on the Special Committee. The public, I believe, from my standpoint, asked for public documents that should have been in the public domain and to me that's the reason why this all started.

I sincerely hope that the entire Assembly of Delegates votes to approve the recommendations of the Special Committee. I know that there have been objections to what the report of the Special Committee has said but I ask you to look at where this is coming from and what will happen to the confidence in our County government if you do not vote to approve the recommendations of the Special Committee.

I would like to offer an example that I have questions about. Members of the public that I know have been attending all publicly-posted CLC and CVEC meetings for almost two years. The Special Committee had questions about how CLC and CVEC implemented the Open Meeting Law. There was an attorney at each meeting of the two organizations, and actually it has been the same attorney, that I am certain could have advised CLC and CVEC if any member was in question of the Open Meeting Law.

My question: When was there a meeting for either organization to authorize the president of CVEC and the Chair of CLC to write the scathing letters to the Assembly Special Committee on their letterheads and on behalf of each organization? Certainly there was no such meeting that I have looked at over and over through the last few weeks in the normal way that either public organization has done so in the past. Can we afford to allow these situations to continue and coming on the heels of the Assembly's Special Committee report? What else will these two public entities do in the future if you do not act to approve the recommendations of the Special Committee?

I also ask you to do so in light of the \$265 million dollar solar projects through CVEC. These are at stake. CVEC claims that they are not a part of County government. My question: What happens when or if subsidies for solar projects declines, or if the owner finds that there is not enough money left on the table to be made, or the financial arm of the venture calls a loan due for some other reason?

We don't have a crystal ball but these actions are taking place in other parts of the globe. Will CVEC find some reason to be part of County government? Will the taxpayers of Barnstable

County become liable for CVEC projects? What guarantees are there that these will not happen? We don't have the public documents. The public can't scrutinize these projects even though we've asked repeatedly. Even more basic than this, my State Representative told me almost two years ago that our County has the highest rate in the U.S., second only to Hawaii, for our electric rates. This may not be true any longer but our rates are still very high.

So I ask, isn't it the job of CLC to secure competitive rates? Within the last month all of the suppliers on the list were called. Why are all of the other suppliers when they were called lower than the CLC rates? What will the CVEC solar projects do to the ratepayers' rate? That's another question.

If public documents will not be produced by these two public entities for the Assembly of Delegates Special Committee, then I ask you to sincerely think about the welfare of our County. Please vote to accept the recommendations of the Special Committee and let's all find out the answers to the question that the Assembly of Delegates Special Committee has posed on behalf of everyone in Barnstable County – answers that we should already have information about since this was public information in the first place.

Again, many thanks to the Special Committee.

Mr. CAKOUNES: Can I have your name again, please?

Ms. GREEN: Lilli Green.

Mr. CAKOUNES: Lilli Green?

Ms. GREEN: Yes. L-I-L-L-I-A-N-N. Green like the color.

Speaker BERGSTROM: Joseph Swaluk?

Mr. SWALUK: Joseph Swaluk from Brewster.

I'll be very brief. I just wanted to come down and add my voice to the chorus of all those people commending the Special Committee on this report. I know they worked very hard and I'm hoping that the Assembly will accept the report as it is. I'm not always happy with my governments; whether they're national, state, or local, but once in a while I read about something being done that makes me feel kind of good and this report was one of them. I kind of felt that we were kind of steamrolled by CVEC. All of a sudden they loomed up on the horizon and there was something else that we had to worry about, and I like the idea that the Assembly of Delegates decided to look into this matter and try to come up with some better methods of operation for both CLC and CVEC.

Thank you very much.

Speaker BERGSTROM: James Rogers?

Mr. ROGERS: James Rogers, Sandwich.

I'd like to thank the Special Committee for its hard work, its thoroughness, and its concern for the civic good. I just have one figure that I would like to mention and that is \$520,000. There was a grant that seems to have come from ConEdison to the Cape Light Compact and then it's very unclear where or how this money was ever spent. I would think that anybody, whether a member of CVEC, a member of CLC, a public official, a member of the public, would like to know this. What happened with this grant and possibly a couple of others? Wouldn't anybody want this matter referred to the Inspector General to see what is really going on here?

What CVEC or CLC has done for my Town of Sandwich, or the Town of Provincetown, or any other town is really irrelevant to this report. I hope that the full Assembly will accept the Subcommittee's report and send this on to the Inspector General and the Attorney General.

Thank you.

Speaker BERGSTROM: Preston Ribnick? I see you have a folder in front of you. I hope that doesn't mean that you're going to be here for a while?

(Laughter)

Mr. RIBNICK: Just a little tiny copy. I've come to so many meetings just to take two more minutes I guess that's appropriate.

I'm Preston Ribnick from Wellfleet. First, I want to thank the Assembly of Delegates for your commitment to open and transparent government, and your respect for citizen involvement. Next, I would like to thank the members of the Special Committee of Inquiry into Cape Light Compact and Cape & Vineyard Electric Cooperative for their nine months of diligence to the task.

Almost a year and-a-half has past since me, and other citizens, began our efforts to learn about CLC and CVEC. From the very outset we encountered open and persistent hostility and disdain by the leadership and management of these two public bodies. Every effort to secure routine public information and documents was met with multiple obstacles and outright rudeness and disrespect by senior County employees and representatives of CLC and CVEC.

We turned to the Barnstable County Commissioners for assistance. For 14 consecutive weeks we attended their weekly meetings but to no avail. The Chairman of the County Commissioners was also Chairman of the Cape Light Compact. Week after week he refused to allow members of the public to speak or to put our concerns on the Commissioners' agenda. So last August we appealed to the Assembly of Delegates to exercise your authority as defined in the Barnstable County Charter.

I have closely read the responses to the Special Committee's report that was submitted last week by CVEC and CLC. I find both responses to be completely deficient to the issues included in the Committee's report. Further, the response mirrors the attitude and behavior members of the public have consistently encountered by these two public bodies – CLC and CVEC.

My final comment: Many people throughout Cape Cod and across our state volunteer to serve on boards and committees. They attempt to do good work to benefit their communities or counties. Sometimes they may make a mistake regarding the Open Meeting Law, or maintaining minutes, or records, or some other misstep. And when that occurs and it is pointed out to them, most often they will correct the deficiency and proceed. They say essentially, we were unaware of the requirement, we are sorry, and we won't do it again in the future.

Make no mistake about it. This is not what has happened with CLC and CVEC. These two public bodies are not merely a group of well-meaning volunteers who have been left on their own to deliberate and to act – no indeed. CLC and CVEC have been staffed by the two most senior-paid staff members of County government from the beginning of their existence. The boards of CLC and CVEC also had paid legal counsel – the same legal counsel representing both every step of the way from their formation to the present time. In other words, the actions of CLC and CVEC have not been missteps of well-meaning but uninformed boards of citizen volunteers. What CLC and CVEC have done or failed to do is a result of careful calculation and deliberate action.

I believe the Special Committee's report and its recommendations will restore confidence in County government. I urge the Assembly to endorse the report and the recommendations.

Thank you.

Speaker BERGSTROM: Erik Bibler.

Mr. BIBLER: Good morning. My name is Erik Bibler. I'm that guy from Connecticut. I drove 200 miles here this morning for the privilege of addressing you. I wish and hope it's the last one of these round trips that I may make. I'm going to leave immediately after the meeting and go back home. I wish Mr. Ribnick had shared his remarks with me; I probably would have stayed home. I think he pretty much said it all.

I also would like to thank the Assembly for invoking their powers under the Barnstable County Charter to create a Special Committee of Inquiry. I would especially like to thank all of the members of the Special Committee. I attended almost all of the meetings. The few that I couldn't attend I did receive tape recorded audio recordings of those meetings.

I believe that the Speaker did an excellent job of running a fair process and I believe all the Special Committee members did an enormous amount of work reviewing thousands of pages of documents and attending numerous meetings and in my experience, at all times they were very restrained and very deliberate in their comments and in their process.

I guess I just want to bring a few other points of emphasis in here. I just want to underscore what Mr. Ribnick just said. This entire process began when a few members of the public were seeking more information from these agencies and were getting nowhere. We couldn't get the most basic information. We couldn't get minutes and so forth.

I just jotted down a list of some information that was not publicly disclosed prior to the initiation of this entire process. There was a grant from ConEdison Solutions to the Cape Light Compact in 2006 of \$520,000 not publicly disclosed. The \$520,000, which according to other documents which the Cape Light Compact has provided which indicates that the money was spent, was assigned, according to them, to CVEC a year and-a-half later. That \$520,000 assignment of the grant is nowhere to be found in the Cape Light Compact minutes. It was not publicly disclosed. The circumstances are essentially unknown and to this date there is no evidence that the Cape Light Compact board deliberated, approved, or was even informed of that transfer. Cape Light Compact, in Mr. Doherty's letter, is indignant that anybody would suggest otherwise, but there is no record in any of their public proceedings.

The Committee asked for the minutes of the Cape Light Compact Executive Committee. They were unable to obtain them because the Executive Committee, which has all of the powers of the full governing board, and essentially runs the organization, did not bother to keep minutes during its first 14 years of existence. That's an outright violation of Open Meeting Law.

There were no financial statements for CVEC. That's how we found out that this initial contribution had come from ConEdison Solutions because I was able to obtain them from somebody who got them from somebody, who got them from somebody, who got them from somebody on an energy committee at some time. I don't even know what town they came from. None of that had been publicly disclosed.

The operating fund of the Cape Light Compact which collects all of the mil adder funds from ratepayers – which are considered public funds – has still not been provided. It's not on the Cape Light Compact website. I've asked for it a dozen times. It was not provided to the Committee. It was one of the things that they asked for. They just plain didn't provide it. So we don't know what the receipts are of ratepayer funds in the operating account and we have no idea how they were dispersed to this day.

There was a transfer on March 23, 2011 in secret executive session, an approval of a transfer from the Cape Light Compact to CVEC last year. Initially it was denied by the Chairman of Cape Light Compact numerous times in public saying there was no secret transfer. He later recanted and said he had an incorrect recollection of events. That transfer has been

acknowledged to the Special Committee. I only have that information because I paid to reproduce a copy of the information to the Special Committee. The public doesn't know that for all intense and purposes. There's a transfer of \$335,000.

There was a supplemental budget on the same date of \$160,000 that was provided by the Cape Light Compact explicitly for the purpose of paying CVEC's expenses for Brewster Wind. Initially, I asked for a copy of that supplemental budget and was told that I couldn't have it. Then I was told that if I would pay \$28 I could come to their office and view it. It was going to cost \$28 to produce a copy of a single-page document for me to review in their offices. If you go to Cape Light Compact's website today, you will find some of their budget information. That document is missing. The \$335,000 that was voted in secret is also missing.

I thought I'd mention one other thing because I think this is very consequential. It has been publicly acknowledged by the Compact Administrator/Clerk of CVEC/Assistant County Administrator that the Cape Light Compact has paid some indeterminate amount of direct expenses on behalf of CVEC. There is no public disclosure of that amount. So in addition to all of these grant monies, there is this direct payment of expenses for which there again is no evidence in the record of any deliberation approval or even knowledge of the board.

So I guess in closing I would want to say a couple of things. There have been a lot of arguments put on the table about allegations that were made, that weren't made; about things that were argued, that weren't argued. It's been said this all about Brewster Wind and the report was bias. I think we should note that one of the Committee members, Mr. Ohman, from Dennis, voted against the formation of the Committee initially. As long as I've known John he has won a wind turbine lapel pin – he still has it on today – and I don't think it's all about Brewster Wind.

The other thing that I want to say in closing is these two recommendations, for a forensic audit and to ask for the intervention of the Inspector General, should not be misunderstood. A normal audit looks at the accounts of an entity to determine whether or not they had appropriate financial controls and whether or not they followed generally accepted accounting procedures. A forensic audit follows the money – where did it come from and where did it go? It looks at a particular transaction. We have a host of transactions here for which no documentation has been provided. There is no other way to determine what happened here. The Special Committee was unable to do that.

Likewise, this Special Committee, with respect to the executive session minutes, there were a lot of claims of confidentiality. The Committee's response should not be misunderstood. Their response was we're going to respect those claims of confidentiality. We're going to accept them at face value. We're not going to challenge you on those. But naturally if we can't get comfort on these questions, in order to preserve your confidentiality we're going to have to get someone in here that can examine those contracts and those items and those executive session minutes and preserve that confidentiality for you and reassure us. That guy's name is the Inspector General of Massachusetts. That's his job.

I think these governance issues are incredibly important. I really hope that you will accept these recommendations and I hope you will understand that that's really what this argument is about. It's about process, openness, transparency. And I urge you to read the initial petition. Instead of relying on all of the things that have been said about what this was really all about, go back and read our initial petition and see what we really asked for.

Again, thank you. I think you've done a stellar job. Thanks.

Speaker BERGSTROM: I have now taken testimony from all the people who have signed up to testify. I might be able to go another 10 minutes or 15 minutes, but no longer than quarter after five.

Is there anyone else who wishes to testify? I see a hand in the back – Mr. Kenney – and then I saw another hand. Every minute that you use will take away from somebody else's time.

Mr. KENNEY: I'm going to call for a Special Committee to review why I wasn't called because I was the second one that signed the list.

Speaker BERGSTROM: Maybe I didn't get the right list then.

Mr. KENNEY: Let me begin by recounting briefly a very short conversation that occurred between Mr. Arthur Luke and Maggie Downey. There was a disagreement between them about how a certain contract bid had been handled. The bid, by the way, resulted in CLC member municipalities paying over the course of 3 ½ years hundreds of thousands of dollars more for electricity than they should have paid. Anyway, Maggie's response was, "If you don't like it, bring it on." That's great – a County employee, senior County employee – "bring it on."

Speaker BERGSTROM: Mr. Kenney, I don't usually invoke parliamentary procedure but it probably would be easier if you referred to people by their title.

Mr. KENNEY: The Deputy County Administrator, the Clerk of CVEC, the Administrator of CLC said, "bring it on." It seems to me that that's all this report is saying. It seems to me that this report is saying we really don't know because either the records have not been kept, or kept and no longer exists for some reason. At the very least, they certainly have not been turned over for inspectional review. So bring it on.

I don't know how many other people in the room can say this but I spent 5 ½ hours one day between the Attorney General and the Inspector General. It was pointed out to me – one person said, "Well, if they don't want to tell me about the one mil adder, I'll just call NSTAR and they will tell me." When the term "forensic audit" came into discussion, which it did, the response from the other side of the table to me was well, that apparently is the only way that anybody is going to get to the bottom of this.

If I were a line manager of either agency, if I were a County Commissioner, if I were a member of the CLC board or the CVEC board and I was firmly convinced that everything had been done properly, I would say you know what? Bring it on. Let the IG come in here. We'll open up all of the books and we'll allow the IG to pierce the veil of confidentiality because we know they're bound to maintain it, to preserve it, because I don't see we did anything wrong and I'm sure that a thorough investigation by the Inspector General will approve that. But that's not what we're hearing. That's not what we're getting.

The Special Committee – five members elected by the people of their towns to serve on this Assembly – could not even get full response, timely response to their records and information requests. So bring it on.

Furthermore, as we heard today, something I hadn't thought of, since the DPU has the right of review and approval or denial of CLC's annual budget, maybe here's a third agency that should get involved. Maybe the AG, and the IG, and the DPU should all get together over coffee and bagels in the corridor of South Station and say well now what are we going to do with these thoughts? One of their authoritative governing bodies has repeatedly asked for information and it has not been turned over. Bring it on.

I don't see anything wrong with that request and I don't know whether there's a hint that there were criminal issues or civil issues, and I personally don't care. There certainly,

undeniably, were issues of governance that was not where there should have been, and there was secretive governance at best in many instances.

The people of Cape Cod need to know. I think CLC has done a great job in their energy conservation programs. They've delivered some astonishingly precise, effective and efficient responses to our energy situation. That's not the point. It isn't, and should not ever be, viewed as appropriate for somebody who's a good guy 90 percent of the time to be a bad guy the other 10 percent of the time.

We're talking about public agencies; we're talking about public money; we're talking about public trust and public authority and public accountability and I, for one, would like to know why the two individuals who head respectively CLC and CVEC, as was said earlier, apparently without any discussion with their boards, decided to write letters stating an official position. That's an example of bad governance at its best. Bring it on.

Thank you.

Speaker BERGSTROM: I see another hand in the back.

Mr. CABANA: Hello. My name is Peter Cabana and I am the Duke's County representative to both the Cape Light Compact and the Cape & Vineyard Electric Cooperative. My comments don't have anything to do with the subcommittee report but I would like to speak as a person who has dealt in energy all of my life. I spent 30 years building power plants in the United States and throughout the world. I worked in Outage at the Pilgrim Power Plant. I know and understand what goes into the cost of electricity.

When I started on the Cape Light Compact representing the Town of Tisbury at its inception, I was pleased to find that we had an organization that was trying to represent the people. The only problem that the Cape Light Compact had was they could only negotiate electricity at the retail level.

As part of that board, we decided that we wanted to do something about that and so we entertained a study. We spent \$100,000 to get an independent consultant to come out and state that it would benefit the users on the Cape and Martha's Vineyard if we would pursue a cooperative that could deal in the lead of making power plants and selling electricity.

I am proud to say that we did that and I would like to just tell you – I can't give you, unfortunately, certain information because it's confidential that I review – that we have and will continue, I believe, to actively beat the current rates for the production of electricity. I honestly believe – and this is just my opinion – that there are organizations out there that would like to see CVEC disbanded, and I think part of the reason that they would like to see it is because we can produce electricity very competitively and we're doing it for the towns and the towns' benefit.

I've worked with Senator Wolfe and Representative Madden in Boston on certain of the handcuffs that have been put on us that we're trying to get taken off so that we can do even more. I am particularly interested because I have visions for Martha's Vineyard that couldn't be done, first of all, without CVEC, that could make Martha's Vineyard kind of neutral in the production of energy and transportation fuel. I won't go into the details. I will tell you that I've never been prouder to be part of two organizations than I have with both the Cape Light Compact and the Cape & Vineyard Electric Cooperative.

Thank you.

Speaker BERGSTROM: This gentleman here – would you like to speak?

Mr. MORIARTY: Good afternoon, everyone. My name is David Moriarty. I'm from Falmouth.

I'd just like to thank the Assembly and thank the Committee. I'd like to endorse the Committee's report and I'd just like to say a few things about open government. Transparency and disclosure – that's what is needed here. That's what is missing. That's why we are all in this room here today. If we had transparency and disclosure, we wouldn't be in this room today. We'd probably be working on an energy project somewhere. Bad government, I see it everywhere I go these days – in my home town of Falmouth, on Beacon Hill, in Washington, and even in County government.

We need transparency, folks. We can't have good government without transparency. We're just wasting each other's time here. Here's a fantastic opportunity to shine a light on a bad situation and show the rest of Massachusetts and the rest of the nation how to correct a problem, how to take responsibility for a problem and come out on the other side with a better policy for everyone involved.

Thank you.

Speaker BERGSTROM: Is there anyone else out there?

Thank you very much. It was a very cordial discussion, and with that the Assembly will now convene and we'll start with Reports of Committees. We need approval of the Standing Committee on Finance minutes for 5/16/12.

John?

Assembly Convenes

Report of Committees

Mr. OHMAN: You all have a copy handed to you of draft minutes from the Standing Committee on Finance from May 16, 2012. I would like to ask if there are any amendments or corrections. If not, I would like a motion to approve.

Mr. CAKOUNES: Move to approve the minutes as submitted.

Mr. LYNCH: Second.

Mr. OHMAN: It's been moved and seconded. All those in favor? Are there any opposed? It's approved unanimously. Thank you.

(Motion passed unanimously)

Speaker BERGSTROM: Okay. We need a Report from the Clerk.

Report from the Clerk

Ms. O'CONNELL: Mr. Speaker, I just want to remind everyone about the Roland Dupont dedication that's going to be on June 14th in Bourne. I think I sent you some information on that as well.

We will have another public hearing on the 20th of June, which is the next Assembly meeting. The Standing Committee on Government Regulations will meet. We have another Proposed Ordinance to deal with. It came to us from the Cape Cod Commission. That's on sand and gravel mining and laying cables out in the ocean.

We'll also, at the next Assembly meeting, vote on the two Proposed Ordinances that we had public hearings on today.

And that's it from the Clerk.

Other Business

Speaker BERGSTROM: Okay. Thank you.

Now we will discuss the Report of the Special Committee on Inquiry into CLC and CVEC to Assembly of Delegates. I don't have a copy of the total, unfortunately, but I do have a copy that was submitted along with our report.

It says, "To address the concerns about access to public records...in order to facilitate the understanding of the relationship between the Cape Light Compact, Cape and Vineyard Electric Cooperative and Barnstable County Administration."

Now this is important. "The subcommittee shall make such public record request as it may deem necessary... (And) shall conclude with a report to the full Assembly as to their findings and suggested actions to be taken, if any."

So that's why we're here today. We're here today to issue the report to you. Of course you've already got it but that's how it works in government. So having done that, we've fulfilled our obligation. As far as further action goes, the Committee which issued the report is going to have to decide that. So do you have any comments?

Julia?

Ms. TAYLOR: I wonder if everyone has gotten a copy of "Proposed Action Relative to Report" that I prepared and passed out. Did everyone get a copy? If not – I think I only have this one – maybe we'll need more.

Speaker BERGSTROM: You might read it to us.

Ms. TAYLOR: I will but I had a couple of comments that I wanted to make first because I think that the issues that Kathy Sherman and then the others raised are ones that I'm very interested in but – and it sounds like I'm passing the buck – but I honestly believe that they are issues that have to be resolved by the boards of CVEC and CLC and the way to encourage those board members to be interested in those issues is through town Selectmen. Town Selectmen appointed these people and they have the responsibility for their actions to some extent, and the appointed members have clear ultimate decision-making power over these entities. They are not part of County government in an official sense and the Assembly, and the Commissioners, do not have the kind of power that I think would be necessary to address some of the issues that are troubling people.

So with that being said, however, we clearly do have County involvement in these organizations through the employees of the County – the Administrator and the Assistant Administrator – and through a Commissioner, Bill Doherty, who serves as Chair of CLC. So I'm very interested in the report that the Special Commission on County Governance came up with, which included a recommendation about these inter-relationships. They are recommending that that relationship be changed and clarified, particularly as it concerns the employees of the County. Whether that would be through some sort of contract that spells those things out in a different way, I do think that the Commissioners need to come up with some sort of long-range plan. I will wait on their doing so because I think they're in the midst of that kind of review, and then I will be eager to either act on their recommendations for this some sort of separation and/or I would propose additional changes.

So that's my feeling of how the County should act. I think the towns who appoint the members of the CLC and CVEC are usually responsive to people who show up in great numbers and I think that that's another point.

As far as the Committee report which is addressed to the Assembly, I do have a Proposed Resolution which in the beginning – I would like us to act on today – and in the beginning it says – and I can get extra copies afterwards for people in the audience – “The subcommittee concluded” – and this is pretty much taken directly from the report and I’ll mention the one-word change that I made – “The subcommittee concluded in early February that it lacked the time, expertise and authority to conduct or to require a comprehensive financial review or to impose structural changes to either of these organizations. In making the following recommendations, the Assembly,” – that’s a substitution – “acts on the assumption that no illegal actions have occurred, “as opposed to intentional wrongdoing, “and the Assembly recommends the following:

“1. In addition to Massachusetts Department of Public Utilities mandated Annual Report on the expenditure of CLC energy efficiency funds, the CLC shall request the County’s auditor to perform a separate annual audit (calendar year) of the CLC energy efficiency program.

“2. Expand the existing Barnstable County audit report to include a combining Balance Sheet and combining Schedule of Revenues, Expenditures and Changes in Fund Balances for all CLC administered funds reported as Special Revenue Funds in the Barnstable County financial statements. These combining schedules will be reported in the ‘Additional Information’ section of the independent Auditors’ Report on Basic Financial Statements & Required Supplementary Information.”

I’m interested in an audit. I think the term “forensic audit” while it may have a very technical and pleasant connotation, to most of us television watchers would have an unpleasant connotation and so I didn’t use that term in this Resolution.

Can I ask the Clerk to make a few more copies to pass out? Would anyone want a copy?

Speaker BERGSTROM: Julia, are you making this in the form of a motion to put it on the table?

Ms. TAYLOR: I’m moving this if I could have a second.

Mr. LYNCH: I’ll second it.

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

Two quick comments while you’re distributing that. The report of the Special Committee is a public document. It became a public document when we voted to approve it back at our last meeting. It is what it is. So now we’re issuing that report to you. The Special Committee could amend that report. In other words, we could meet again and change it because of some of the comments made and go back and review it. I have not been able, as Chair of that committee, to make any comments or responses because we haven’t met and I don’t feel comfortable making responses unless the committee meets and authorizes me do that or comes up with a collective response.

Julia’s motion can be considered quite apart from our report but what I’m saying is that it can’t be incorporated in the report because the report is already out there, but it could be incorporated and substituted by the committee should we meet and decide to do that. I just want to get everybody clear because there are a lot of words around about this, that, and the other thing.

So we have a motion and a second. Does anyone want to comment on the motion?

Yes, Leo?

Mr. CAKOUNES: I have a question, through you, Mr. Speaker, and then a comment to the person who made the motion.

Is it your intention that if this passes that you will not be supporting the recommendation for a – and I will the term – “forensic” audit on these organizations?

Ms. TAYLOR: Yes. I would consider this a substitution for that recommendation.

Mr. CAKOUNES: Thank you.

My comment would be that I am not going to be able to support the motion that's being put forth and for a couple of reasons. As a Finance Committee member I want you to know that I specifically asked our auditors, Rogers & Sullivan, at their presentation why they didn't look into our financial dealings with CLC such as they do separately – and I actually used this example – the County Dredge.

When you look at the County's audit, you will see a separate section for the County Dredge because the Dredge brings in its own money, has a specific purpose, has employees, and they really do – and again I will use terms which I apologize for if they are not legal terms – but they do an in-depth look at the County Dredge.

Subsequently, when you look through the County audit and you look at the CLC Department, it's basically one line. And I agree with your assumption that we, the County, should make sure that since we are the fiduciary body of both of these organizations, we should be making sure that we're doing the right thing and we should have our auditors look more closely, I guess is a way of saying it, at least to the extent that they look at how we audit the books for the County Dredge. CLC should be a separate section of our audit.

I one hundred percent agree and I support that section of this particular motion that you brought forward. I do not support it; however, in lieu of a full forensic audit because that implies that they would be going back a number of years to make sure that we have been properly managing these books for this company.

The first part of your motion in regards to the energy efficiency plan, I'm not really sure if the County auditors have that expertise to look an energy efficiency plan. That type of auditing and accounting is entirely different. It's quite in-depth. I received copies of the energy efficiency plan dating back from 2006 and they are very in-depth and I'm sure if we have a problem with the energy efficiency plans – I shouldn't say that because I'm going to get in some trouble now – if we're not handling the money for the energy efficiency plan as we're supposed to by the DPU, they're saying we do so I feel comfortable with that part.

The first part of your motion I will not support because again I'm not sure if our auditors have the expertise to do it, number one; and number two, I'm not sure if we want to go that much into it. The second reason, on the second part, would be because I really do not believe this motion that you're bringing forward is going to really address the problems that the subcommittee, and myself personally, would like to further look into.

In closing, I would like to say that one of the first gentlemen that got up and spoke said that he was a member of a board or a committee and said that he wanted to know what his exposure is or may be. This is why we, as elected officials, have to pony-up-to-the-table and make sure that this forensic audit is done because we have to make sure that our volunteers are in fact covered. I want to make sure that I'm covered. When I approve a budget, I want to make sure it's being done properly. And I mean that with no implications that there may be wrongdoing. It's just the right thing for us to do. We are the financial agents of both of these organizations and we should be looking at ourselves to make sure that we're doing properly by them.

So I'm not going to vote for the proposal that you brought forward for those reasons.

Speaker BERGSTROM: Chris?

Mr. KANAGA: Thank you.

I want to second Leo's sentiments here. I don't think the Resolution goes far enough (a) because it doesn't do anything historical and I think at least three years' revenues and expenses would be a reasonable time period but certainly not just going forward.

Secondly, it doesn't really address some of the other issues that have been raised regarding the respect for the public process, the Open Meeting Law, the availability of documents, the public documents law, and those to me are key portions of the subcommittee's report that are not addressed in this current Resolution.

Speaker BERGSTROM: Is there anyone else?

Deborah?

Ms. McCUTCHEON: I am not at this point going to speak to all of the various things that have been said about the report from the Committee. I did write a memo to Mr. Bergstrom, dated June 4, 2012, in which I discussed two issues that I want to respond and be very clear about what my concern is.

I share Leo Cakounes' concern that the recommendation being made by Ms. Taylor, while I understand the spirit in which it's offered, does not go far enough and that's because, first, the statute that allows inter-municipal agencies to exist requires regular audit and there has never been a comprehensive audit of all of Cape Light Compact's finances. That's actually not disputed. There has never been an independent audit – at least if there was one, it's not been provided.

Secondly, the question is raised is there some kind of a theory that the Reserve Fund is somehow illegal or improper? That's not the concern that was raised. The concern that was raised was that Cape Light Compact awards contracts for the purchase of electricity to ConEd Solutions, and ConEd Solutions then gives back money to Cape Light Compact for purposes to be determined by it. That's the transaction that I think is questionable and the report emphasizes that transaction as an example of failures of documentation. That's what we're concerned about. That's what I'm concerned about and I think that this Resolution does not go far enough.

Speaker BERGSTROM: I understand Julia's motion is sort of a conciliatory gesture toward both CVEC and Cape Light Compact and under normal circumstances that would be just what we would need. I mean I'm an official of County government. This is all intramural stuff as much as they may deny it; but it is, and it doesn't do me any good, and certainly doesn't help me sleep at night, to sit here and criticize other County employees, especially people that are involved in a program and goals that I agree with.

The problem that I'm having is that since the initial criticism that goes back several months now, perhaps over a year, some of the activities of the Cape Light Compact and CVEC I haven't seen a lot of conciliation. What I've seen is denial and I've seen basically it's none of your business. The other thing is we're all wonderful people and how can you say terrible things about us, and then there's a lot of righteous indignation which you've heard about. I just don't think that the atmosphere exists right now.

I'm in agreement with Leo. I think that a comprehensive audit, call it a forensic audit – and by the way, I spent the last 24 hours looking up that term and anybody who gets up here and says that somehow that requires a specific or means a specific allegation of wrongdoing is full of baloney. I don't want to say that because it's one thing to criticize me and the Committee and what we've said, we've said a lot, but it's wrong to criticize us and accuse us of saying things that we didn't say.

Anyway, getting back to the point, if I thought we could sit down – and an offer has been tentatively made I know by both organizations – we could sit down and we could agree on an

audit and what that audit would contain – not “we,” but the public would get a complete picture of the flow of funds, where they came from, how they were spent, whether or not the \$520,000 was spent in three invoices or whether it was transferred later on to CVEC and so on.

If we could get the acknowledgement that a lot of the information that we want – it’s not a question of we wanting the information – was the information documented at the time. As one of the previous speakers said, we all make mistakes. I make mistakes as Speaker – whether I should release documents as draft or not; there are a lot of different opinions on that. There are a lot of different opinions on, for instance, whether you can discuss in open session certain things if you haven’t advertised them. Everybody makes mistakes. It’s very complicated. The ground underneath us is changing every time the Attorney General or the state issues another opinion.

I haven’t seen any kind of conciliatory gestures from them saying, look, we’re going to try to do things differently. We’ll be open. I don’t know how you’re going to decide here but a lot of people get things in their email, all unsolicited stuff, and they try to avoid anything. They put it in junk mail and stuff. Some philosopher a long time ago said, “If you want to discourage somebody, bury them with information.” I guarantee you that if CLC and CVEC had buried their foes with information from the very beginning this would have been over a long time ago.

I would like to support the recommendation, as I say, it’s a conciliatory gesture. Whether or not we’re going to get the kind of information we want, the kind of reporting is really going to be at the crux of the matter. As I say, I’m torn and I don’t know where I’m going to go on this.

Paul and then Julia?

Mr. PILCHER: Thank you, Mr. Speaker.

I share your sentiments about being torn about this but I think that it’s clear, to me at least, that most people around the table support some kind of an audit. One of the things that I found encouraging about what you just said was the possibility that if both sides – one side being the Committee and the other side being the organizations – could have a meeting of the minds there might be an agreement as to what exactly that audit would consist of; whether you call it a forensic audit or comprehensive audit.

We had a Committee that met for nine months. It feels to me a little bit rushed to go ahead and approve an alternate motion at this point. I’d rather suggest that we take two weeks, maybe four weeks – however long it takes – and see if there’s a possibility that members of the Committee, talking to representatives of CLC and CVEC, could agree on what the scope of an audit would be so that everybody would feel comfortable with.

Speaker BERGSTROM: John?

Mr. OHMAN: I’m looking for clarification. In my mind the Special Committee’s report stands on its own. It exists. It’s been published. Ms. Taylor’s Resolution also stands on its own. One does not surpass the other. They are like railroad tracks to no where.

(Laughter)

Speaker BERGSTROM: That’s how I read it also.

Mr. OHMAN: So one can support her Resolution and hope that perhaps we can meet with CVEC and Cape Light Compact to clarify some of the issues that we seem to have an impasse with.

Speaker BERGSTROM: As I said a little while ago, the issue, as I analyze it, is the report of the Special Committee is what it is. It can’t be amended by anybody else, except us. We could theoretically incorporate this language and substitute it. In the alternative, you could make any Resolution that you want otherwise. The path of least resistance would be to have the Special Committee reexamine its recommendations and say in light of input from the Assembly

and from the public, maybe we'll go in a different path. I don't know whether the Committee wants to do that or not. Some do; some don't.

Julia?

Ms. TAYLOR: With all due respect, Mr. Speaker, the Special Committee has issued its report.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: This isn't exactly what they reported, obviously, and I can understand why they might not vote for it. On the other hand, the Special Committee is never going to be able to implement any action; it can only issue its report. This is a call for action.

Now I'm not the best at describing auditing and being positive of what's the exact best kind of audit to have, but I do feel that we would be a lot further along if we voted this today and we started moving along we'd be a lot further along in "x" amount of time. If the Special Committee or other Members of the Assembly were unhappy with the results of that audit, felt that it didn't give sufficient information, then that would be a new issue. I don't think we would have lost time or I think we'd know more.

I do think the issues of governance exist but, as I said, I think they are within the power of the Committee to comment on, and they did. They are not within the power of the Assembly to require certain changes in those organizations. That is only within the power of the boards themselves, sensitive to their Selectmen's wishes, and it may be within the power of the Commissioners to negotiate some changes relative to the Commissioners' employees. But we, the Assembly, are not in a position, other than to comment as the Committee did, on all of these other governance issues. Those are not within our power.

Speaker BERGSTROM: I would just like to say one thing so that we can understand where we are once again. Somebody asked me in the hallway, they said, "You have certain recommendations in your report." They said, "Are they recommendations of the Assembly?" If it says we recommend the Assembly do something, then they're recommendations of the Assembly. At least my view is if the recommendations don't say the Assembly does something, they're actually recommendations directly to CVEC and CLC. We think you should do this. It's not a process that we're going to have some alternative process. It is saying that we believe that this should happen. So that's really where we're at.

Spyro and then Leo?

Mr. MITROKOSTAS: Thank you, Mr. Speaker.

I think I concur with the Delegate from Falmouth. There has been a question for me from the very beginning what the standing of this body is vis-à-vis these organizations and I think Julia has done a very good job in putting it in perspective. These organizations of the County may be a member of, may have a special or administrative relationship with, may share employees with, but they do not fall directly under our governance. That falls under the Board of Directors, or the Compact members, however you want to describe it. There is a valuable definition behind who those people are that we keep forgetting or we keep going past.

My biggest question today, and has been for a while, is where are the towns? We've heard from ratepayers. We've heard from taxpayers, County officials, and whatnot, but the people who are the constituents of these organizations are in one instance the town ratepayer and in the other instance the town taxpayer and I don't see a whole lot of town officials here, except one of my Selectmen which I will recognize in the back of the room.

I personally have a very good working relationship with both CVEC and CLC. I've worked with them on many occasions. I've reported to the Selectmen with them together. I've

never had a problem with the information that they've given me when I've requested it. It's more their judgment as they act on those boards. I don't think the Selectmen in our town could have made better appointments.

To the degree that this Resolution supersedes the other, I would rather take a vote on this and see how it goes. It is my intention – and I'll tell you what prompted it – not to vote for a report that includes the recommendation that a forensic audit be done on these organizations. It's tantamount to calling 911. We can take care of these issues ourselves with our own representatives within the County. I don't think we need to take that high a level and expose both organizations and our County staff to that kind of scrutiny, for lack of a better word, but potential liability.

Speaker BERGSTROM: Leo?

Mr. CAKOUNES: The very first thing that I asked the person who brought forth this motion was the intent on doing this in lieu of the recommendation which was in the report, and the answer was yes. So I feel that subsequently these two items are connected and they're two entirely different approaches.

Please understand that number 2 of this says, "Expand the existing Barnstable County audit report to include a combining Balance Sheet and combining Schedule of Revenues."

What that means is that we have an annual report done every year by Rogers & Sullivan. Currently, right now, our total expenditures are about \$25 million, plus or minus. What we're seeing happening here is that we are going to be asking our auditors the next time they do the audit, which we will be receiving that next April, that they expand the current \$25 million to include the \$22 plus million that CLC goes through their books. That's double their work. I don't think that we've discussed this evening where that money is going to come from. Do we have enough money in our budget to carry that request?

I understand and I wholeheartedly support that part of this. In fact, I was intending, as a Finance Committee member, to bring this request forward later on. I absolutely agree that from this time forward CLC should be listed in the full County's audit report, but I do believe we have to ask some questions. How much more is it going to cost us and do we have the funds in our current budget to cover that for next year?

So that's what the motion is that we're looking at. Again, the recommendation from the subcommittee, just under the audit part, did use the term "forensic audit" by an independent CPA from the inception of CLC to the present. So basically what has been said is that well if I vote for this I'm not going to vote for the other.

I cannot do that. I think they're two entirely different things. I'm hoping that if this is supported that you will, with an open mind, also support, if someone does bring forward Recommendation 2 of the Subcommittee, also consider that separately then. And I don't want to hear I voted for the one back on the 4th of June so now I don't even want to hear about this one, because if we're going to treat them as two separate things, then let's do that.

But a couple of people have already said that this is in lieu of the report and they're two entirely different situations. The report is looking at an in-depth kind of audit and I really think that needs to be done for dual purposes; to cover us, the County, because once again we are the financial people doing business. We're running the books for these organizations. We need to make sure that we're doing it properly and that we cover ourselves, for both entities -- us and them. I'm surprised they're not saying absolutely we want an audit done. We want to make sure that you're handling our \$23 million correctly.

So, again, I can't support it. I would like to bring it back again after we discuss it, or maybe when we're looking at next year's budget to make sure we have the money to do it, especially section 2.

Thank you.

Speaker BERGSTROM: Chris?

Mr. KANAGA: I will cede my spot to the Delegate from Falmouth. It looked like she wanted to answer or not?

Ms. TAYLOR: I just want to say that for me this is a substitute. Possibly if it passed and people were happy with what they found out, it might serve as a substitute for the audit issues for others. As I said, I think the report speaks for itself about governance issues and I think those have to be addressed by the boards of those organizations. There is no motion that we could make and vote on at the Assembly about that. If they're violating the Open Meeting Law, which I hope they're not, I assume they're not, but if they are, that's something that we can deal with. If they're not polite to citizens, that's a problem but it isn't something that we have control over.

So all of that part of the report is separate and can't be the subject of a Resolution. This Resolution, yes, is a substituted, in my mind, for the forensic audit suggestion. It might not be in everyone's mind and they might subsequently vote for that in the future if such a thing were brought forward by someone – I probably would not.

Speaker BERGSTROM: Are you all set, Chris?

Mr. KANAGA: I would just like to say that I agree with Leo partially, but also agree that if this Resolution was amended to include an audit that went back two years to fiscal 2010, I would be more inclined to vote in favor of it.

Speaker BERGSTROM: Deborah?

Ms. McCUTCHEON: A lot of questions have been raised here as to what authority the Assembly has to discuss the need for changes in the structural operations of these organizations to require some kind of an audit. That's exactly what the Inspector General is for. That's exactly what the purpose of that agency is.

If you look at what we recently had in front of us just a few months ago, a report from the Inspector General concerning OpenCape – SmartCape – the \$27 or \$35 million dollar federal grant which would internet that all the way down to Provincetown – that grant. That was a grant to a private organization. It essentially is giving you control of the infrastructure. And that Inspector General's report made recommendations about changes to the operation of the Board of Directors, to the bylaws of the organization, to disclosure to the public, and to its future operations. That's exactly what the purpose of the Inspector General is.

I appreciate the effort to kind of separate these issues out. I certainly would be more inclined to support Julia's motion were it to include a broader period of time for a retrospective audit. But I do think that the Inspector General is the vehicle for addressing the kind of problems that have shown up in this report.

Speaker BERGSTROM: Cheryl?

Ms. ANDREWS: I think I'm starting to get my question answered. If the recommendations from the Subcommittee we can't enforce, then how is it that what's contained in the motion from the Delegate from Falmouth – we can't enforce that either. That's the reality of it, right?

So as long as that's the case, then fundamentally what we're doing in a motion is sending a message and obviously one is much stronger than the other. But if that's the case, I guess I'm

still waiting to hear an argument why I wouldn't support the full recommendations of the Subcommittee. I have never heard that argument.

Speaker BERGSTROM: If I could jump in here for a minute. A lot of speakers, especially Spyro, addressed the subject of this forensic thing which this word seems to have been picked up and bandied about. It's a red herring, really. I went through the response from the Cape Light Compact and they addressed that. Of course they weren't too flattering, but further along in the report they discussed the right to retain dual counsel. In that report – and it's on page 11 – they use supporting authority

“The state Ethics Commission opinion investigation of the use of certain bond funds by the North Attleboro Electric Light Department,” and so on -- they were referring to the use of separate counsel, but in their description it says, “In connection with the forensic audit performed for the North Attleboro Electric Light Department.” What they're saying is the North Attleboro Electric Light Department requested that an audit be done of their own books. It says, “A forensic audit done.”

Now it is unlikely that the North Attleboro Electric Light Department said, “We're crooks. Please investigate us.” It's simply an accounting term to say that here's an investigation. It has to be done in a certain way because if improprieties show up, then we'll be able to support them with documentation whereas if we go another way we won't.

Regardless of whether I support Julia's motion or not, the idea that a forensic audit is somehow toxic is ridiculous. I agree with people who say why not do it? It's incomprehensible to me that after eight months of controversy and accusations and basically bitter claims of unknown animus, and so on, that they wouldn't want to clear all of this up. That's my opinion.

Leo?

Mr. CAKOUNES: Just to address what my colleague from Provincetown said, the motion in front of you can actually be acted on immediately. As I expressed before, we have – and this refers to the Barnstable County audit report – we do have auditors. They are presently doing an audit of Barnstable County at \$25 plus million dollars a year. We're budgeted for that and they complete that. They give us that once a year. We've just received it recently, in early spring.

All this motion is saying is that next spring, if you agree to this, next spring their work will go from looking at \$25 million dollars to an additional \$22 or \$23 million, which goes through the County's hands, for CLC. I absolutely agree that that should be done. But please understand that you're not going to see the results of this report until next spring when they will be giving us the audit.

This is not calling for a special independent look. This is asking to be included in and expand the existing Barnstable County audit report. So that means that this will not see a result until next year. That's why I'm going to vote against it because it's not what the Special Committee was looking for.

Speaker BERGSTROM: I'm going to have to call for a vote on this pretty soon because some people have to leave.

Ms. TAYLOR: One more comment?

Speaker BERGSTROM: Yes, Julia and then I'll get Tom.

Ms. TAYLOR: I just think that – I'm in the land of the big spenders, Leo, and you're more cautious. But here I do think that we could probably get a better price – and we could include it in our budget either for next year's budget or in a special appropriation – compared to the price of a 10- to 12-year special audit. That could be kind of pricey.

Speaker BERGSTROM: Tom, do you have a comment?

Mr. LYNCH: Yes, I do, Mr. Speaker.

I was disappointed in the process by which this report has come before the Assembly. It was in the press before I even saw it and I think we really skipped a step in the process and this discussion is pointing that out to me. I think we had a duty to review and accept your Subcommittee report, in my view. The report, as you've already pointed out, is now in the public domain and anyone reading it without the CLC and without the CVEC comments that were made I think is going to perpetuate really a false impression of wrongdoing by two regional agencies that I don't hold that view.

The Speaker just mentioned the "we." The report is out there and "we" support it. I don't support it. I don't support the tone of it. I don't support words like "kickbacks." I don't support words like "fraud." I just don't believe these organizations have operated in that way.

Do I want comprehensive audits and do I think the Resolution as proposed by the lady from Falmouth is appropriate, yes, because it takes some of that sting away. It says we act on the assumption that there are no illegal actions. We keep pushing the forensic audit and therefore the tone and the other innuendo I think was built into this report that I think a vetting by others – if others had looked at; if you had someone who was kind of stepping back and looking at it, you might not have had that same strident nature to it.

So I think this helps take the sting out of it because I want a chance to say I want to support action and I want to support a good financial review of this but I don't want to stand behind all that's in the report because I don't support it.

Speaker BERGSTROM: I'm going to have to take a vote on this.

Cheryl, do you want to make a comment?

Ms. ANDREWS: Just a clarification on the authority issue. If the Assembly actually passes the motion that's on the floor, does that say that it will automatically happen or do the Commissioners have to make that decision? I'm hearing two different stories as far as our enforcement authority.

Speaker BERGSTROM: Julia?

Ms. TAYLOR: I could comment on that. It's a Resolution. It's not an Ordinance so that I don't think that it has legal authority. I'd be very surprised if the CLC and the Commissioners would not whip up enthusiasm for this pretty quickly. I think they'd love to deal with this and would feel pleased by it, but I could be wrong. If they don't, then that brings us to a new situation and we would operate accordingly. But this is a Resolution; it's not an Ordinance. I would assume that it would have some moral authority; maybe not. If it didn't, then we would be in a new situation.

Speaker BERGSTROM: Okay. I'm going to ask the Clerk to call the roll on this. Does everyone know what we're voting on? We're voting on Julia's Resolution which you have in front of you.

Ms. O'CONNELL: A "yes" means that you're in favor of it; a "no" means you're not.

Roll Call Vote on Proposed resolution 12-02: Proposed action relative to Report of the Special Committee on Inquiry into CLC & CVEC to Assembly of Delegates: The Subcommittee concluded in early February that it lacked the time, expertise and authority to conduct or to require a comprehensive financial review or to impose structural changes to either of these organizations. In making the following recommendations, the Assembly acts on the assumption that no illegal actions have occurred and the Assembly recommends the following:

1. **In addition to MA Department of Public Utilities mandated Annual Report on the expenditure of CLC energy efficiency funds, the CLC shall request the County's auditor to perform a separate annual audit (calendar year) of the CLC energy efficiency program.**
2. **Expand the existing Barnstable County audit report to include a combining Balance Sheet and combining Schedule of Revenues, Expenditures and Changes in Fund Balances for all CLC administered funds reported as Special Revenue Funds in the Barnstable County financial statements. These combining schedules will be reported in the "Additional Information" section of the Independent Auditors' Report on Basic Financial Statements & Required Supplementary Information.**

Voting Yes (74.68%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Marcia King (6.49% - Mashpee), Thomas Lynch (20.92% - Barnstable), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Anthony Scales (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Voting No (23.02%): Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Paul Pilcher (1.27% - Wellfleet).

Absent (2.30%): Teresa Martin (2.30% - Eastham).

Ms. O'CONNELL: Mr. Speaker, Julia Taylor's Proposed Resolution 12-02 passes with 74.68 percent of the Delegates voting "yes," 23.02 percent voting "no," and 2.30 percent absent.

Whereupon it was moved, seconded, and by a roll call vote with 74.68% voting yes, 23.02% voting no, and 2.30% absent: VOTED to adopt Proposed Resolution 12-02: Proposed action relative to Report of the Special Committee on Inquiry into CLC & CVEC to Assembly of Delegates: The Subcommittee concluded in early February that it lacked the time, expertise and authority to conduct or to require a comprehensive financial review or to impose structural changes to either of these organizations. In making the following recommendations, the Assembly acts on the assumption that no illegal actions have occurred and the Assembly recommends the following:

1. **In addition to MA Department of Public Utilities mandated Annual Report on the expenditure of CLC energy efficiency funds, the CLC shall request the County's auditor to perform a separate annual audit (calendar year) of the CLC energy efficiency program.**
2. **Expand the existing Barnstable County audit report to include a combining Balance Sheet and combining Schedule of Revenues, Expenditures and Changes in Fund Balances for all CLC administered funds reported as Special Revenue Funds in the Barnstable County financial statements. These combining schedules will be reported in the "Additional Information" section of the Independent Auditors' Report on Basic Financial Statements & Required Supplementary Information.**

Speaker BERGSTROM: Thank you.

Now we're going to have to take a 5-minute break while we re-up our video.

(Short recess taken)

Speaker BERGSTROM: We will now reconvene.

Are there any comments on the report?

Leo?

Mr. CAKOUNES: Thank you, Mr. Chairman.

I am going to make a couple of brief comments and then I have a motion that I would like to make. First of all, we've discussed in length the public process and the availability of public documents. I think there's a procedure and I think there's protocol. As a member of the Subcommittee, I believe protocol should have been the report be given to CLC and CVEC, prior to the general public, to allow them to respond to it and to maybe come back and interact with the Subcommittee so if in fact there were any changes, they could have been made to the report prior to it being made public.

Unfortunately, I don't think protocol could be followed because I believe that procedure, with the Open Meeting Law and review of public documents at open meetings, unfortunately what happened was – and my colleague from Barnstable mentioned it – the public got it, the press got it, and even many of the Members of the Assembly had not had a chance to read it.

With that said, I would like to make a motion. I will read the motion and hopefully it will be seconded for at least discussion purposes. In light of public testimony and written correspondence generated by the Special Committee's Report on CLC and CVEC, the Assembly shall instruct the Subcommittee to meet and address these issues raised today in writing and by public comment. The Committee shall conclude by adjusting said report and/or including all correspondence and their responses to in it.

That's the motion and I'm looking for a second.

Mr. KANAGA: Second.

Speaker BERGSTROM: It's been moved and seconded. Is there any discussion on Leo's motion? We're all tired.

(Laughter)

If there's no discussion, I'll take a vote.

Mr. MITROKOSTAS: I'd like to ask a question.

Speaker BERGSTROM: Sure.

Mr. MITROKOSTAS: It sounds like if this passes it's going back to Committee?

Mr. CAKOUNES: Right.

Mr. MITROKOSTAS: That's the gist of this motion?

Mr. CAKOUNES: Yes.

Mr. MITROKOSTAS: Will you be holding a public meeting of that Committee to discuss this?

Speaker BERGSTROM: We have no choice but to hold a public hearing.

Mr. MITROKOSTAS: So Delegate input does not have to be made at this time because you'll be scheduling a hearing to take it then?

Speaker BERGSTROM: In other words, in order for us to even respond – this is my interpretation – in order to address these concerns, we have to actually meet in public and hold a public meeting with notice and minutes.

Mr. MITROKOSTAS: I'm a big fan of public meetings. I'm not here to argue that point. I just want to make sure that this is not the opportunity for the Assembly to enumerate the issues we have with the various recommendations; that we will have a chance to do that at the Committee level?

Speaker BERGSTROM: Yes.

Leo, did you want to explain something?

Mr. CAKOUNES: I just want to clarify one thing. This motion does not require that the Subcommittee have a public hearing. It does not require that they take on new evidence and listen to more responses to the report. It basically says that in light of what was heard today, and in light of specific written comments that were received, I wasn't specific to address them, but we all know that both CVEC and CLC have given us written comments. But it gives the Subcommittee a chance to at least respond to them and reopen the whole issue, or they may just decide to answer those in writing and include that in with the report. I don't want this to go on, and on, and on, and I really don't see a need for anymore public hearings on it. But I do feel that – at least my personal opinion is that both the Cape Light Compact and CVEC's written responses should be included in the report, if nothing else. But, again, I'm hoping that there will be some discussion.

Mr. MITROKOSTAS: Thank you. My question refers specifically to Assembly of Delegates. When do we get to talk to you about this report? Would you like it in writing similar to CLC and CVEC or will there be a time and place where we can do that?

Speaker BERGSTROM: One would presume that we will come back to the Assembly with either an amended version or an explanation is given to them. That's the normal procedure.

Leo?

Mr. CAKOUNES: In regards to that, I think this is a little off of the motion but if I can be allowed a little lenience I'll include it in my comments. I, quite frankly, don't believe that the Assembly – and I know some members of the public and there are even some officials who had asked the Assembly to vote on either rejecting the report or somehow doing something with it.

It would be my inclination; having served on many subcommittees, when a report is made it is the Subcommittee's report. Once we give you the report, I don't expect – unless someone wants to act on one of the seven recommendations that is in there, this could just be put on the shelf, I guess. If no one feels that the Subcommittee's recommendations are worthy of discussion, then just don't bring it up and subsequently it dies. It's our report, though. You can't change it or alter it. It is the report of the Subcommittee.

It would be my intentions as a Member of the Assembly to certainly pick out one or two of the seven recommendations and bring them out as a Resolution for specific discussion and possibly a vote of support of the full Assembly. But, again, that's down the road.

I think that saying that the Assembly itself as a body has the ability to reject this report, or alter this report; I don't think it has been our procedure in the past. I've sat here for almost five years now – four years now – and I've never heard anyone say we're not accepting the Finance Committee's report. I've heard them say that they're not going to act on it. I've heard them make a motion in direct conflict of the committee's report.

So I think we're kind of confusing two things here. I would hope that once the final report is given and you have accepted it by virtue of just receiving it in hand; if you don't act on it, you don't act on it. It's up to you guys.

Mr. MITROKOSTAS: Mr. Speaker, if you could indulge me one more time?

Speaker BERGSTROM: Yes, go ahead, Spyro.

Mr. MITROKOSTAS: In light of that comment, can you please explain to us why this report is going back to Committee?

Speaker BERGSTROM: Well, it's not going back to Committee unless you accept Leo's motion.

The reason that I'm going to support this is very simple. You guys have received copies of the responses from CVEC and CLC. It's not in my policy to send a personal response to their responses. I don't think anything is going to be served by going back and forth with allegations, a lot of which are totally untrue. They claim that we've said things that are untrue. I can sit here and say that they have said things that are untrue. But where do we go with that? That's the question. Where do we go with that?

The Committee has not had a chance to respond to these things. Basically, we have been given a lot of recommendations; some by the public, some by the Delegates, saying we disagree with some of the things that are in the report. Now as I said in the opening of this meeting – and Leo is quite correct – the report is what it is. But the Committee that created the report can also amend it. We could sit down and say you know we don't want a forensic audit; we want something more like what Julia says. So that's the path of least resistance.

If you allow the Committee to go back again, next Wednesday or so on, and address the concerns and allegations that are made against us, and to review the documents again in case we missed something, then we might have a clean report that everyone can agree with. If you don't, then our report is going to stand verbatim on the website – forever. That's what we're talking about.

Anyway, let's take a vote.

Ms. O'CONNELL: Okay, on Mr. Cakounes' motion.

Ms. ANDREWS: Could you please read it again?

Mr. CAKOUNES: I move that in light of public testimony and written correspondence generated out of the Special Committee Report on CLC and CVEC, the Assembly instruct the Subcommittee to meet and respond to the issues raised today in writing and by comment. The Committee shall conclude by adjusting said report and/or including the correspondence and their response to within the report.

Roll Call Vote on motion made by Leo Cakounes: that in light of public testimony and written correspondence generated out of the Special Committee Report on CLC and CVEC, the Assembly instruct the Subcommittee to meet and respond to the issues raised today in writing and by comment. The Committee shall conclude by adjusting said report and/or including the correspondence and their response to within the report.

Voting Yes (97.70%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Thomas Lynch (20.92% - Barnstable), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (2.30%): Teresa Martin (2.30% - Eastham).

Ms. O'CONNELL: Mr. Speaker, Mr. Cakounes' motion passes with 97.70 percent of the Delegates voting "yes" and 2.30 absent.

Whereupon it was moved, seconded, and by a roll call vote with 97.70% voting yes, and 2.30% absent: VOTED that in light of public testimony and written correspondence generated out of the Special Committee Report on CLC and CVEC, the Assembly instruct

the Subcommittee to meet and respond to the issues raised today in writing and by comment. The Committee shall conclude by adjusting said report and/or including the correspondence and their response to within the report.

Speaker BERGSTROM: Is there any Other Business to be brought before the Assembly?

Deputy Speaker ANDERSON: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor say “aye.” Opposed.

Whereupon, it was moved, seconded and voted to adjourn the Assembly of Delegates at 6:10 P.M.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates