CAPE COD REGIONAL GOVERNMENT
CHARTER REVIEW COMMITTEE

Minutes of October 30, 2013

Call to Order:

Chairman BERGSTROM: Good afternoon. Welcome to the Wednesday, October 30th session of the Cape Cod Regional Government Assembly of Delegates - Charter Review Committee. I will call this meeting to order.

Attendance:

Chairman BERGSTROM: We have a quorum. [Present: Chairman Ronald Bergstrom, Ann Canedy (arrived at 4:10 pm), Bill Doherty, Linell Grundman, Suzanne McAuliffe, and Julia Taylor. Absent: Austin Knight].

Meeting Minutes 10-16-13 for Approval:

Chairman BERGSTROM: And I know that you should have been given a copy of the meeting minutes of 10/16/13. Are there any corrections to the minutes or additions? Actually, we're not allowed to add to it but you can correct it.

Hearing none.

Ms. MCAULIFFE: Move the Minutes.

Chairperson BERGSTROM: Okay. We moved the minutes.

Ms. GRUNDMAN: Second.

Chairperson BERGSTROM: Moved and seconded. All those in favor say "Aye."

Mr. DOHERTY: Abstained.

Chairperson BERGSTROM: Abstained. Okay, Bill.

(Minutes approved)

Other Business:

Chairperson BERGSTROM: Other business. Discussion and decision on governance model being submitted to the full Assembly for consideration.

A few brief words of this. Janice and I had discussions over the last week or so on the process that we use to get this to the Assembly. I was hoping, presuming we have a vote today, on a system of governance that we can discuss that or bring it to the Assembly a week from today on the 6th for discussion.

Should we get clearance from the Assembly or at least some kind of indication that they want us to go forward we can then create the petition to the Legislature. I say "we," I mean mostly Mike Curran.

Which then we will -- the full petition will be submitted to the Assembly on the 20th. Okay. In which case they can either vote it up or down.

Now the mechanism for that vote has been under discussion. I presume it's a majority vote of the weighted vote of Barnstable County. There's been some noise that there might -- they may need a two-thirds vote. I'm very skeptical about that but that's not going to be cleared up until we talk to County Counsel and others and delve into the specific wording of the Charter.

But let's both presume that we need a simple majority. Otherwise, we might be wasting a lot of time here. We've gotten some submissions from our counsel. And I don't know that on a governance model which included an elected County Executive or a County Executive, so we have some things to discuss. So I just open up to the meeting and -- Julia.

Ms. TAYLOR: Ron, are you thinking of a presentation on the 6th and a discussion or are you thinking of some kind of vote on the 6th?

Chairperson BERGSTROM: Well, I can't present a Resolution because the Resolution has to be presented at a meeting before it's submitted.

I'm basically looking for a sense of the Assembly whether they wish us to go to the next step of actually creating a petition.

Creating a petition with the details of the new governance structure would be a quite complicated task.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: We don't want to go there unless we have to or unless we feel it's going to be worthwhile. I'm still trying to make a deadline by the holidays. I mean if we do, we do; if we don't, we don't, but that's up to the Assembly.

Ms. TAYLOR: Okay. So we're going to look for a sense of the Assembly.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: Under their interest in sort of a white paper which would generate discussion that would give a sense that before we moved on. Okay. That's fine.

Chairperson BERGSTROM: Yes.

Ms. MCAULIFFE: The sense of the Assembly could be nine people not willing to support what this committee recommends and four or five people supporting it.

So is the sense of the Assembly going to be a vote because it would be weighted vote and then we would have an accurate sense of the Assembly.

Ms. TAYLOR: Yes. I would certainly think that we would want to have a sense that we could approach 50 percent.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: There could be members who weren't ready to make a decision and that would be understandable. There could be members of the Assembly who are adamantly decided already they know what they want and they don't want any change.

So, I guess I don't -- I think I'd want to get a sense that there'd be the possibility of a 50 percent vote once people had more time to think about it and saw something concrete.

Chairperson BERGSTROM: Yes.

Ms. GRUNDMAN: Do we have a Plan B, for example, if the Assembly doesn't want to use our time frame? I know what our time frame has always been in terms of the state and getting anything in front of them.

But it could be possible too that people, to Julia's point, want to have more debate and discussion within the Assembly about it.

And I think one of the things that are going to be really critical is what we say here today and, of course, that will get out like wildfire. So they will be informed about what our view is, I think.

And then I don't know what your plan is for -- Julia mentioned a presentation but it seems like a presentation and discussion with the Assembly by this body might be also a way to move things forward once we get to the Assembly.

Chairperson BERGSTROM: Well, see I'm trying to anticipate how this is going to work out. And they'll be a lot of people who -- I say a lot but, you know, it's normal for the Assembly -- this is a tough decision and some of them can say, "Well, I'm not going to vote on it. I'm not going to let you know how I feel until I get the final details." In which case we're going to have to go and dot the i's and cross the t's of the petition.

I really am going to ask -- try to get the Assembly to decide on the concept because if they

don't decide on the concept, you know, it doesn't make any sense to punt it just to avoid a decision.

Ms. GRUNDMAN: Okay.

Chairperson BERGSTROM: So I think we should see it from the Assembly down. You know the Assembly can do whatever they want. I mean they could ignore us and send up a contrary petition. They have the power to do that.

They could say, you know, "Thank you for your suggestion, but we're going to go with Option 4, you know, and we're going to send that up." But then they would have to empower someone to actually create that petition and send it up there.

But I suspect that we will know whether or not our recommendation, whatever that is, is going to be accepted by the Assembly.

This has been a much debated subject at least within the walls of this complex for a long time. So I think people have a heads up.

But, you know, there's also public buys-in, so that's going to have to be --. As far as the time frame goes, do I think it's flexible? Yes. I'm looking for the path of least resistance.

I was talking to Representative Peake and she said, you know, the holidays are coming up. She'd like to have a petition before the holidays, before the end of November. Could it be done in the spring? Yes, but we've done that before in other things, other Charter changes, and what happened is we've run up against the time frame, and it wouldn't get done in time for the election.

But Mike seems to think we have more flexibility. So I'll go with him. But I'm looking to do it the way it should be done and not have to push it any faster.

Yes, Linell.

Ms. GRUNDMAN: Just a quick follow up. I think that this meeting's going to be very important because I've said this before but I'll say it again. Coming into this process, it seemed like it was two opinions. One opinion coming from the Assembly, another opinion coming from the County Commissioners, and it really seemed like there was not going to be a way to solve this.

But this discussion has been, I think, very rich. And so I think that I know my mind has been changed. I've evolved in my thinking about the importance and the criteria that we're using for governance and all of that as a result of what we're doing and your advice and the things that you've sent us and the excellent documentation that Janice has done.

So I do believe that there needs to be an opportunity for those on this body to talk with the Assembly members. Because I also know we saw this happen, we saw Selectmen starting to make opinions about this before we even made a recommendation.

So we saw the politicizing of this issue, and we saw that publicly, and we still see that publicly. And I think that we've never been able -- why would we address that? But this is now the time to address that and to say why we believe what we believe, whether as individuals or collectively when we do vote on the recommendation.

I think that's going to be one of the critical parts to this process.

Ms. TAYLOR: And I guess I would think that if we came up with a recommendation, that's only a week before the Assembly meeting.

Chairperson BERGSTROM: That's true.

Ms. TAYLOR: And there maybe -- that isn't much time for the Assembly to educate itself on some of the things, as you said, that we've learned by thinking about it and talking about it.

It's certainly not very much time for any people outside of the Assembly who might have some views to make those views known. That's a pretty quick turnaround for any kind of public opinion to be brought to bear that wasn't a preestablished public opinion. It wasn't, you know, we already know what we think, and we know what we want.

So that's my only worry that we're not giving the Assembly much time if they haven't been following this exciting --

Mr. DOHERTY: Riveting.

Ms. TAYLOR: -- in great detail, and, you know, it's hard to do that. I mean it's not hard but people don't always. And if they haven't been hearing from constituents who might get interested once there was a proposal from the Charter Review on the table, I think that's an issue.

I'm not saying we should delay it. I'm just saying one week between now and then isn't very long to have people be thoughtful.

Chairperson BERGSTROM: Okay. Bill.

Mr. DOHERTY: In a truly deliberative process, there is something known as the hearing, that period for public comment that extends for a reasonable period of time. Typically it's 30 days from the time that it's announced.

In terms of, say, observation, if you were to poll the Assembly members, all 15 of them, could they speak to how many people have approached them with regard to this issue who were what I would call constituents as opposed to other elected officials in the town that they're in? And I would suggest to you that the answer for that would be no.

Now having said that, if we are truly looking to reduce the emotional content of this activity, we at least have to follow what I would call the form of a deliberative activity that seeks to involve the public as a whole and at least have some type of, I'd say, an opportunity for public comment with a date certain.

And then at the end of that date, then I think that the affect of the Assembly looking at, let's say, a decision that indicates what their pleasure is might have the benefit of what people across the community have had to say about it or not because silence is consent. In this case, silence could be just plain apathy. But we don't know that now.

What we do know is we all have through the deliberative process that we've had, and I would remark it has been what I'd call a very rational and reasonable one where opinions have been put on the table. We've all had what I'd call a good discussion about it. I think that in the battle for hearts and minds at least on this that there has been movement between, you know, among positions, and I think that's all a very healthy thing.

We could go back to our seventh-grade civic's class and tell them, say this is the way -- at least there was an attempt by adults to look at this.

So taking it to the Assembly before that public comment period, I don't know how helpful that would be.

Also, you might say that we've had public comment come in and what contribution has that made? Do we have an opinion as Chair? Do you have opinion about that?

Chairperson BERGSTROM: Well, and the meetings weren't very well attended which is disappointing but understandable. People have lives. They have to do other things that they do.

Most of the comments have come from, obviously, from people who are insiders, who understand the political process down here on the Cape: Selectmen, members of the Assembly, people from civic leaders, you know, from the League of Women Voters and the Business Roundtable.

So those are, I'm going to call them the cognosante, those who are in the know, you know, have voiced their opinion. There's been a couple people who are Internet gadflies and so on who offered their opinions.

But I understand where you're coming from, Bill. But you're still stuck in this dilemma is that we're making a recommendation to the Assembly and the Assembly is making the decision.

So people, often times, don't want to comment unless they know exactly what they're commenting on.

And, ultimately, even if the Assembly was to accept a recommendation of this committee and it goes through the normal County process, it still has to go to the ballot.

Mr. DOHERTY: Well, speaking of that, if you do have an Assembly vote, I would like to see it be a secret ballot as opposed to a public one.

Chairperson BERGSTROM: I don't know, Bill.

Ms. TAYLOR: I don't think you can do that.

Chairperson BERGSTROM: Well, whether you do it or not is that, you know, --

Mr. DOHERTY: I mean I wouldn't be afraid to express my opinion, and you know that over the 12 years that I've been involved -- 14 years that I've been involved with the County, I've never been bashful about it.

Chairperson BERGSTROM: I think I would be afraid not to express my opinion.

Ms. TAYLOR: You can't.

Chairperson BERGSTROM: But, no, I agree with you, but you've got to realize that even the Legislature will have a hearing on this. I don't if anybody will go up to Boston.

So if it carries out the normal -- I think that we should see this as an Assembly decision; all right? We're a committee making a recommendation according to the Charter process, and the Assembly is going to have to decide first of all whether they want us to go the extra mile in creating a document, in other words, a petition that will affect the change and send it to the Legislature.

And if they do decide that we should do that, then that actual -- voting on that actual petition by the Assembly and presuming they approve it, then that will be the document that people have right in front of them. They'll know exactly what we're dealing with. And then they can write their Legislators or they can go to the ballot in November and say yes or no.

Mr. DOHERTY: Then I would move that we consider recommending a Strong Executive and I think 11 was the figure, you know, with 11 members of a Legislative body that had some executive authority.

Ms. MCAULIFFE: Second.

Mr. DOHERTY: But the Legislative body would have the responsibility for identifying and recruiting the Executive.

Chairperson BERGSTROM: All right, now, what did you say?

Ms. MCAULIFFE: Oh, wait a minute.

Chairperson BERGSTROM: How did you describe that Executive?

Ms. MCAULIFFE: Hold on. Hold on.

Ms. TAYLOR: He's talking about what we would call the Commission Administrator form; right?

Mr. DOHERTY: Yes.

Ms. TAYLOR: As opposed to the Council Executive form.

Chairperson BERGSTROM: Now you weren't here, Bill, last. We discussed it at length.

Ms. TAYLOR: Look at the --

Ms. MCAULIFFE: Then you just go to a Strong Executive with 11 districts and then --

Ms. TAYLOR: And then we'll discuss this later.

Mr. DOHERTY: I'm good with that.

Ms. MCAULIFFE: Thank you. Then I'll second that.

Chairperson BERGSTROM: So now what's on the table?

Ms. MCAULIFFE: Strong Executive with 11 districts.

Chairperson BERGSTROM: Well, that's the subject for discussion. So what have we got on this?

Ms. TAYLOR: So let's talk about that first. What about poor Ann? She didn't get to put in her two cents yet.

Ms. CANEDY: I missed the first part so I'm not sure what your format -- and I apologize for being late. It's one of those days, and I'm going to have to leave early at 6:15 if we're not done.

Ms. TAYLOR: Oh, we'll be done. We'll be done.

Ms. CANEDY: So I guess what we're doing is we're going to put out motions and vote on each motion?

Chairperson BERGSTROM: Right.

Ms. CANEDY: This is our recommendation.

Chairperson BERGSTROM: I intend to -- we intend to bring this recommendation or a recommendation before the Assembly next week just to see whether a support going to the next step, which would be to create a petition which would actually be voted on by the Assembly, voted whether or not to submit that petition directly to the Legislature. I think the Commissioners might have something to say about it too.

But, in other words, the actual vehicle by which the change will be affected will be a petition to the Legislature which will ultimately go to the ballot. But right now, we're going to present an option to the Assembly because we don't want to go to the second step if they're not going to accept that.

Ms. CANEDY: Right. That would be my question. If they did not accept our recommendation, would we then reconvene and talk about the option, the other options or do we just forget about it?

Chairperson BERGSTROM: That, you know, this committee was created by the Assembly and basically given a charge. All right. And once we submit a recommendation, we've sort of fulfilled that charge.

Now whether they want to further charge us and say go back and change X, Y, and Z, that's what we're trying to find out because there are two possibilities.

Either we get a yes or no vote and say, "No, we don't want to change it. We want the same thing." Or "Yes, we want to change it but we don't like your recommendation." It's a possibility that the Assembly may want to make changes that we don't want to make. They have the power to submit to the Legislature without us.

So I'm trying to get a sense of we should vote to decide what we feel should happen. We fulfilled our charge when we submit it to the Assembly. What they do with it then is up to them.

Ms. CANEDY: Okay. May I speak to that?

Chairperson BERGSTROM: Sure.

Ms. CANEDY: I had gone back and forth and back and forth. And as someone who is outside of County government, who kind of looks at it from the outside in, what I started out with when I read the Charter is that I feel that the Commissioners are not following the Charter as it's written right now; the Assembly is not following the Charter as it's written right now. It's a good Charter.

And I don't know if that's because, forgive me, Bill, three Commissioners have asserted the power of the Delegates or whether the Delegates have handed it over to the Commissioners.

Chairperson BERGSTROM: Probably a little bit of both.

Ms. CANEDY: Yes. So, as we all know, we've gotten a lot of push back from those very towns that we sought to protect with the idea of one person/one vote, everybody, you know, and the idea that we all don't like the weighted vote.

And so I'm stuck. I see the flaws of this option which are there's been a lot of comparison to the town of Barnstable form of government. And believe me, that ain't perfect.

Again, it's the same scenario where --

Chairperson BERGSTROM: Careful, you're up for reelection; aren't you?

Ms. CANEDY: Well, I'm unopposed.

Chairperson BERGSTROM: Oh, well then you can speak freely.

Ms. CANEDY: But I always speak freely and, you know, hey.

Mr. DOHERTY: One of the reasons she is unopposed.

Ms. CANEDY: Yes, I think it might be. And I see we have an unelected administrator who, and I'm not talking so much about the current one, but because the council has given over its power to an unelected appointed person, it's -- the balance of power has been off kilter and, you know, I'm not sure how to fix it.

Ms. TAYLOR: That's why I'm kind of leaning towards the elected Executive and the balance of power over the elected council.

Ms. CANEDY: Right. And everybody has to fulfill their duties under the Charter. Otherwise, nothing we're going to come up with works.

But I also -- I go back and forth because I think that we also have to be pragmatic. And if you really want to make this government better, you're going to have to accept that the Delegates -- the Assembly is a hurdle that you have to go over. And perhaps making a form of government five elected nonpartisan regional Commissioners does help with the balance of power.

Being pragmatic, I don't think that the option that is the subject of the motion is going to pass the Assembly. So then you have nothing. You have no change.

Chairperson BERGSTROM: Yes, Linell.

Ms. GRUNDMAN: First, I want to compliment you at our last meeting saying that -- and I think considering you're the Chairman of the Assembly, it was very wonderful of you to say that you're not interested in a recommendation that we can get past the Assembly.

And that really was a strong statement for me because I think that what this recommendation could very well be is the next step to a better -- to an ongoing discussion.

I would hope that the recommendation we would make would -- that we could have the discussion with the Assembly. And I think it's going to be very important for the Assembly members to be able to ask us, "Well, why?" You know, whatever recommendation we make or even broader questions about our thinking in terms of why do we think that change is essential?

Because we see in a lot of the information coming or the letters coming from the Selectmen and other people, you know, if it's not broke, don't fix it. That kind of mentality.

So I like pragmatism too, Ann. But I also think that what is so exciting about the possibility here is I believe that we strongly looked at creating a government that does the job better. And I think you just illustrated what will happen if we make a recommendation that we truly believe is about creating a stronger County government more responsive to the needs of the County.

I think we get ourselves in trouble when we talk about regionalizing the County. At the same time, I think that we have to act more in terms of our problem-solving in a regional thinking.

So I think that that is going to be a big part of going forward. I can support the 11 districts easily because the one man/one vote, I think, is critical to the ongoing evolution of this County.

Because the town voice while it's important and I think it was the first step in creating County government, and I loved and I think it may have been from Ron when I learned the history of it started with one Selectman from each town meeting and formally, etcetera, and that turned into County government.

And you're right; the County Charter is a good, good Charter. But you've just demonstrated that it's not working. So that really is the reason we're here. We're not here for political reasons but we get accused of that in almost every -- but we are here to try and say how do we make County government work better.

So I really can support the districts because that gives the individuals who support the County with their tax dollars one man/one vote. It creates parody for the people who are supporting the County. The people who are making our community work, making our community of Cape Cod, which has to stand together on so many issues, making that happen. It really does represent them, I think, the best.

And I am very grateful that Suzanne brought up the idea of an elected County official.

Who brought that up, the elected Executive?

Ms. CANEDY: Me.

Ms. GRUNDMAN: That was you, Ann. That's right. I'm sorry.

Ms. MCAULIFFE: I was sitting next to her though.

Ms. GRUNDMAN: All right. Okay. I like the -- oh, you were. I like the elected County official, and I think it goes to what you were just saying.

One of the things that make the balance of power in municipal government I've observed challenging, and I own up to the fact that I had not experience in municipal government until I came here. I had experience in international government and national government.

But, one is that lack of accountability in our major Executives, and that creates a challenge in being responsive, not just to the citizens but to, as we all know, the pressing needs of our region, the pressing decisions that we need to make.

So I can get behind the districts. Whether it gets passed the Assembly or not, I can still get -- I feel confident that that for me is a good recommendation. The districts, the 11 districts and an elected Executive. I think it's also very original, and I think it speaks to how unique the Cape is.

Chairperson BERGSTROM: Okay. Suzanne.

Ms. MCAULIFFE: I do support this motion, and I think that one of the things that I'm going to probably argue to the Assembly if it does pass is that the Assembly just recently voted on a DCPC to the allow the opportunity for towns to opt in or opt out.

If the Assembly wants to allow the opportunity for the residents of the County to have a discussion, public hearings, debate, a real conversation about County government going forward, then they should pass this and let that start.

Because it will, ultimately, have to go through many, many steps. It will have to pass many hurdles. There are many ways -- many places along the way once this plan is flushed out if it does get approved that will be an opportunity for people to weigh in and make decisions.

And to me, that's the way you engage and involve your citizens because the public hearings I've been to, and I've been to three out of four as a member of this committee that we had on the various options, it really comes down to about a 50-50. Some people like status quo and some people like something totally new and different.

And I think we really need to have the discussion, have it out there until we're sick of talking about it and then have the vote.

Chairperson BERGSTROM: Okay. Yes, Ann. We'll go back on this.

Ms. CANEDY: I agree. This is a -- I agree with the statement that this is innovative and unique and exciting and smart, I agree with all that.

But, again, Suzanne used the example of the DCPC. And from my own town, that's caused a little bit of stir. You know, just like in Barnstable, we have villages, but we also like to think townwide. We try to think townwide, but the villages are so important, and the people that live in those villages cling to that. It's so -- such a piece, such a part of Barnstable. Capewide, the towns are very important.

So, I'm willing to go along with the motion. From Suzanne's argument that this, and Linell's, that this is a way to start a discussion, a way to stir some thinking.

I'm not -- I shouldn't say it but I'm not that optimistic that the Assembly's going to go along with our way of thinking. But I think it's a good way to start the conversation at that level.

Chairperson BERGSTROM: Yes, Julia.

Ms. TAYLOR: Well, it will really depend on the one person from Barnstable and that's good and that's bad. And it speaks to the problem of having one person have 22 percent of the vote.

Ms. GRUNDMAN: Right.

Ms. TAYLOR: As opposed to one person having 1/11th of the vote say if we had 11 districts. And this isn't because that's a good person -- I'm crazy about Mr. Princi, but it isn't right. It's not even right that I, as wonderful as I am, would a 15 percent of the vote in comparison to a very nice man like Ron who has some tiny little amount.

Chairperson BERGSTROM: Three.

Ms. TAYLOR: This doesn't actually make sense. I can understand maybe -- I'm sure Ron doesn't feel this way, but there have been Assembly Delegates over the years who have probably truly believed that their actual physical presence, their actual eloquent words have made a tremendous impact on County government. But I don't really think that's true.

But, if you are a Delegate, it's pretty hard not to believe that it does. I mean this is human nature. I like to think that I'm a teacher, and if I can say it, the kids are going to finally understand.

If I go to town meeting and I say it, you know, somehow it's going to have an effect. And of course now I can say it and I know I've got that 15 percent. So I don't have to delude myself at the Assembly. Yeah, my words count because I have the vote.

But if I had the 2 percent or the 5 percent or even maybe as much as 8 percent, um, I don't really believe I'm representing anybody. I'm representing myself. I'm saying what I think, but I'm not really representing anybody because my 3 percent vote doesn't matter.

And so it's an illusion of power for the towns. It doesn't give them power. It only gives them the right to speak.

So I just cannot believe that the future of this County will be improved by continuing to not really deal with the one man/one vote issue. So I just cannot accept that.

Now, I just don't see a future for that. I am happy that the towns have power in lots and lots and lots of other areas of regional government, the Cape Cod Commission, CVEC, blah, blah, blah, there's a long list of places. But, this Assembly issue isn't -- it isn't right.

Chairperson BERGSTROM: Okay. Linell and then Ann.

Ms. GRUNDMAN: You just made me think of something while you were talking, Julia, that I think is really something we need to contemplate, and that has to do with the value of the discussion in the system that currently exists.

There's less opportunity for collective thinking because you're right, the power is not in the collective thinking. The power is in the weighted vote. And I think you've absolutely nailed it in terms, for me, even giving me another reason why I think the districts are so relevant to going

forward with the County. The towns will not go away.

Ms. TAYLOR: No, they won't.

Ms. GRUNDMAN: And we know that so many of the decisions that we need to make need to disregard the boundaries of the town, look at our environment, and look at our economic engines. Look at how we keep our young people. Look at what we're fighting with the state constantly that we're not just a wealthy community, that we have many people in poverty. The County has a lot to accomplish.

And that collective thinking, that collective problem solving, I think, I agree will have a much better chance of being achieved when the people in that discussion have to depend on their heads and not their power through the weighted vote.

Chairperson BERGSTROM: Okay. Ann.

Ms. CANEDY: So why then, and I don't think it's just ego on the part of the Delegate, why is it then the small towns that are hurt most by the weighted vote are they the ones that are the most vocal about this change? For Barnstable, where I'm from, Barnstable makes out either way.

Like Falmouth. So that's not where I'm coming from. I'm coming from that we've heard loud and clear from Wellfleet, from Orleans, from Harwich, from Provincetown that they don't want to give up their identity as a town on this Assembly.

Is it maybe because some of these regional issues we're talking about do cross town lines and the towns don't want to be -- have to give up their autonomy in some of these issues. I don't know. If somebody could explain that, why they're still clinging to that?

Ms. TAYLOR: I don't feel we've got a large number of residents from those towns that are up in arms on the subject either way, of course, because most of them don't even know anything about the County.

But I can understand why Selectmen who think of themselves as representing the towns would cling to the town identity. That seems normal to me, and it seems normal to me the Delegates would cling to that.

So, I just think it's pretty obvious why it would be that. If we had a huge uprising of citizens, I could maybe find another reason and they would express it but I haven't ever seen that.

Chairperson BERGSTROM: Ann.

Ms. CANEDY: But those Selectmen, excuse me, those Selectmen represent the citizens, even though they may not be weighing in right now because as you say they're not paying attention. They don't even pay attention --

Ms. TAYLOR: Their vote -- their election as Selectmen will not be affected one iota by their position on this issue.

Ms. CANEDY: No, I know. I think they are honest in their feeling.

Ms. TAYLOR: Yes. They can't imagine anything other than a town identity.

Ms. CANEDY: Right. And, so, I have a hard time disrespecting that because you know it is the town. It is an entity that we need to respect.

Whereas, I'm going to support your motion for the reasons that I said, for the reasons of discussion, for the reasons of advancing this. But I understand, I think, why it's so important to these smaller towns not to be -- to be folded in together under one district representative.

Chairperson BERGSTROM: Okay. Bill, did you want to get in here?

Mr. DOHERTY: A little anecdote. Julia and I were involved with the DCPC when I was serving on the Assembly, and I remember we went up to, was it the YMCA project in Sandwich?

So neither one of us lived in Sandwich, but we were the only members of the Assembly that actually went around and sort of schlepped around the ponds.

Ms. TAYLOR: The ponds, yes, that was pretty.

Mr. DOHERTY: And it was. It was a nice day. In any case, we were representing our towns but we had equal weight -- excuse me, we had unequal weight in terms of coming back and making a recommendation.

Now in that particular case, the Assembly did support the idea that perhaps it should go back and there should be a negotiation and before it was voted up or down.

However, if I were representing a district that was, as one of the 11 districts, and Julia was representing a district as 1/11, then we would be equal. And when we came back, we were talking about our vote being the same as the others because we might have disagreed as to, you know, at the time we saw that the residences around the -- it's in your town --

Ms. GRUNDMAN: Right.

Mr. DOHERTY: -- the residents were the ones who contributed. It wasn't the Y who was doing that. So that was all part of it.

But I saw then that there was some value in having equal representation, and that's just sort of an anecdote from a committee that we both served on.

Chairperson BERGSTROM: Yes. Suzanne.

Ms. MCAULIFFE: Yes, and just I think quickly, we're talking about County government, and I think the thing that people are going to have to kind of get their heads out of the municipal way of thinking.

When I first came on the Assembly there was very -- people repeatedly talked about how they don't represent the town. They represent the citizens of Barnstable County that happen to live within that town.

So what we're looking at is really County government, which really is not municipal government. And we think municipally, we act municipally, and what we're trying to do is move forward for the future as a County and not as a bunch of little towns.

Mr. DOHERTY: And if just might piggyback on that saying that I would -- in my heart, I believe that someone who votes in a district looks at themselves as being a citizen of the district and of the region as opposed to someone who votes in a town.

Ms. MCAULIFFE: Just as the state reps do; very successful.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: Let me just jump in here. First, two things. One is that we have a motion on the floor. I assume the motion is to --

Ms. MCAULIFFE: If you want to vote it?

Chairperson BERGSTROM: No, no. I want to know exactly what we're voting on because -- have we decided whether we're voting for a Strong Administrator? Have we talked elected or?

Ms. TAYLOR: No. I think we're starting with --

Chairperson BERGSTROM: We're starting without the motion.

Ms. TAYLOR: -- with the idea of -- the motion is a Strong Administrator/ Executive undefined how they get that position.

Chairperson BERGSTROM: Yes.

Ms. MCAULIFFE: To be discussed.

Chairperson BERGSTROM: To be discussed.

Ms. TAYLOR: And an 11 District Assembly.

Chairperson BERGSTROM: So the motion was withdrawn then if I remember it; right?

Ms. TAYLOR: Then it was restated as we are having -- the motion is that we are supporting an 11-member regional districts Legislative body.

Chairperson BERGSTROM: Okay.

Ms. TAYLOR: And some sort of Strong Executive which we'll discuss in a further motion.

Chairperson BERGSTROM: All right. So let me make a couple comments on this.

Ms. TAYLOR: So this is mostly really about doing the 11 districts.

Chairperson BERGSTROM: First of all, it's very critical the relationship between the Assembly or the Commission or whatever you want to call them and the Administrator or the Executive because what we're looking at, and all apologies to the Commissioners and also to the Assembly, is a vacuum not in the sense of leadership but a vacuum in proactive leadership.

In other words, we take what comes to us too often. Rather than to go out and say, "These are the issues that face the population of our County: homelessness, drug addiction, wastewater, fertilizer." These are the issues and you really need some -- and the staff of the Commission and the staff of Human Services and the people on health do a terrific job, but what they really need is who's going to go out there and sell these things. Who's going to go out there and make recommendations and try to steer the ship so to speak?

And normally it would be the Commissioners, but for one reason or another, you know, I would say it hasn't worked, I don't mean to be critical, but we're looking at an organization to be more effective.

Now it's unreasonable to think that 15 people, or for that matter 11 people, are going to fill that role.

Ms. TAYLOR: Correct.

Chairperson BERGSTROM: Okay. So we're looking to try to improve the leadership of it.

Now, do we live in a nation of laws or do we live in a nation of people? Is it a structural problem or is it a personal problem? Well, I know I could be doing a lot more as Speaker of the Assembly in providing Ordinances and Resolutions, and I've spoke to the Assembly members early on and said, "Anybody can submit anything." You know, "If you have an idea, these are the powers of the Assembly, let's hear it." And I've gotten very little in response, and, perhaps, that because of the structure.

So we have to consider -- I think that the idea of how -- if you're going to make a recommendation based on a Strong Executive, you're going to have to put out front how that person's going to be -- because as Mike has told us and as it exists in town government, an appointed Administrator is almost prohibited from going out front. He's not -- he or she is not supposed to say, "I want you to do this."

Ms. TAYLOR: Right.

Chairperson BERGSTROM: That's supposed to come from the policymaking body. And if we get into a situation where Ann speaks where we have a large Assembly and one appointed Executive, two things can happen. Either he's going to sit back and say, okay, I'm not going to ruffle any feathers. I'll run the government and I'm not going to say anything or else they'll see a power vacuum and they'll make recommendations and get into loggerheads with the Assembly.

Ms. TAYLOR: Well, I agree with you and I've come around to wanting an elected Executive because I think it provides more visibility, it does provide the chance for dynamic leadership, and it is the form which, according to Michael Curran, is where other counties are moving. This is now the way that 40 percent have it and that's a shift from the old Commission where you just had the five Commissioners.

But I don't know -- do we feel that we don't want to have this motion go forward and we want to withdraw it or could we go ahead and -- to me, this motion is really about are we comfortable with a district of 11 districts, regional districts, equal regional districts.

Chairperson BERGSTROM: Ann.

Ms. CANEDY: To that specific point, I think it might be more effective is you just make the recommendations as to the form and say either elected or appointed and have that discussion at that level.

Because as some of you have evolved, it is sort of an evolution process for that way of thinking. But as to the arguments, you know, I've been playing a little bit devil's advocate here because I do -- I am troubled by that, the resistance.

But to the point that you make about districts, one of the flaws of the town of Barnstable government, and I think I brought this up before, is that we're elected out of precincts. We're kind of elected out of villages. The precincts cross the village lines, but basically we're out of villages. And while we all make an effort to think townwide, we're elected by villages.

So when we were talking about a Charter change a few years ago, I argued for the idea of a five district town of Barnstable. And then you would have five equal votes. As it is now, Hyannis and Centerville dominate just because of the precincts.

So, you know, I think that's an argument for districts and against the weighted town vote.

Chairperson BERGSTROM: Yes, Linell.

Ms. GRUNDMAN: I just wanted to say that I really appreciate that -- I'm sorry I'm not on -- appreciate the fact that we have had this resistance from Selectmen in particular. But I have to remind us of the timing of that and that the timing -- because it actually started at the Sandwich Board of Selectmen table.

The resistance was prior to us making a recommendation. To be honest, it started before we even met. And I think that's important because it goes to your point, Ann, and it goes to your point, Julia, it is human nature, and the history of the island are these 15 towns.

And I think I said this before but when I got into government here ten years ago, that's all anybody wanted to talk about was how hard it was to get anything done regionally because of the towns. And I have since -- I've seen that change somewhat, but you also see, for example, the young professional people. You see people that are really proactive in trying to help us move into the future, as Suzanne said, and I think that's an important thing to consider.
They are not looking at holding onto history. They're looking at saving this wonderful place.

And I understand the resistance, but I think that we can't forget that that resistance started because of emotional because they had nothing to respond to when they start saying, "We don't want things to change." We hadn't made any recommendations or even had discussions.

And I really like what you said, Suzanne. I think it would be wonderful if this could gain support from the Assembly so that we could use this as a legitimate way to start those discussions that coincide with these proactive groups, like the Young Professionals and different groups that are extraordinarily proactive right now in looking at how do we -- how do we keep going into the future.

Chairperson BERGSTROM: You know I'd just like bring up an argument. You know, we can discuss the weighted vote and so on, and I know there are arguments pro and con.

But one of the things that comes up is that Barnstable -- everybody knows what Barnstable County is. We're 15 towns. Basically, Bourne is the end of Barnstable County, you know. Provincetown is the end the other way.

So I mean in a way, we have been historically tied to the towns and that's our identity. So, now we're creating an entity which defies town borders. So really, in a sense, we could have Wareham come in. In other words, it's no longer our 15-town community. It's basically 15; I call them floaters or 11 floaters that are around.

Now the arguments I guess is a classic argument against efficiency and sentiment, which

people bring up, and how do people identify with the governments that they're part of.

Now in creating this new entity, we're actually creating another layer of government. Now County government is a layer of government, but, historically, people think of it as an aggregation of the towns. That's the way they think of it.

You know, for instance, we have AmeriCorps where we send out individuals to each town. We have a Fire Training Academy where the towns would go in and get training. So we have a lot of agencies that have basically direct connection to the towns. And a lot of agencies like the Extension Service and stuff that don't.

But my concern, really, is that it can be portrayed as simply another government. In other words, we've got local government, we've got state government, we've got federal government, and now we have this other government which is not --

Ms. TAYLOR: We already have.

Chairperson BERGSTROM: -- which is not created through the towns.

Ms. CANEDY: Yes, we already have.

Chairperson BERGSTROM: And the reason I bring this up is because that, I think, is part of why the Selectmen have by and large, not all of them, but have opposed this because they say, "Wait a minute. Here I am. I know who my representative is. Once in a while I have to go and ask for more school funds." You know and they go to the state.

But now we've got this other entity and there are a lot of people who don't like government, let's face it, of any kind. And to portray that you have to think that -- how many voices are there, but they're very loud are going to say, "Oh, you're just creating this other entity, which is no longer tied to the in a sense to the towns. And they're going to impose a wastewater authority, and they're going to do this, that, and the other thing." So that's something I think we have to face.

My feeling very honestly is, and Julia brought this up inadvertently, you said, "Well, we haven't had a human cry against this." Well, we haven't had a human cry for it either.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: I mean basically people have been sitting on their hands and so on, and that, to me, says why are we here? You know, we can play inside baseball and say, well, you know, we can look at this and we can tweak it and stuff like that, but you realize it's us doing that. It's not like there's people outside in the hallway ready to burst the door down.

Ms. TAYLOR: But, to me, that says most people have no knowledge of the County. They have no interest in the County. They don't know the difference between the County Commissioners, the Assembly, and the Cape Cod Commission.

So, now part of that is understandable because we're a small government, hardly dominating people's lives, but I think it also stems from the fact that we have not created a regional identity that may be necessary for the future.

It will not in any way put another layer of government. It's simply County government which we've always had. It would simply be another way of organizing County government with actually fewer people. Money saved. But the --

Ms. TAYLOR: Well, I just -- I think do I have optimism that this will pass? No. But do I think it's a legitimate improvement? It could be, yes.

If we cannot have some sort of leadership in the County that will get people a little more knowledgeable and a little more ready to trust a regional approach at times when it's needed, we've got a problem. And I think we need that identity to be a little bit firmer in people's minds and that's another reason why I guess I would go with a single elected Executive. Do I think it's going to happen? I don't know but I think it's worth a try.

Chairperson BERGSTROM: Bill.

Mr. DOHERTY: Several years ago in a previous group of Commissioners, we formed a Blue Ribbon Panel to take a look at the Cape Cod Commission. My service on the Cape Cod Commission and my opinion was that the paradigm had to be changed because up until that point it appeared that the regulatory authority of the Cape Cod Commission was what was driving what the Commission was doing.

It seemed to me that the paradigm had to change recognizing that the Cape Cod Commission was both a planning agency and a regulatory authority. And if the paradigm were changed that the planning piece was the first premise, and the planning piece was supported by the regulatory authority, then the decisions with regard to sporting the planning across the County would, indeed, have some weight in order to actually see these plan implemented.

Now and that led to -- let's see, when Margo retired, it led to Paul Niedzwiecki being hired to be the Executive Director of the Commission.

And I will say -- I would suggest to you that the outcome of all of that was a more proactive Cape Cod Commission, let's say an external-looking Cape Cod Commission. Because I'll tell you, I had sat in many meetings as both a voting member of the Cape Cod Commission representing Commissioners and as a member of the Executive Committee where when the Chief Regulatory Officer said, "This is the way it's going to be," that's the way it was going to be.

And in order to get to a level of understanding that in order to make the Cape Cod Commission look at its opportunity to be of greater service to the region, you have to change the paradigm. Well, they did change the paradigm. And in spite of what I call the "Minority Report" people didn't like that.

I think it's been a greater a force for good. It was a force for good under the Regulatory Authority because the way the Cape looks now is a lot better than it would have looked if we had adopted the model that they have in Plymouth County where, okay, we're going to pave everything, we'll create more jobs. But the fact was that there were more jobs created on the Cape than there were in Plymouth County. So, end of story.

In any case -- okay, and by the way, if you go to the Cohasset Narrows, go across the bridge there going into Wareham, and then look backwards. You'll see at the end of Electric Avenue in Bourne you'll see a beach. If you look over the other side of Buttermilk Bay, you'll see paving of the marina that goes down to the water. That, to me, says more than anything else the value of how we think on the Cape as opposed to how they think in our neighboring County.

So, anyways, I think that that's the kind of thing that I think that we ought to keep looking at. That the paradigm issue is we getting the representation that we need? Are we getting the visibility that's useful, and are we accomplishing and continuing to remember it's not what we are; it's what we do that's important.

Chairperson BERGSTROM: Let me, you know, we should try to move ahead here and make a decision and I'll start is that I'm probably not -- I'm not going to support this and I'll tell you why.

It's just been my understanding that people -- County government doesn't start with us. It really starts with the people, the people in the street. All right. How do they relate to their government? And how they relate to their government may not correspond to how we feel they should relate to their government.

I mean I live in Chatham, and Chatham has one precinct. And we vote for one person. It's not like Yarmouth where you move across the street and next thing you know you've got a different representative.

So we have one person -- we have five Selectmen, we have one Assembly Delegate, me.

And, of course, I've been a Selectmen, so, of course, I have a townwide attitude toward it, and I think a lot of people do, especially people who come from off-Cape and they lived in Boston or they lived in New York, they lived in Worcester, and they come down and they're part of a little town. They go to town meeting. They really liked that and they identified. Even though they may have lived their entire life somewhere else, they identified with their town because they like being part of that. It's one of the Normal Rockwell approach to government.

Ms. GRUNDMAN: True.

Chairperson BERGSTROM: And I just think that even though I'm convinced there probably would be more efficiency in the system that's proposed. You know, it may work well. I just think there would be a disconnect with the people who are basically the ones who really are the ones we're trying to serve.

Now, with that, I'll say something else. This process started years ago. It started with the recommendations from the County Commissioners to form a Special Commission on County government, recommendations from the Business Roundtable, participation by the League of Women Voters. A lot of good people, well-intentioned, some of the movers and shakers on Cape Cod weighed in on this. They came up with recommendations.

We've taken that. We've changed it, and I can see forwarding this to the full Assembly because I think that the Assembly should get a chance to vote up or down.

But, personally, I have to look at it and I say what are the advantages? What are the disadvantages? Are we gaining enough to really change a system that's been in effect for 20 years? Are we gaining enough to disconnect people from the form of government that they understand?

At the end of the day, I mean, they may not know much about County government but they know who I am and they know who Suzanne is and they know who Ann is, you know. And that's the basis of their vote. They don't say -- they don't vote on issues. I mean they have no idea the DCP -- they vote for us because they know us and they respect us and they assume that we'll serve them.

So that's my little speech. I don't mean to try and convince anybody else, but I just don't think -- a good case has been made to change it, but I don't think it's good enough for me to change the way it is.

Ann.

Ms. CANEDY: I think you very eloquently put into words what has been bothering me, and I think you have just illustrated what it is that these Lower Cape towns are talking about.

Two things you said. One, indirectly, you said one is the fear of the County government power of regionalization of, whether it's realistic or not, the threat of the regulatory, you know, the big bad sewer regulatory thing and all that.

And then it's also the fact that in these smaller towns, you know, their Delegate -- and they know their Delegate and it's very personal. It's very close to the people. That's the issue.

So my heart actually is with you. My brain, my thought process, is going to vote push this forward.

Chairperson BERGSTROM: Okay. Well, we have a motion on the floor. Okay. The motion is -- Janice, do you have the motion written down? Not really?

Ms. O'CONNELL: Your motion is to send forward to the Assembly a recommendation for change in governance that would reflect a Strong Executive and an 11-District Legislative body.

Chairperson BERGSTROM: Okay. So that doesn't preclude us taking an additional vote on the Executive. So right now we're just voting on that.

So, all those in favor of that recommendation, say "Aye." "Opposed." Five to one. [Aye:

Canedy, Doherty, Grundman, McAuliffe, Taylor. Opposed: Bergstrom].
(Motion passed 5-1)

Ms. MCAULIFFE: Mr. Chairman, I have concerns about the Review Committee bringing this forward without unanimous support. No, in my experience, that is always a wedge that is used to stop something. And I sort of feel that this proposal just did a belly flop right in front of me.

Ms. TAYLOR: Right.

Ms. MCAULIFFE: I'm just saying that I'm not -- unless we can talk Sandwich and Barnstable into joining us at the table, I'm not optimistic without your support that we have a prayer and that's unfortunate.

Chairperson BERGSTROM: No, I mean I disagree with you there. Basically we're not going to get -- this is a tough issue. Why do you expect to get a unanimous support? I mean if you're not going to get unanimous support -- I'll support forwarding this but I'm not going to support it on the floor of the Assembly. In other words, --

Ms. MCAULIFFE: Okay. Because your votes only 3 percent there.

Ms. TAYLOR: Yes. I think that our chances, yes, are greatly diminished without a unanimous vote. And, certainly, I don't see much point in pursuing it.

Chairperson BERGSTROM: Well, I didn't realize I wielded such power. Well, Bill.

Ms. TAYLOR: Only here.

Mr. DOHERTY: No, I would remind you that you're also the Speaker of the Assembly. And the Speaker not only sets the agenda but also sets the activities in the meeting by controlling it and recognizing those who will speak or will not speak.

So in terms of two parts forwarding to the Assembly for consideration, which is what Suzanne is suggesting, it be a unanimous vote as opposed to what you would vote for or support in terms of its outcome when it gets to the Assembly.

Chairperson BERGSTROM: Janice, could you read the motion again?

Ms. O'CONNELL: Well, it was to forward to the Assembly a recommendation for a change in governance that would reflect a Strong Executive and an 11 District Legislative body.

Chairperson BERGSTROM: Well, I could support that motion to forward it, but the fact is that I'm not going to support it when I vote. You know, and to suggest that each of us is sort of forced into a position that to go along with a majority vote is very unfair.

Ms. TAYLOR: Oh no, I'm not suggesting that at all. It's just we were commenting on what we see as the reality and whether we want to make much more effort.

Ms. MCAULIFFE: What we're doing right now is deciding is whether this group's going to exist after today.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: Yes, Ann.

Ms. CANEDY: I see it this way. I think what you're recommending -- this vote is recommending pushing the idea forward, putting the discussion before the Assembly.

It's not saying I think this is the best thing since sliced bread actually because I think we've all talked about the pros and cons about all these different options.

But we've gotten to the point where this is the real innovative cutting edge, this is something really innovative. And I think what I'm doing is pushing the idea forward for further discussion. I don't want it to die. It's not a bad idea.

Mr. DOHERTY: Move for reconsideration.

Chairperson BERGSTROM: What?

Mr. DOHERTY: Move for reconsideration. I believe it's an appropriate parliamentary motion.

Ms. MCAULIFFE: It's also appropriate for the Chair not to vote.

Ms. CANEDY: No, I think we --

Ms. MCAULIFFE: If you don't want to vote for it. I'm trying to --

Chairperson BERGSTROM: I will, if you reconsider, I will vote to forward it to the Assembly. I have no problem with forwarding it to the Assembly. As a matter of fact, I think it should be forwarded to the Assembly.

But the idea that somehow I'm going to be forced into supporting it, that's where I have a problem.

Yes, Ann.

Mr. DOHERTY: Was there a second?

Ms. MCAULIFFE: Yes, I seconded it.

Ms. GRUNDMAN: Okay.

Chairperson BERGSTROM: So let's take -- let's revote then. Let's reconsider -- reconsider the motion to --

Ms. MCAULIFFE: Oh, the reconsideration.

Chairperson BERGSTROM: -- forward it to the Assembly a recommendation to -- well, it's a recommendation.

Ms. GRUNDMAN: Are you going to have a discussion because I just have a brief comment.

Chairperson BERGSTROM: Sure. Comment away.

Ms. GRUNDMAN: And it's absolutely relevant to the recommendation whereas this is a recommendation. And I'm not a member of the Assembly so I can understand Julia and Suzanne's concern. But this is a recommendation.

So, if I were you and I was sitting on that Assembly and I listened to my fellow Assemblymen discuss this, I would vote according to that discussion. So I think that you voting to send this forward is not inconsistent with giving yourself permission to vote wherever you want.

Chairperson BERGSTROM: Language is important. If the motion said we're going to recommend to the Assembly they do something, they I would vote against it because I'm not recommending that.

Ms. GRUNDMAN: Okay.

Chairperson BERGSTROM: However, if I forward a recommendation, it doesn't necessarily mean that I was part of making that recommendation. That's the recommendation of the Committee.

So I have no problem with the wording.

Ms. CANEDY: May I make a --

Chairperson BERGSTROM: I may be pedantic on this but it's important. Yes.

Ms. CANEDY: May I make a friendly amendment?

Chairperson BERGSTROM: Yes. Amend all you want.

Ms. CANEDY: A motion to forward to the Assembly for further discussion.

Chairperson BERGSTROM: Well, I mean I think you guys are really recommending it.

Ms. TAYLOR: Yes. I think that Ron has to play it as it lay. So I think it certainly makes it

much less likely to succeed. I think a unanimous recommendation would've been much -- would have a much better chance. But it's not unanimous and that's the way it is. So I think we're better off with just the 5-1 vote.

Ms. MCAULIFFE: Yes.

Ms. TAYLOR: I think it would look odd to have it be a lip service of forwarding versus not.

Mr. DOHERTY: Okay. Well, there is a motion on the floor for reconsideration.

Ms. TAYLOR: Yes.

Ms. MCAULIFFE: I withdraw the second and that you can withdraw the motion.
Mr. DOHERTY: I'll withdraw it.

Ms. GRUNDMAN: I just want to say one thing. Having the objectivity of not being on the Assembly, I do not see a problem with a 5 to 1 vote. But I'm not on your body. I understand that.

I still believe that it will be the discussion at the Assembly that will be the most important piece of this. I never expected a unanimous vote. And, frankly, I've never lived in that kind of political world. And that --

Chairperson BERGSTROM: You mean you didn't get your four Commissioners -- your four --

Mr. DOHERTY: Selectmen.

Chairperson BERGSTROM: Selectmen to agree with you in Sandwich?

Mr. DOHERTY: Not always.

Ms. GRUNDMAN: Sometimes. No, but I will say this --

Chairperson BERGSTROM: Do you ever get any of them?

Ms. GRUNDMAN: I was usually on the right side of every issue but that didn't make them agree with me.

Ms. MCAULIFFE: That's how I think too.

Mr. DOHERTY: You don't really mean the real right side?

Ms. GRUNDMAN: No, no, no I meant the correct side.

Chairperson BERGSTROM: Well, we --

Ms. GRUNDMAN: So I just want to say I understand the kind of the emotional stuff here, but in this body, I never expected a unanimous vote so I'm good.

Chairperson BERGSTROM: All right. Now we still have work to do. I think we should discuss the -- I think it's critical as I said before, the idea of do we have an Administrator? Do we have an Executive?

Ms. TAYLOR: Does everyone have this piece of paper?

Ms. GRUNDMAN: Yes.

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: Yes, it was --

Ms. TAYLOR: Because I think that sort of simplifies it a bit for us. And this talks --

Mr. DOHERTY: Oh, I did read this.

Ms. TAYLOR: -- this talks about the basic forms of County government, which are the Commission, and that's where you would just have the X number of Commissioners and probably someone would be doing some scut work back in the --

Chairperson BERGSTROM: Well, I want to say that just because I didn't support the motion, the previous motion, doesn't mean I can't vote and weigh in on this.

Ms. TAYLOR: Of course, of course, of course. So I think that -- but I don't think we've

talked about that form where there is no real Executive, where they are the Executive. So they might have all the powers, the five or the six -- no, of course, it would be 3, 5, 7.

Then there's the Commissioner Administrator and that's similar to what the town of Barnstable has where the council or the group has elected to appoint someone, and that could have stronger or less strong powers as I understand it.

And then, lastly, would be, which the way apparently most counties are moving is, is with a separation of powers where you have the Legislative body elected from its districts of whatever sort and then there is an elected Executive.

So, at the moment, because I feel that it's hard to run Countywide, as Bill well knows, but I think the advantage of visibility and genuine power to excite people about things by that single Executive, I think I have to come down in favor of that.

And then also Ann's cautionary tales of difficulties of giving -- of having an appointed Administrator and having that be a little unclear how that works out. I think this would be pretty clear.

And I do think this is not a big enough government to have even -- any kind of full-time Legislators. We're talking about people who are going to meet a couple times a month. It could be every week, but it's certainly doesn't have to be.

And, so, we then need, and you're not going to be highly paid, and I think we need someone who is a genuine leader elected as one and responsible to people and having some authority derived from the people as opposed from the Council.

Chairperson BERGSTROM: Speaking of which, Bill, what do you have to say?

Mr. DOHERTY: Well, as nice as having an elected Executive sounds, there's always the issue of anybody can run for Chief Executive of Barnstable County under the scenario. Then you have to go and hire somebody to manage --

Chairperson BERGSTROM: To actually run the place.

Mr. DOHERTY: -- to actually run the place. Now you do have successful mayors, and I meet with them up at MMA on a regular basis, but they come with what I would call different levels of skill with regard to management. They all have high skills with regard to politics.

So the question comes up, do you run things based upon -- do you manage the County or let's say the administrative part with someone who might have skills in political science but not skills in management. And we get back to what is the role of the County?

So if you did have a Countywide, single person to run everything, you then have to go out and hire somebody to manage it. And I think that's the thing you have to look at.

I have no problem in my own mind of saying that these 11 districts, for example, that you could elect from that body a speaker who would also function as this Chief Elected Official or Executive of the --

Chairperson BERGSTROM: I think Connecticut has like they call them First Selectmen or something. There's a way of doing that. I agree.

Mr. DOHERTY: And then have someone that does the nuts and bolts things. But I'm trying to think of who would be encouraged who had management skills to run in across the County? There's 400 square miles, 215,000 people that live there. And then what would that person have to put together in having run, you know, Countywide? You know that you have to spend a lot of time sort of consolidating your position.

Now the four years is very useful in terms of you get say two years to basically do whatever you want and then two years to sort of make up for it so you can get reelected. That seems to be the way the cycle works.

But at least you have a couple of years to try and implement policies and move things along without the fear of reelection.

And I remember my good friend Tom Mosher, I don't know if any of you know him, but he was from -- Do you remember Tom Mosher?

Chairperson BERGSTROM: Bourne?

Mr. DOHERTY: Yes, from Bourne. He used to say that the reason why good legislation doesn't get passed at the state is because it doesn't relate to the getting of reelection of the people you're asking to vote for. So that's another part that I'm very concerned with an elected Executive.

Chairperson BERGSTROM: Let me comment on that for a second is that, you know, we live in a Republican form of government with a small (r), and that means that people are elected to basically serve a certain term and to use their judgment on issues that come before them. Too much lately is about well, the will of the people -- too many (Inaudible) "Well, the people in my district want this." And I say, "What do you want?" They elect you to make the decision, you know, to look at it.

So I always believed that elected officials who have to make decisions should act independently based on their best judgment. And that's why I'm against all these recalls and all this other stuff where people say, "You're not acting" you know, "You're not listening to the will of the people." Well, in my world, you're not supposed to listen to the will of the people. You're supposed to use your judgment, make your best case, take a vote, and then four years later you go back and say, "Well do you think I'm going a good job or not?"

So the other, you know, outside of the elected, let's say a four-year term elected Executive, the other forms like an Administrator or even appointing a speaker or head of the council to be the spokesman doesn't give you enough security.

You have to have the security of having four years behind you to do what you want and to say I think we should do this about wastewater and I think we should do this about the homelessness and so on.

So I think that an elected Executive has that kind of independence that he can make policy recommendations. He can go out and try to sell them.

Ms. TAYLOR: It's more like what we have now.

Chairperson BERGSTROM: Well, but -- well, anyway. And as far as -- I agree with you. Running Countywide is tough but you've got the Sheriff. You've got the District Attorney. You've got the Registry of Deeds, the Registry of Probate, and all sorts of weird --

Mr. DOHERTY: And you're paying the sheriff $160,000.00 a year, and you're paying the Register of Deeds a hundred and a half. You're paying the -- you're not talking about the $14,000.00 a year --

Chairperson BERGSTROM: Not to mention what we're paying all their appointees.

Mr. DOHERTY: Let's see the three of us, let's see, that's 35,000 between the three of us.

Ms. CANEDY: How much do you pay an Administrator?

Mr. DOHERTY: The guy that we just hired signed the contract today. He's on a contract for a year for $152,000.00.

Ms. CANEDY: Yes, that's --

Mr. DOHERTY: That's the going rate for Administrators of populations of this size.

Chairperson BERGSTROM: What's the budget of the County? Thirty -- What's our budget?

Ms. TAYLOR: Twenty-five million.

Chairperson BERGSTROM: Twenty-five million, so I mean. Yes, Ann.

Ms. TAYLOR: But you're right. It would be more expensive.

Ms. CANEDY: Another reality check. The last two Administrators, appointed Administrators from the town of Barnstable have been former State Representatives.

Chairperson BERGSTROM: Yes.

Ms. CANEDY: They are not professional -- they were not professional managers. And one would say they managed very well. They at least -- no.

So, I think I like the idea of elected because what we have lacked is accountability to people. What we have right now is accountability of 7 out of 13 councilors. And you have a nonpolitical position that is, at times, very political.

Mr. DOHERTY: And both of those gentlemen share with me the privilege of having graduated from Boston College, I would assume that they did learn some business management there.

Ms. MCAULIFFE: I would support the Executive because it also picks up that piece that people are really concerned about losing, which are the checks and balances.

If you change what we have now and you just had one body that an appointed their Executive, then there isn't the checks and balances. So that keeps the checks and balance which I think is important to people. And I also like that it's an up-and-coming form.

Two quick things. One, I'm sitting here and Linell triggered this before, I'm very troubled by the fact that the Assembly is going to be voting on something which is going to directly finally impact them.

So, through you to our attorney, perhaps we could get, not today, but get an answer for next week how it is that the Assembly gets to decide on something that is going to take away a salary and benefits.

Chairperson BERGSTROM: Well, the reason that the do that is because that's the rules. That's the law of the Commonwealth of Massachusetts.

Ms. MCAULIFFE: Well, --

Chairperson BERGSTROM: The Charter is an Act of the State Legislature.

Ms. MCAULIFFE: I get that but the ethics have become very stringent and changed in the last two or three years. So I would just like a revisit on that and see there may have to be something as creative as well this is a special circumstance or -- I know there are things that you have to do. I'm just sitting here thinking no one --

Chairperson BERGSTROM: There are ways to petition the Legislature to change -- the Legislature can do anything they want.

Ms. MCAULIFFE: No. I'm just --

Chairperson BERGSTROM: I'm going by the process --

Ms. MCAULIFFE: I'm just talking about a body is going to be put in a position of financially benefiting from their vote.

Ms. GRUNDMAN: It's true.

Ms. MCAULIFFE: That's what I'm putting out there, number one.

Chairperson BERGSTROM: Well, we get a thousand a year, and I'm sure most of us spent more than that.

Ms. MCAULIFFE: No. And there are benefits. The benefits are very worthwhile.

Chairperson BERGSTROM: That I don't know.

Ms. MCAULIFFE: And the other thing I just wanted to say is Ann and I both have a commitment. So you will lose your quorum probably in about 15 minutes. So I just wanted to --

Chairperson BERGSTROM: That's why I'm trying to bring this to --

Ms. MCAULIFFE: Okay.

Mr. DOHERTY: I want to point out that the Charter does have a time frame as far as the

voting for benefits. If the Assembly decided they wanted to raise their salary, for example, --

Ms. MCAULIFFE: No. I'm talking about --

Ms. TAYLOR: Voting themselves out of existence.

Ms. MCAULIFFE: -- I'm voting on something that would -- if I vote to deny the 11 districts because I want to keep my job, I'm doing that because I'm going to benefit financially. I'm going to get to keep my $1,000.00 salary, and I'm going to be eligible for -- I don't know, what are benefits, seven or $8,000?

Ms. TAYLOR: Twelve to $13,000.00.

Ms. MCAULIFFE: For health care?

Ms. TAYLOR: Yes.

Ms. MCAULIFFE: So I receive a financial benefit to keep the Assembly.

Mr. DOHERTY: And what is your alternative?

Ms. MCAULIFFE: To vote the 11 districts.

Mr. DOHERTY: No, I mean what would be -- how would you address that in terms of the recusing?

Ms. MCAULIFFE: I don't know. I'm just thinking does the Charter Review Commission then put in a position to directly -- I don't know. I don't know or is it just people who aren't receiving certain benefits get to vote?

I don't know what the issue -- I just want the attorney to just double-check this. Thank you.

Chairperson BERGSTROM: Okay. We will check that. Now, all right, are we ready to take a vote on whether we think it's elected or appointed because I need a motion?

Ms. TAYLOR: All right. I'll move for an elected, Capewide elected Commissioner.
Ms. GRUNDMAN: And I'll second that.

Ms. TAYLOR: Well, maybe a Commissioner, whatever --

Ms. GRUNDMAN: Executive.

Ms. MCAULIFFE: Executive.

Chairperson BERGSTROM: It's been moved and second.

Ms. GRUNDMAN: And I will second that.

Chairperson BERGSTROM: All right. Any further discussion? All those in favor, say "Aye."

Okay. So Bill?

Mr. DOHERTY: Opposed.

Chairperson BERGSTROM: You're opposed, okay.

Mr. DOHERTY: I'm opposed to an elected.

[Aye: Bergstrom, Canedy, Grundman, McAuliffe, Taylor. Opposed: Doherty].
(Motion passed.)

Chairperson BERGSTROM: I think we need a unanimous vote on this.

Ms. TAYLOR: It would be much more convenient but c'est la vie. So, we're going to go with that.

So we've pretty much decided what recommendation to make and the devil will be in the details. I will send this recommendation not in the form of an Ordinance but simply a report from the

committee as to its recommendation.

And I will allow the, obviously it's not for me, but obviously the Assembly will discuss it. They could call -- someone could call for a vote as a sense of the Assembly. There's no Resolution or Ordinance in front of them so the vote won't have any effect except to show us where the votes are.

Ms. TAYLOR: Would you like a report from the Committee?

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: Charter Committee.

Chairperson BERGSTROM: Someone besides me.

Ms. TAYLOR: Correct. I think it has to really be someone besides you, me, or --

Chairperson BERGSTROM: It could be either Suzanne or you.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: You can decide --

Ms. TAYLOR: No, I think it would be better if we had the whole -- it would be good if we could have the whole Charter group there.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: Then they should make a report. Now I think what we want to do for making that report is to go back to some of our pros and cons that we had before and add to those a bit and maybe have Mr. Curran put out a couple of bullet points supporting this recommendation. And then that should be reported.

Chairperson BERGSTROM: We have a very busy agenda next Wednesday. I mean so I'm going to warn the assembled Delegates that they may be here for a while because it just so happens we have time frames on some financial Ordinances. Most of them are noncontroversial, so they could pass but you never can tell, somebody might jump up.

Ms. TAYLOR: Well, again, this plays to my worry that we will have not enough time. I think the fallback position of the Assembly with little chance, little time to discuss and little new information because it may not be time to give a lot and not having heard from constituents once maybe there's a little publicity about this, I think that's a problem with having this on Wednesday.

Chairperson BERGSTROM: Well, I mean, the thing is, Julia, is that some work is going to have to be done on this recommendation to put it in a form of a petition. Now we could wait and do it -- we could wait and present this on the 20th, but then we're starting to run and do the work. Then we're running through the Christmas holidays and stuff. I'm just trying to get this done the way --

Ms. TAYLOR: But I think we aren't giving it much of a chance to be thought about.

Chairperson BERGSTROM: You don't think the concept -- that the broad concept that we're presenting that the people will grasp that and be able to decide whether they're for it or not?

Ms. CANEDY: You know what - you're going to need that report.

Ms. TAYLOR: It's taken us a while.

Ms. CANEDY: And you're going to need to look at this transcript of today to formulate that report because a lot of points were made today that I have not heard before that were very compelling.

Chairperson BERGSTROM: Well, normally, what we do is we have the report from the Committee. So we will have a report from this Committee to the Assembly. Now what the Assembly wants to do is up to them. They could move to delay it --

Ms. TAYLOR: No, no, no, no, stop.

Chairperson BERGSTROM: Sure.

Ms. TAYLOR: It is somewhat up to you. It doesn't, you know, I think if we in the interest

of --

Chairperson BERGSTROM: Well, we cannot tell them what we did.

Ms. TAYLOR: I understand. But in the interest of --

Chairperson BERGSTROM: It's a secret. Don't tell anybody.

Mr. DOHERTY: But the County knows the secret meetings.

Ms. TAYLOR: No, no, no. If the -- I think my worry is not about making a report. I think we can come up with a decent report in a week.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: I think that to allow and encourage however you schedule things that there would be some definitive decision by the Assembly about whether to go forward any further. I just think that's premature next --

Chairperson BERGSTROM: Well, it's not going to be done next week. No, the decision is going to be made when the petition is created because otherwise --

Ms. TAYLOR: No, no, no, but whether to go forward with the petition, you want that decided next week. I think that's --

Chairperson BERGSTROM: Not necessarily. I want to know if there's any sense -- I want to know if there's enough sentiment in the room to say, "Yes, we want to see the final product." That's what I'm looking at. And maybe it is premature.

We would put it, you know, we could put it off but then we're going to be bumping up against some deadlines.

Mr. DOHERTY: May I suggest the following that you make your report to the Assembly and announce that you expect that after they've had an opportunity to review the material and the minutes that were generated at this meeting that you have them express their pleasure on the next meeting.

Ms. TAYLOR: That would be my preference.

Chairperson BERGSTROM: Okay. But what we're going to have -- in order for that time frame to be productive, we're going to have to present -- in other words, they're going to see a recommendation in front of them.

The recommendation is pretty clear. But what you're assuming is that they're going to go through some of the backup materials and the minutes.

Ms. TAYLOR: No, no, we're going to also have a report that --

Chairperson BERGSTROM: Right, a report. And that report --

Ms. TAYLOR: -- I will work on with Janice and Mr. Curran.

Chairperson BERGSTROM: Okay. That's what I want. And attached to that report is going to be the material that we used to make this decision, for instance, some of the recommendations from Mike, some of the other forms that we've gone over, and the minutes of the meetings and the discussions we've had, and we hope that the Assembly will bone up -- will do their homework and come in on the 20th ready to say, yes, we want to go to the next step or not.

Ms. TAYLOR: Because, frankly, I don't think they look that good if they just voted (snapped fingers.)

Chairperson BERGSTROM: We'll give you all the chance you need to push your case, Julia, if that's what you're looking for.

Ms. TAYLOR: Well, I think that --

Chairperson BERGSTROM: I'm not in a hurry. I just want to make sure that we don't do all this work for nothing. I want to make sure that we meet the deadlines of the Legislature and we get this in the Committee, and the Committee gets it and votes it in or out. And it gets to the full

Legislature and it gets to the whatever.

Ms. CANEDY: Yes, to be clearer, it has to be two separate things. The presentation of the report should be done at one meeting. The discussion and the vote at another meeting or two.

Chairperson BERGSTROM: And well it's going to be two because unless you want to have the discussion because we're not going to ask the Assembly whether or not to go forward unless we -- in other words, we're not going to draw up a petition and draw up specifics unless we know --

Ms. TAYLOR: Right. And we don't really have time on the 6th for a lengthy discussion; right?

Chairperson BERGSTROM: Okay. I surrender. I'll delay it.

Ms. CANEDY: I also don't think it's fair to present this to them and have assumed that they have --

Ms. TAYLOR: Followed every minute.

Ms. CANEDY: -- you follow every minute, absorbed every --

Chairperson BERGSTROM: I'll schedule a vote for sometime in late March.

Ms. TAYLOR: No, no.

Ms. CANEDY: That's good too.

Ms. TAYLOR: Fourteen days after the 6th, the 20th.

Chairperson BERGSTROM: Okay. So --

Mr. DOHERTY: Move to adjourn.

Mr. CURRAN: Can I get a clarification on a couple things?

Chairperson BERGSTROM: Go ahead, Mike.

Mr. CURRAN: One, I thought last week when we talked about the elected County Executive, we were also talking about the elected County Executive being backed up with an appointed Administrator.

Ms. TAYLOR: Oh, yes. He'll appoint some higher person.

Mr. CURRAN: I don't think Bill understood that. It wasn't clear, I don't think, in discussion that there would be two positions, an elected Executive replacing the three-member County Commission and continuing with a full-time Administrator who will be appointed by the, presumably by the elected mayor.

Ms. TAYLOR: Yes.

Mr. CURRAN: Now I did send around, I hope you got a chance to look at it, a proposal that was included in the 1985 legislation the authorized the Charter Commission --

Chairperson BERGSTROM: Yes.

Mr. CURRAN: -- which sets up the elected County Executive. Now the powers and duties may be distributed differently.

Ms. TAYLOR: Yes.

Mr. CURRAN: But that gives you an idea what I think the legislature would be.

Ms. TAYLOR: This one. That little print.

Mr. CURRAN: Yes. No, not that one. It came from Chapter 183 of the Acts of 1985 -- Section 17.

Ms. MCAULIFFE: Yes.

Mr. DOHERTY: I thought it was 801. Wasn't it 801?

Ms. MCAULIFFE: Section 17, a County Executive plan.

Mr. CURRAN: 801, yes, it is; 163 was the Charter itself.

The second thing is I would recommend you have three separate pieces of legislation not combined in one, but an Executive proposal, a Legislative proposal, and a third other matter.

Bill had talked early on about having some modification of the existing Charter by removing a lot of material so it was simpler to look at.

Chairperson BERGSTROM: Yes.

Ms. GRUNDMAN: Yes.

Ms. MCAULIFFE: Yes.

Mr. CURRAN: Putting those things in a Legislative branch. I know there was some hesitation for recall.

Ms. TAYLOR: No.

Mr. CURRAN: I thought you didn't want it but --

Ms. CANEDY: We have to discuss it.

Mr. CURRAN: But at least there will be a place for these things. So they'll be essentially three proposals, three separate votes. So you wouldn't lose everything because somebody's opposed to either the Legislative branch or the Executive branch changes.

Ms. TAYLOR: Yes, okay. Good point.

Chairperson BERGSTROM: Mike, does your contract and so on will go through this process? In other words, you're going to be onboard until let's say December whenever we make these final --

Mr. CURRAN: Oh yes, I'm on for --

Ms. MCAULIFFE: Until the bitter end.

Ms. TAYLOR: Yes.

Mr. CURRAN: I'm on for the duration.

Chairperson BERGSTROM: All right.

Ms. TAYLOR: Okay. Good point.

Chairperson BERGSTROM: All right. So we --

Ms. CANEDY: I hope to be real quick. Mike just brought up some stuff. We do have to talk about some Charter issues also because I think we do have to discuss the recall since it's been agitated before. We should make a decision on that and a few other things.

Chairperson BERGSTROM: Well, if we do go with the process that Julia suggests, we will have off weeks if the Assembly says, yes, go ahead and draw up a petition, we can participate with the recommendations as to the distribution of powers, whether or not we're going to have a recall petition, and what that recall -- I mean people could be recalled for any reason. They could be recalled for specific reasons, a felony conviction or whatever. So, that's an issue.

But I think, yes, if indeed -- I think we're going to have to make those decisions.

Ms. CANEDY: Yes. Excuse me. Question. If the Assembly says no to the proposal and the change of governance, don't we still have to look at the Charter more?

Ms. MCAULIFFE: Yes.

Ms. GRUNDMAN: Yes, there's still work.

Ms. CANEDY: We still have to exist as a Committee to look at the Charter to make some tweaks here and there.

Chairperson BERGSTROM: Well, there are changes in the Charter which we do not have to go to the vote. So there are changes that -- and Mike is going to help us on that.

Ms. CANEDY: Right.

Chairperson BERGSTROM: But if there are specific changes in the governance structure, we definitely have to go to the ballot.

Ms. CANEDY: Right.

Chairperson BERGSTROM: Yes, so we could make a lot of recommendations. But let's

assume that that's the worst or whatever, and then, you know, there's no saying -- there's no -- as I said before, anybody could bring the petition before the Legislature and do almost anything.

But my communications with the people who are going to be on the receiving end of this saying that unless you go with a unified vote absenting me, all right, unless you see a strong sentiment from the community and from the County that it's not going to happen because they're basically relying on the community.

So we're going to find out whether the community is strongly behind this or not. The Commissioners will participate. I'm sure there will be public comment once this gets out. At least I hope there will be so somebody's been paying attention.

Ms. TAYLOR: Yes, I would assume that the leader -- I would assume that the leadership of the Special Commission on County government, Henri Rauschenbach and Rob O'Leary would be vitally interested in what is now unfolding related to their recommendations.

So I'm really quite surprised we haven't heard from them already, and I would hope that we will.

I think there are others, such as the town managers, who had a position in favor of things that are more like this than what we -- existing. That's okay. We're ready to go.

Mr. DOHERTY: Today, we did get a letter from or a letter was read into the record over at the Commissioner's meeting from Rob O'Leary expressing his opinion which was essentially consolidation in going forward.

Chairperson BERGSTROM: Well, I think the motion to adjourn passed, I think, so I think we're lingering on here.

Whereupon, it was moved to adjourn the Charter Review Committee Meeting at 5:40 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates