

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
CHARTER REVIEW COMMITTEE**

Approved Minutes for JUNE 19, 2013

Call to Order/Attendance:

Chair BERGSTROM: Okay. We're going to call this meeting to order. Who are we missing?

Clerk O'CONNELL: Julia.

Chair BERGSTROM: Julia, right. She said she wasn't going to be here. So we have a quorum.

Did you send out the minutes of the last meeting?

Clerk O'CONNELL: Yes, I did.

Meeting Minutes 5/29/13 & 6/5/13 for Approval:

Chair BERGSTROM: Okay. So everyone should have received those.

Commissioner DOHERTY: Oh, there's a correction.

Chair BERGSTROM: Okay. You've got a correction?

Commissioner DOHERTY: Page 6 about three-quarters the way down the page there's a reference to something called the NPO. It should be the M, as in Michael, P-O.

Chair BERGSTROM: Okay.

Clerk O'CONNELL: May I make a special request? Bill, did you say MPO?

Commissioner DOHERTY: On page 6 of the Minutes of May 29.

Clerk O'CONNELL: Okay.

Commissioner DOHERTY: It refers to a reference to the NPO.

Clerk O'CONNELL: Yes, I saw that.

Commissioner DOHERTY: It should be the MPO. The MPO is the Metropolitan Planning Organization.

Clerk O'CONNELL: Okay. I just want to let the committee know that we do not have a transcriber for minutes this evening. So, therefore, you will be receiving next time summary minutes unless I can get them done.....doing summary minutes off the tape recorder. So, I'm just letting you know that. There was some extenuating circumstances.

Chair BERGSTROM: Okay.

Clerk O'CONNELL: So, if you speak up, I'm going to try to get what I can on the recorder. Keep in mind that any rustling of papers is a little bit distracting for the recorder and the persons that are transcribing. I'll do my best and that's it.

Chair BERGSTROM: Okay. I'll still need a Motion to Approve the Amended Minutes of --

Commissioner DOHERTY: I made that motion with that amendment.

Chair BERGSTROM: Oh, okay. Do I have a second?

MR. AUSTIN KNIGHT: Second.

Chair BERGSTROM: Okay. Moved and seconded. Any other additions or corrections of the minutes? Hearing none. All those in favor, say “Aye.”

Ms. GRUNDMAN: Abstained.

Chair BERGSTROM: One abstained. Linell wasn’t here with us.

(Motion passed.)

Chair BERGSTROM: I was not at the meeting.

Ms. MCAULIFFE: So I’ll move the Minutes for June 5, 2013.

Chair BERGSTROM: Okay.

Ms. CANEDY: Second.

Chair BERGSTROM: Moved and seconded.

Commissioner DOHERTY: Abstained.

Chair BERGSTROM: All those in favor? “Aye”. “Opposed”? And I abstain also.

(Motion passed.)

New Business:

Report of the Special Commission and other governance related topics

Chair BERGSTROM: Okay. I guess it was decided at a previous meeting – Suzanne had decided at a previous meeting we would have discussion on the report of the Special Commission on County Governance and governance-related topics. Yes.

Ms. MCAULIFFE: We had initially thought that we were going to have it at the last meeting if we had time left over. But because we had six speakers and we were missing you and Mr. Doherty, we thought that it would make more sense to just commence a discussion with everyone here.

Chair BERGSTROM: Okay. You should have in front of you the recommendations of the Special Commission and also the Resolution passed by the County Commissioners. It was sent to us by the Commissioners but Bill has told us today in front of the Assembly it’s still a work in progress and we should get an amended or a working of it somewhere down the line.

So, who wants to open up?

Commissioner DOHERTY: Could I just sort of, you know -- the concern of the Commissioners --

Commissioner DOHERTY: The concern of the Commissioners revolved around the idea that there had been some comments that the Commissioners were promoting the elimination of the Assembly. And the intent -- well, there were two intents of that Resolution; one of which was to give a counter to the Resolution that was put forth by the Assembly, and the other piece was to speak or start a conversation with regard to the potential merging of the Commissioners and the Assembly.

So that, at least that intent, our Chair felt that should be more clearly defined.

And to that end, there was some discussion today about that and that hopefully at our next meeting, which will be next Wednesday, we will have language put together that we will then send on to explain what by definition and what language to review.

I would apologize to this point to say that when statements or correspondence are put together, sometimes the intent to maintain what I’d call good will and to foster what I would hope to be a collegial discussion of what’s going on, especially framing the

question that I've already said we should look at, which would be to take a look at the pluses and minuses.

The traditional analysis that goes forth if I were, you know, back in a private business, you would look at the pluses and minuses and would add it up. And if there are more benefits than detriments in going forward, then that would be the course of action you would take. And that would, I hope, be the basis of when we finally discuss that piece that that be looked at.

Chair BERGSTROM: Okay. Anyone else have any comments to bring up?
Yes, Linell.

Ms. GRUNDMAN: Well, what I find most -- sorry. Here it is. What I do find interesting and slightly perplexing given what we're charged to do is that we have these solidly framed views, one from the County Commissioners and one from the Assembly of Delegates, because we have a solidly framed view from the Assembly of Delegates.

So what's interesting is that the work seems to be either finding a compromise between these two that are radically different or discussing what the pros and cons are of each. And going back to -- which I'm sure we'll get to. We have not -- we have not had deliberation at this table on any of these issues. So we're just kind of getting our ducks in order.

I would suggest that going back to the recommendations of the Commission while that would be -- seem somewhat prudent, we're kind of even gone back past the Commission. And if you look at the documentation of this issue beginning even in 2009 with the original Charter review that was done appropriately through the Assembly as it was -- as that's how instead of doing the Charter -- in the regional Charter.

So I would, at this point, tonight we can review the Commission. We can review that recommendation. I don't have a summary of that recommendation in front of me. I'd like to, but it really looks like what the discussion is those two recommendations or those two outlines and they are both brief, quite frankly, I applaud this group, and I wasn't here for the first meeting for tackling governance as the first subject. Because based on those two outlines, that clearly is the issue.

The issue is governance. Is the governance serving County government as it should? Is governance in the view of many moving us forward? Is it getting in our way? All of that.

So, I would just invite us to think that the real issue of governance is pretty squarely in front of us based on those two outlines, one produced by the County Commissioners and one produced by the Assembly of Delegates.

Chair BERGSTROM: Okay. Well, I guess the question that I have to ask is the question that's been asked all along is my old philosophy professors, "Why are we here?" In other words, how did we get to this point?

And usually when people want to make, I don't know, a letter to the Assembly, I quoted Jefferson when he wrote the Preamble to the Declaration and said, "The government has long established among men should not be changed for light and transient reasons."

So the question is the current governance structure of Barnstable County has been in existence at least until -- with some amendments and a few minor changes since 1989 when the original Charter was drawn up. What is the impetus, if you want, of either

negative -- bad things that have happened and that we feel can be correct or good things that can be accomplished by changing the governance regardless of how we change it and what we ultimately come up with. Where are we looking to go? What are we trying to do that we're not doing now? And I think we have to discuss that because people are going to ask why are we changing the way we govern Barnstable County. What are the issues that are on the table?

Yes, Suzanne.

Ms. MCAULIFFE: From my brief tenure on the Assembly and having been in local government for a number of years, I think the reason we're here is there's a bit of a friction I think between the various branches of County government, whether it's the County Commissioners and the Assembly. People are feeling that either they -- I don't want to say they're annoying, but I think that I think the Assembly procedures are annoying to some branches of government, and I think that the Commissioners are perceived as independent and dismissive of the Assembly.

So I think there are issues in terms of the ability of the current structure to work in a cohesive, well thought-out manner. I think right now there's a lack of communication. There's a lack of trust. There's a lack of openness, and I think that's why governance is being looked at.

Now, does that mean we change things or we just work better together? I don't know. But I think that these are all issues that that have brought this governance issue to the forefront.

Chair BERGSTROM: Ann.

Commissioner DOHERTY: I'd like to respond to that if I could.

Chair BERGSTROM: Well, okay. Why don't we let Bill --

Commissioner DOHERTY: I would like to point out that one of the most significant events that have occurred in recent time was the passing of the budget. That is prima facie evidence that the Assembly is certainly working with the Commissioners.

And the Commissioners, just speaking for myself, certainly appreciate that because without that support, we would then be -- we would be in what I would call an

Chair BERGSTROM: You mean where the federal government is in their

Commissioner DOHERTY: Yeah. We have always passed a budget. And in the 11 years that I've been doing this, there has never been a time when we have got to this time of year where we didn't have a budget in hand.

So, there has always been a great tradition of what I'd call mutual responsibility being demonstrated by passing those things that are necessary in order to carry out the peoples' business in Barnstable County.

So, I think that there's a basis to move forward. I think, like everything else, I think there needs to be, and this is one of the reasons that the Commissioners are looking at the language is that perhaps it is important that we clearly define our terms, so as your Philosophy professor had told you, we don't have a discussion unless we have defined our terms.

So, the definition is underway. I think it will help clarify exactly where the Commissioners stand on all of this.

Chair BERGSTROM: Okay. Ann.

Ms. CANEDY: As someone that's really -- wasn't really that familiar with County government, somebody that's a Town Counselor and that had our own issues with Charter and defining roles, I was struck by how extensive/complete/understandable/clear that the Barnstable County Charter was, and the clear delineation of duties and responsibilities for the different branches.

So, I did have that feeling, you know why are we here? Who feels that the method is not working on paper? It looks like it should work. Who initiated the review in the first place and why?

I feel that if each one of the branches is fulfilling their roles as outlined in the Charter, then it should be a good working organization. There are a few things that I would tweak.

I was struck by the Charter talking about being close to the people, being for the people, being representative of the people. I was struck conversely with the Special Commission using language such as "push-for, streamline, centralizing." You know, I just felt like it was the opposite. Pulling away from the people, centralizing more control in the name of regionalization.

So that was my -- how -- what struck me on paper. So I've been interested in the different testimony from different positions, and I, again, my views are kind of evolving.

Chair BERGSTROM: Okay. I'm just going -- it's funny because when Ann talks about that, I think about, you know, we all learned in grammar school about the creation of the country and right in the Constitution the great debate between the people who believed in strong central government, those who wanted a more sort of a government by -- almost more directly tied back to the people.

You know, Hamilton believed in a strong -- he almost wanted a king. He said the President has to allow power. Jefferson, "No, no. We've got to have a pled-a-site (phonetic) on everything." And really it's a discussion that hasn't really come -- we haven't really come to an ultimate answer yet. If you put more power -- if you centralize power, you have then the ability to move ahead more quickly and more efficiently.

However, that brings up, you know, the arrogance of power and people can abuse it.

On the other hand, if you take a position on every issue that comes along, you never get anywhere because people disagree, so you have a different direction. So you try to find the right balance between in a republic between giving elected officials the responsibility to make decisions but not giving them too much authority to abuse it and become more of a dictatorship.

So, I sat on the Special Commission. And the one thing that struck me, and I think it underlies some -- I agree with Suzanne. I think that they were personal eternal issues that brought us here.

But there was also the fact that for a long time towns have moved toward a town Charter system of where you have a strong Administrator. Whereas, in Chatham, 20 years ago or 30 years ago, they had three guys -- and it was guys then too -- three guys sitting in the office and they decided everything. They were elected Selectmen.

And then one by one the towns have gone to professional managers who are overseen by a policy-making board. And Barnstable County has kind of lagged behind that. I mean up till just recently, the Commissioners really were the Executives. They

made a lot of minor decisions. They signed contracts. They did the hiring and firing. And the one issue that came out of the recommendations for special government is they should really have a stronger administrator. I think that was agreed, almost everybody.

So now you have a stronger Administrator, but you also have this Executive body and you have a Legislative body. So, now it's kind of a push and shove as to who does what. You know, who is the oversight for the administration.

And I think that the current system works well. Whether it's going to work well when you have -- and I don't know how far -- Bill can tell us how far they're going with this, but I understand, Bill, you may hire an Administrator coming up within the next year or so; is that right?

Commissioner DOHERTY: The process that's intended is that an interim Executive would be hired, would be advertised for to be -- to come aboard after July 1 to work for a year without the possibility of being extended for a permanent position.

The thinking behind that is that in order to respect the Charter Review process, that if we were to put in place a permanent Executive, what would that Executive be responsible for in terms of advising and let's say managing the department heads when we don't know what the County administration will look like unless and until we have something in here from the Charter.

So that's the thinking as far as what the intent is. And I think that Mary Pat has spoken to that, and I think she's on the record with that, and that is supported by the rest of us.

At the same time, I believe that Mark has the intention of filling both functions until that temporary person is put in place. But the idea is that Mark's position would be one that's strictly finance at some point. And then the Executive would be responsible for managing the full operation.

As part of that, I have maintained that we hire an Executive to manage the County. All of the departments, including the Cape Light Compact, would be reporting to the Executive. Right now, the Cape Light Compact -- excuse me, the Cape Cod Commission Executive, Paul Niedzwiecki, has a personal services contract directly with the County Commissioners. And I think that in terms of management, I think that that needs to be addressed. If we're going to have a strong Executive, the Executive should manage and be responsible for the whole County operations. So that's --

Chair BERGSTROM: I think that was a consensus.

Yes, Linell.

Ms. GRUNDMAN: Just a real quick question. So what I'm hearing you say, essentially, is this hiring that is about to take place is more or less of a pilot program until there is absolute certainty that the Charter has been amended to the, I would say, so that the Assembly and the Commissioners are in favor of that amendment; is that correct?

Commissioner DOHERTY: Let's -- no.

Ms. GRUNDMAN: Okay.

Commissioner DOHERTY: Let's take a look at it in this way. The Charter isn't a process. There is always the possibility that the Charter Review process with regard to governance could say we'll do nothing.

At the same time, the Assembly has passed an Ordinance, which we have responded to, which creates or let's say -- it's actually a restoration because just before I

became a member of the Assembly, there had been a separate Executive and -- it's an Executive in Finance, CFO, and it was Rob O'Leary who was the Chair at the time when those two functions were consolidated.

For all the time that I have been a member of County government from the time I was on the Assembly through the 11 years that I've been a County Commissioner, those functions have always been combined.

There is -- now that there is in place the process to separate those two functions again, I will say that I have never been in any private sector organization where those were combined. It was always that separation between the CFO and the management for the simple reason that at least in the private sector, they wanted explanations with regard to decisions on finance to be at least looked at by an overall manager. And at the same time, you wanted a finance person that was providing some check against what the overall management activity, you know, was going on.

And the rationale behind that was that it's very easy to explain to yourself why you did something. It's not as easy to explain to another officer or someone who's responsible for that oversight.

Chair BERGSTROM: Yes.

Mr. KNIGHT: Thanks, Mr. Chairman. I have concerns because from our report we want to make recommendations, and at the last meeting we talked about having to go out to the different towns still, and we certainly have that request in our area for multiple towns.

My concern is, and Julia said last month or the last time we met, in that they want us to have some sort of -- something to bring to them in order to really have this decision.

And though I think that is possible, my concern is, when I read the Assembly's recommendations and I go back to the County government's recommendation for a Special Committee, I think what's missing for us, as this group, is the direct voice from each of the groups. From the County Commissioners because in the Assembly's Resolution, they talk about expanding that to five members.

Well, I don't go to Commissioners' meetings. You know, I've seen parts of them on TV, but my point is I think we have to have a direct conversation with each of the groups in order for us to really come up with a plan, because, basically, we're going to have to go back to the towns for approval.

So if we're starting the process and we don't look like we're going to get the approval of the towns, then we've come to a lot of meetings, and I don't want to say for nothing, but for what I think could be a failed duty.

So, I still feel that we need to have conversation with the County Commissioners and what are the consequences or the unintended consequences of going from three to five?

We need to have a discussion for the Assembly. What are the consequences of the unintended consequences if we change the Assembly makeup?

You know, we're going to go to our districts, and our districts are very strong in their feelings. But on the weighted vote, which has been pointed out by others in the next few years when you look at populations of Cape Cod, there are two towns that could have a major voice. Very simple. That's just the math.

So, how are we going to come to terms when two towns can really control the

conversation and yet try to have some sort of fair process so everybody feels a part of it? That's my concern. And I don't think it is premature to have a couple meetings before we go to both ends of the Cape and have this conversation. I think if we don't, then ultimately we're going to come back here. The Assembly has a view; the Commissioners have a view; the public has a mixed view because it was 50-50, and they're going to ask us to make a decision which then basically we go back to the towns. If they don't feel comfortable with the decision, it's going to end.

So how can we compromise something working together? I do believe, you know, this isn't forever. It's the next phase. I'm not opposed to a five-member County Commissioners because I think three and two, you know, they vote depending on which one of the members decides how they're going to vote. It's just 3 to 2. I don't think it's necessary the big open discussion. And no offense to the Commissioners, but I think that if you can broaden that a bit that brings in more conversation regionally into it. And I applaud that one.

I understand the weighted vote. When you talk about the Assembly that if they did that and they broke it up by districts, it would increase the vote percentages per towns. But then the towns feel like they're not part of it.

So how can you work to compromise that, you know? We may be having -- not instead of biting the whole thing off, we may have to do a little bit at a time and that's my concern. If we try to do a major change, then the reality is I don't think it's going to change.

So if we're trying to move forward, we have to come up with some sort of a conversation with all the towns so we can come with some sort of conclusion that we can go forward with. And I just, you know, through the conversations that I certainly hear, we're very challenged to make any drastic changes at this time.

Chair BERGSTROM: Suzanne.

Ms. MCAULIFFE: I think we're under the mistaken impression perhaps that we only have two options. We know the Commissioners, by Resolution, have supported the recommendations of the Special Commission last year. We know the Assembly has passed an Ordinance that is a five-member County Commissioner and keeps the Assembly.

What we also had provided to us a model County Charter by Mr. Curran that is sort of a combination of the two. It kind of, to me, is the best of all worlds. It has a strong professional central administrator and provides for a very good representation of communities through a larger counsel as opposed to it's almost like a town counsel, larger counsel so you wouldn't have County Commissioners and you wouldn't have Assembly of Delegates. You would have a policy-making board, 7/9/11 members that would then give representation and voice to the smaller communities, which is something that I think we should consider as well.

As far as going and speaking to the Commission, that's fine, but I think we have their -- we know what the Assembly has voted and we know what the Commission has voted, and I guess at this point whether we endorse one or the other or go with a third, perhaps we can come up with something that we're considering and go forward to the Upper Cape and Lower Cape with those ideas.

But the only thing I can support is something that keeps very strong local

representation.

Chair BERGSTROM: Linell and then Ann and Bill.

Ms. GRUNDMAN: This is a good discussion. I'm glad we're finally getting into it. I like Austin's ideas and I do think that what raises it for me in terms of going to the Commission to the Assembly, Jim Killion the Assembly member from Sandwich and myself went to our Board of Selectmen. Now that was Jim who contacted the Chairman of the Sandwich Board of Selectmen and wanted to talk about the Charter review and the Chair said, "Linell, do you want to be there?" I said, "Yes."

So we've had this discussion. And, two, Austin's point. The Town Selectmen and now I've seen where other Selectmen are putting on their agenda to weigh in on this. That's going to be happening. So we're going to get 15 opinions from 15 different towns.

I can tell you I will be content to tell you the consensus for Sandwich was not to merge the two bodies. And I don't see that as a question of what's right or wrong or efficiency. I see it as a trust issue. Somebody raised that word. I think that's an important one.

But the town voice, and I'll tell you why I am even really here, is I have been talking with Assembly members for many, many years. I, personally, will say it. I don't like the weighted vote. And now that I've been on the Cape Cod Water Protection Collaborative, I like it even less and I'll tell you why.

The regionalization as an impetus to look at changing County government is an organic reality. But how we do that considering that all the people -- I'm looking at a lifetime Cape Codder back there, all the people who ruin our water supply have only been here for the last 30 years. Those decisions about all of our County, everything has to be from the perspective of voices that have institutional memory, history, understanding, and a commitment that we wash-shores can't possibly have.

So, I wanted to say that upfront, and I think this came across in my Selectmen meeting. It's not philosophically about a form of government as much as it is, and this is what I love about the Cape, and why I am still here even though my husband now works in DC again, it's a fabulous, amazing, wonderful place that has brought, in the last 30 years, 250,000 amazing people who do want to take care of it.

I think the trust issue is huge. I think Austin's right on the mark that how we talk about this will either build trust or I think the reality is the trust from the town does not bear now, so we'll be at a standstill at the end of the process because the towns are going to have to get on board with whatever recommendations are made for the future of County government.

So, what I also want to say is perhaps to Suzanne's point rather than looking at what's been done within these bodies that have existed now since 2009 talking about this, we should look at maybe the model from our own prospective as an objective way of kind of framing the discussion for us and perhaps creating some benchmarks for us in terms of where we see, you know, something similar.

But I do believe in terms of representation, it is not about population. It is about what, you know, what every board I've been onto likes to whine about how independent the towns are. What I realized that independence is probably the only thing that's going to save this (Inaudible).

So it's about the voice. How are the towns represented at town government, I mean I'm sorry, County government so that it's not about them feeling like their being represented. It is literally about high, high scale professional conversations about the issues that are critical to our County.

So I like where Austin kind of went and Suzanne. I just want to say to Ron maybe we're going at this a little -- maybe we should look at the objective material that's been given to us and review that a little bit with the help of our consultant.

Chair BERGSTROM: All right. Ann.

Ms. CANEDY: Yes, a couple things. I just want to let the group know that I have requested from our Town Council president an opportunity to talk about this with our Town Counsel too. I don't anticipate that this will happen until our July meeting and maybe not even till our August meeting. So I have asked.

I'm also struck with the -- struck by the trust issue, but I kind of look at it as a checks and balances issue. And when that checks and balances is perceived to be off for whatever reason, then you have this little thing called trust creeping into it.

If you have an appointed Executive that is perceived to be a little bit too powerful or a little bit too -- responsibility to a small group that the majority that appoints him or her, you know, that throws the balance off.

If you have an Assembly that is sort of a renegade, you know, going off on their own tangents and maybe doing a little more than they're charged to do under the Charter. Then you have that off kilter if you have a Commission that you think that you worry that, especially with these big issues before us on the Cape, are doing too much behind closed doors, and there's, you know, of mean law issues and all that stuff. Again, it's off kilter. So it really is checks and balances. And checks and balances are very important.

I thought part of our assignment was to consider the scenarios, and Suzanne, Ms. McAuliffe, actually enumerated them well. I thought we were going to go down the list of the different scenarios and talk about pros and cons. It doesn't mean that these are our beliefs, pros, and cons, but just throw some pros and cons out there so that we can understand the nuances of each one of these options.

So I thought that's what we were supposed to do, and I did prepare something like that for today.

Chair BERGSTROM: Okay. Bill.

Commissioner DOHERTY: I was going to support something that Austin said with regard to the conversation that needs to be held with the Assembly as well as with the Commissioners.

The Commissioners I think had recognized that there had been some need for clarification, and that's why they're -- we're reviewing it.

With the Assembly, my recollection of the Resolution that was passed by the Assembly had more to do with what I'd call a reactive we want to have five Commissioners and there was some discussion.

But I don't believe we ever really got into what would be the pluses and minuses of the Assembly's position. And I think that this body deserves to hear in more depth what the Assembly is thinking about in terms of the benefits that they see in increasing the size of government to the 5 Commissioners and retaining the 15 Assembly Members.

Because, if anything, if we are adding to the numbers of government, I always

think of the analogy in the production situation, if you're essentially saying if we add more overhead in the area of production, we're increasing our cost of operation and reducing our efficiency.

If we reduce the amount of overhead, you know, the low cost suppliers and the one that usually succeed, but at the same time we have that responsibility of looking at do we have a vehicle that gives strong local representation?

And there are two sides of this. This is the thing that I find most troubling to me. I see, you know, I see the opportunity to look at the picture that says, okay, we can facilitate the process. We can perhaps move a little bit more quickly towards goals that we have.

At the same time, I know that when I speak to my most significant constituent, Barbara, when she says, "I like the idea of having somebody that I know that represents us." And I had the sense that there are a lot of people that think like that.

But when we address that, if we're doing it in as rational a way as possible, I think we have to look at what does local, strong local representation mean. What exactly does it mean? How can someone approach their government, get what they need out of it, and have it consistent with the Constitution.

When I hear -- one of the problems with consolidation, if course, is the combination of an Executive and a Legislative function. And the federal Constitution is very clear. There is a separate Executive Branch. The Executive Branch operates with the advice and consent, you know, the appointments of the Senate, and that's the way it goes forward.

The example that Ron gave about the Articles of Confederation was about having a strong -- having a decentralized weak, you know, let's say group of states that were sort of represented at the federal level. And the only way we resolved that problem, we went to a Constitution. We had a Civil War.

Now I don't want us to get to the point where we have to resolve it in that way, but the historical precedent is, indeed, that.

Now where are we with regard to all of these? (Inaudible) 14 years and the Assembly, you know, the laws of physics are immutable. You need a little bit of friction in order to make some progress. Now how much friction is useful and how much friction is not -- that's, I think, the question in looking at governance, I think it's as simple as that.

Chair BERGSTROM: Anyway, well, let me, just before we get to --

Ms. GRUNDMAN: Can I add one really quick thing?

Chair BERGSTROM: Yes.

Ms. GRUNDMAN: Because I think it's very, very important when we talk about representation from the town. When we talk about that, I think it's really important. This is a very technical piece that I don't think anybody's taking this into consideration. We have to on the Cape Cod Water Protection Collaborative when we're looking at the regional plan we're going into.

Most authority, regulatory authority that some lays with the Cape Cod Commission but a lot of Regulatory authority lies in our towns.

So we have not yet created a County structure that takes away regulatory authority. Like we don't have County regional schools. We don't have County hospitals.

We have -- so I think it's important to remember that. That's all I wanted to bring to your attention.

Chair BERGSTROM: Yes.

Ms. GRUNDMAN: And when we talk about representation, we have to remember the roles of town government as well as what we would hope to accomplish in County.

Chair BERGSTROM: Well that's what I was going to bring up. I think this good review for people listening exactly how this process works out.

Now anyone can go to the Legislature suggesting you can go up there and say, "Eliminate Barnstable County" but the process that's laid out in the Charter, which is what I've gone by is that we form a Charter Review Committee.

That Charter Review and the reasoning and, for instance, of the people here, everyone is either current or city public official. Okay. And there's a reason for that. The reason for that is the Charter says you have to have representation from the municipalities. It doesn't say the areas. It says the municipalities. So it's very important to include municipalities, but when push comes to shove, the towns are not really involved in the process. The process is that we make a recommendation to the Assembly. The Assembly either passes it, either votes it up or down, goes to the Commissioners, and they decide what they're going to do.

And, ultimately, there are many things that don't need Legislative approval but there are many things that do. It goes to the Legislature and they think if they have no objections, then it goes to the ballot.

So, basically, our audience, our ultimate audience is the people of Cape Cod. They're the ones who are going to decide whether they want to change Barnstable County or not.

But the problem is how do we get to them? How do we talk to those people? And I agree with Austin. The way to talk to them is through their official -- their town representatives. But that sort of has a bias in itself because now you're going through the towns as components of Barnstable County.

And the one thing I'd like to say is that the one -- there are many pros and cons to consolidation of power or dissemination of power, but at one point, there was a reason for County governance. I mean you had the sheriff, and you had the district attorney, and you had the Registry of Deeds. So when all these County officials and they all have role, but Barnstable County as we see it now, we don't really have any authority over them, for instance. We're basically a regional -- we are a regional government. That's why it says here "Cape Cod Regional Government."

And I think what we're going to do is going to decide whether we are a new government. In other words, are we another government in between the towns and the state? Or are we a consolidation of the governing bodies of the Cape.

I mean, for instance, if I said -- if I was traveling in Europe and people said, "Where are you from?" And I said, "I'm from Cape Cod," they know what that is. But if I say, "Well, I'm from Norfolk County," no one would say that because Cape Cod's recognized as a region.

So I think that I would like to see us come out of this as a regional government, not as necessarily as another branch of government with its own separate authority,

separate from that of the individual communities that it appraises.

I think that's going to be the challenge.

Mr. KNIGHT: Mr. Chairman.

Chair BERGSTROM: Yes.

Mr. KNIGHT: I just want to go back a little bit. I do believe we can have that conversation. I do believe we have three proposals or suggestions that came from the different groups including the one about the County governance, and that's the conversation that's got to go back.

Because what's happening, I know locally, is there are opinions about how that -- that we've made -- there's a decision that's been made. And the reality is there's been no decision made. But to say that to someone when people are behind the scenes saying there is, you know, there's none. So there's a fair conversation -- it's about fair conversations is really what it's about. It's about getting all the facts out. And that's why Sandwich probably had so much conversation.

But in that conversation has come the other report for the possibilities. You know it's not just two possibilities, you know. It's also the Executive Director. It's also the -- what may be. And let the towns hear all of the information, not just part of it.

Because right now, I think they're basing a lot of their information just on small snippets, and that's unfair to them, and it's unfair to us. And it's unfair to everyone present because, you know, we were trying to have a broad conversation because, you know what, it may be working well. Maybe in -- come November because of it, nothing changes. But at least we have to have the complete conversation. I think that's what's missing when you get out to the different areas.

And that's why at the last meeting I said it and I said it again this one, no matter what idea we have, we have to bring all the ideas out and have all the parties, even whoever party is to be part of that conversation in those areas. Otherwise, I know as a Town Meeting form of government, if you have an idea or you have something you want, you just stack the room with your thought and it passes, but it may not necessarily always be the best thing initially. Sometimes you have to make revisions down the line.

But you have to give all the facts and then people -- I do believe people make a very clear decision once they have all the information. And that's what's missing for me. And that's what's missing into the towns right now is all the information. You know, we're getting a lot of information, but, you know, it's not going out.

You know you say that Linell represents the Upper Cape and I'm kind of like representing Lower Cape. But the reality is we're not having the conversation with the four towns/five towns locally. They all have to be part of the conversation. That's the part I feel that's missing.

Chair BERGSTROM: You know, Austin, I'm going to jump in here because this is a contribution idea with all the time and I haven't got an answer to it is what point do you -- my experience is if you go out to people with general concepts and say, "What do you think?" They're usually going to come up with a lot of different answers.

But there's -- if you come out with them and say, "Well, look, we're going in this direction. We've come to some preliminary conclusions, what do you think?" Then they can say yes or no or they can amend it and so on. And, of course, there's going to be people who are going to complain saying, "Well, why didn't you talk to us first before

you came out with these conclusions.” But you’re never going to get out of that conflict.

I’ve always thought at the end of the day it’s up to groups like this to put something on the table. Put it on the table.

Mr. KNIGHT: Mr. Chairman, we have three things on the table.

Chair BERGSTROM: Okay.

Mr. KNIGHT: We really have three things already. We have the Senator’s report. We have the Committee’s report. We have that County report, you know, the one that -- so there are three things already there that are part of the ongoing conversation.

So it’s not like we’re going out there with nothing. We do have something already.

Chair BERGSTROM: Ann.

Ms. CANEDY: I think there’s a compromise here. I agree. We have three at least options that we are aware of. And if we, as a group, preliminary talk about some general pros and cons from all those three recommendations, then we have something to bring to the towns or to the groups that we’re going to talk to, and they can -- we can flush them out with a conversation with the groups.

Mr. KNIGHT: Right.

Ms. CANEDY: But, right now, I think it’s not enough --

Chair BERGSTROM: Well, why don’t you go forward and tell us what you think.

Ms. CANEDY: Okay. Linell wants to say something --

Ms. GRUNDMAN: Well, just a point of order because there’s something I think that’s really, really important having been -- having, you know, I didn’t ask to go to my board. So I just want to caution us the conversation of the board started with an Assembly Member from that perspective. And the first time I got to talk, I had to say, “No decisions have been made.” Because it was couched as a decision was made or this is one decision. This is the other decision.

So, I think Austin’s absolutely right, and, frankly, you know, I think that the Chairman did a good thing by asking me to be there, but right away it was not, “Let’s talk about this. It was an opinion about what was right and what was wrong. Me saying, “No decision was made.” And then even saying to them, “I’m not here to take testimony,” but they wanted to talk about it.

So, if people are going to talk -- to Austin’s point, he’s absolutely right. We need to create some kind of, you know, talking points if they’re going to have that discussion at the table.

Otherwise, if an Assembly Member gets down there or a Commissioner gets down there, that conversation’s going to start from that point of view.

And I think about the Commission that you were on, Ron. When that came up, nobody ever came to any of the Boards of Selectmen and talked about that. That was a very broad commission. That’s a good commission.

But Austin brings up the point that we have an opportunity now to generate some conversation whether we do it in Town Hall type setting, Town Meeting type settings at one end of the Cape and the other.

But if we want to drag the conversation, then we need to be careful about how that starts which needs to end up with the Selectmen.

Chair BERGSTROM: Okay. Ann was going to put something on the table. So I'm going --

Ms. MCAULIFFE: Yeah. And I would second that. I got summonsed because someone sent an email, a name I don't recognize, sent an email. And the next thing I know, "Well, isn't Suzanne on that committee actually?"

I think this is excellent. We'll do the pros and cons. Come up with three different proposals. Outreach to every town so that they at least have information to debate, discuss, and then we can get feedback.

Ms. GRUNDMAN: I would just add, Ron, real quickly.

Chair BERGSTROM: Well, why don't you let Ann get in here before --

Ms. GRUNDMAN: Well, but just real quickly. We got five --

Chair BERGSTROM: You said that last time and you went on the --

Ms. GRUNDMAN: I know. Well, I can't -- I'm impatient with all the....

Chair BERGSTROM: I know you are, but you've got to have someone else (Inaudible).

Ms. GRUNDMAN: We've got five Selectmen boards that are going to have conversations in the next week. I would recommend that we send a letter to the Boards of Selectmen and ask them to wait until we have something for them to discuss. That's all I'm going to say.

Go ahead, Ann.

Ms. CANEDY: Okay. For example, I was just playing around. If we take the scenario that the Executive branch, i.e., the Commissioners, expand from 3 to 5, I put down pros as that while I thought that it also should be non-partisan, staggered terms.

But the pros would be more regional representation to deal with regional issues, improved transparency, diversity of opinion, Board of Selectmen model, which I think Suzanne brought up, more leadership, more efficient.

Cons: More powerful in some people's mind. Mine. That's not so bad. Less checks and balances. Less citizen involvement, too small a body for the larger issues facing the Cape. Reduces big decisions to five votes. I think that point was made by the Delegate from Provincetown. Change will affect Cape Cod Commissioner Charter. I think that's important.

When we're talking about merging the Legislative branch. Pros: Streamline. Concentrates power, regionalization to deal with regional issues.

Cons: Concentrate help. Disenfranchise towns. Large issues need more input, less citizen involvement. Change will affect Cape Cod Commission Charter, a lack of check and balances.

So there are many more pros and there are many more cons for each one of these. And that's what I think we can collectively come up with.

Mr. KNIGHT: And we're still keeping in the County Administrator is still part of that?

Ms. CANEDY: Yeah, I have that too. I just didn't --

Mr. KNIGHT: Okay. No, I just wondered the three. Because there were three, I just wanted to make sure that was still part of the conversation.

Ms. ANDREWS: Ron, would you take a point of information from your audience?

Chair BERGSTROM: Well, we're not supposed to have any.

Ms. ANDREWS: Okay.

Ms. CANEDY: Was I incorrect?

Ms. ANDREWS: Yes.

Chair BERGSTROM: Okay.

Ms. ANDREWS: The five member recommendation includes keeping the Assembly?

Chair BERGSTROM: Yes.

Ms. CANEDY: Yes, that's what I was talking about.

Ms. ANDREWS: But you were saying they'd be more powerful. The checks and balances stay with the Assembly. You've really got three, as you said.

You've got a three-member board of County Commissioners which is what we have now and the Assembly. You have another choice, number two, which is a 5-member County Commissioners and the Assembly.

Ms. CANEDY: Right.

Chair BERGSTROM: We --

Ms. CANEDY: Can I just answer that?

Chair BERGSTROM: You can but there are other people who want -- my problem is other people now are going to want to speak. And if we --

Ms. CANEDY: I think this is important though because what I wasn't doing -- what I was intentionally not doing is stating my own opinion. I was putting in pros and cons that I've heard from other people.

Ms. ANDREWS: Right. But the five-member board of County Commissioners is in the Resolution from the Assembly. That particular model that was voted on includes keeping the Assembly.

So, I'm hearing the change in --

Ms. CANEDY: Right. And that's not to indicate that that is either/or. That is part of the equation. In other words -- yeah, it would be because I didn't get to that. I have that on my list. Keeping the Legislature as is. Keeping the Commissioners as is, expanding to five.

But then there's the other scenario merging the two. Then there's the other, you know, the other issue is the Executive, which is the strong Administrator which I also have some issues with that probably is different than anybody else.

Chair BERGSTROM: Well, you know, there is another option which we haven't brought up, and I'm going to bring it up is that if we're going to expand the number of people who represent the people of Barnstable County, why not just have the Assembly represent them.

In other words, for instance, the town of Barnstable has a population of 40,000?

Ms. CANEDY: Forty-seven.

Chair BERGSTROM: Forty-seven thousand and they have 13 districts. The population of Cape Cod is 250,000. So the idea of having 15 people sitting at the table is not out of the question.

Now, a 15-member policymaking board would really depend on the Administrator being a really strong administrator because otherwise, you know, --

Ms. CANEDY: You're elected.

Chair BERGSTROM: -- you're down to chaos. Not to prejudice against Barnstable, but the more you have, the more chances there are of disagreements and so on.

But I mean it's not out of the realm of possibility because, as I said originally, because of I think of -- I think everyone agrees on the transfer to more power to an Administrator but that changes the relationships throughout the whole organization.

Ms. CANEDY: Yes.

Chair BERGSTROM: So who is going to be, you know, in a town government if you're an Administrator, you have to answer to the Board of Selectmen. But at the end of the day, unless you live in Barnstable, we have to go to Town Meeting. So there are always a couple of people you have to go through.

And I think that people on Cape Cod are very town oriented. I mean you could make the argument for a more efficient system, and I think we're going to have to present the recommendations of the Special Commission to the people as we go around to various districts.

But, at first, I thought well, they're going to take very seriously those recommendations, but on the other hand, you know Chatham, you know Provincetown, you know Barnstable. You have a kind of provided -- and, obviously, you know with the legislature, you know who Sarah Peake is, you know who Hunt is. But the County is kind of in there, and I think that could be a great deal of suspicion if we get too far away from local government.

Now even if it may be on an organizational chart desirable, the question is, is it going to be accepted by the majority of people on Cape Cod that they are going to have -- and, especially, and I'm rambling on here, but two big bogeymen, if you want to call them, out there have been the Cape Cod Commission and this Wastewater Authority.

Now I get emails in my box all the time or in the press how the Commission's, you know, the authority's out-of-control. We're going to have another Wastewater Authority, and I don't really want -- and since I support both the Commission and the regional approach to wastewater, I don't want to give the opponents the ammunition of saying, "Well, wait a minute. We're going down the line here and we're going to have this authority, and there's going to be a few people making big decisions."

Because as soon as we broach this, you know, from a very political and personal aspect that as soon as we broach this to the public, that's what we're going to hear.

So we have to assure the public that no matter what we do, they're going to have some direct line of communications to the decisions that are made.

Otherwise, it's going to result -- and the only, and I should say this. I think the discussions with people who are going to receive this is that the Legislature -- the best thing you have from this committee and to the Commissioners and to the people involved is that we come up with a proposal that's accepted, not universally but by consensus. Because if we don't, they're not going to want to get involved in this.

Not to sound too discouraging but -- Austin.

Mr. KNIGHT: You know I'm going back to the original thought of the County Executive or an Administrator, whichever or however you want to term it. And I think five Commissioners through the districts is the best way to do that because you're still going to get a conversation that is somewhat local, and it's within the districts itself. But

then also I still think I'm not opposed to the Assembly remaining.

My question is the power of authority, you know. If you have an Executive, is it the five Commissioners that are going to be -- you know, the Board of Selectmen run into this all the time.

Like, you know, technically the Administrator is in charge of town staff, the day-to-day running of the town. The Board of Selectmen is more to the policy and goals and giving that to the Executive or Town Manager/Administrator to fulfill that going through.

So my question is when we change this County government if you go to an Executive Director, what the Charter changes have to be? Who's going to be in charge? Is it going to be the five Commissioners in charge of the Executive Director, and then followed by the Assembly overseeing the Commissioners? You know where is the check and balance in the layout.

That's the difficulty. That is the challenge. Because it's easy to say one Administrator, five Commissioners, and the Delegates at home. But what is the power? What is the check and balances? That's the question that has to be answered.

Chair BERGSTROM: Well, just real quick, I'm sorry, but I just want to jump in on this because I thought a lot about this. Is that if you're familiar with the Town Meeting form of government, the Town Meeting passes a lot of Resolutions that make Cape Cod a nuclear-free zone. They had two Resolutions at the Chatham Town Meeting which were all very nice, but the fact is they were nonbinding.

Most Town Meetings, basically a financial that basically appropriates money. And by appropriating money, they set policy. They don't fund this and they don't fund that. Really that's what the Assembly does. So you have a lot of power but it's all tied back to budgetary constraints.

Mr. KNIGHT: So what you're saying is the Assembly recognizes it almost like a Finance Committee is what you're saying as the town government form of --

Chair BERGSTROM: We have two authorities. We have financial authority but we also have some authority to rearrange the structure, the internal structure of government to eliminate -- if you read the Charter, there's a lot of powers which we don't exercise.

In other words, we refer it to the Commissioners historically, but, theoretically, say, hey, we don't want the Department of Health and Human Services. We're not going to fund it.

We could do that according to the Charter but we don't do that.

Mr. KNIGHT: And that's the point I want to make were the towns' concerns.

Chair BERGSTROM: Yes.

Mr. KNIGHT: The towns concerns were because we have things that go on through County government now that the towns are very acclimated and have accepted. Now whether or not the Assembly chooses to do their part or not and then just passes it on to the five or the three Commissioners, excuse me, there's a Freudian slip there, that's within your own -- that's within what you're doing now.

So maybe what has to happen is you have to fine-tune that part of it and really be more clear and not just pass it off because it may be the easier thing --

Chair BERGSTROM: Well, there's delineation -- in the Charter, there's a delineation of the powers of the Assembly and it goes -- it's quite extensive, and I

imagine this could be you or any committee that decides on the relationship between the two bodies. If there were the two bodies, we'd have to go over that list and decide whether we want to be -- whether we were the ones who were going to decide.

Oddly, for a financial perspective, we can eliminate an agency simply by not funding it, but right now the Charter gives us the authority to make changes to the structure of the County government.

Mr. KNIGHT: Right. But that's the part that the towns are not getting right now.

Chair BERGSTROM: Yes.

Mr. KNIGHT: That's the part that has to happen.

Ms. CANEDY: I want to go back to structure and this conversation a little bit. To respond to the comment from the audience so that we're not left with the wrong impression.

I came up with -- what we were supposed to do is come up with some pros and cons and different scenarios.

So the scenarios that I came up with, not to say they were the only ones, was strong appointed Executive, strong elected Executive, Executive branch, three Commissioners as is, Executive branch five Commissioners regionally elected, nonpartisan. Merge County Commissioners with Assembly to create new Legislative branch. Do not merge. Keep Assembly as is. Reduce size of Assembly regional at-large Delegates or any combination of those things.

But those were the different scenarios that I've heard people talk about and so that's where I started from. And then I did pros and cons on all of those.

So I'd really like to, you know, if we want to start with the Administrator, my feeling is, just from personal experience, when you have a strong Executive who is not -- who is appointed, you have problems, I think.

I think there's a problem of who do you have to please when you're an appointed Executive? Do you please the three or five Commissioners? Or do you working for them or are you working for the people in the County, generally?

So I'm not a mayor of Cape Cod-type of person, but, again, when I hear a strong Executive, I worry about who that person is supposed to please and who that person works for and maybe they should have direct accountability to the people and maybe they should be elected if they're going to be that strong.

Or they are not strong and you have a strong Legislative body and a strong Executive body, and the Executive just implements the policies and ordinances that are developed by one branch and passed by the other.

So maybe we should talk about that first.

Ms. MCAULIFFE: That part of the reason, the whole reason that the Special Commission came up with at consolidation was because the feeling of redundancy that we have a Town Administrator who is essentially responsive and responsible to the County Commissioners.

And then you have the Assembly of Delegates as a checks and balances for the County Commissioners and the Administrator.

I don't know if people or Boards of Selectmen are so much concerned about checks and balances as they are having, just having good functioning low working

representation. I think the whole reason you want checks and balances is that you worry that someone's going to do something wrong and you don't want power consolidated.

But if you went to either a Cape-wide Assembly of Delegates as the government or a model County Counsel, which had 11 Delegates, and you had a strong Administrator, then you would end up, I think, with people having a strong voice. And I think that they're more concerned about the connection and having representation than they are -- maybe the nuts and bolts of who's decided what and who's doing what. I think they just want to have a piece of the County government because they do participate in it.

Chair BERGSTROM: Yes. Bill.

Mr. DOHERTY: What I'm hearing is that the value of County government is not in -- what the Assembly or the County Commissioners are doing as much as it is in the service delivery that comes from the organization of the County. The Departments delivering services are essentially where people get the value of County government.

Now the question that comes up is that how much overhead -- how much policy content do you need in order to support the continuation of what is the most important function, which is service delivery. We essentially have what I like -- that I've referred to many times as a taxpayer funded service organization. And when we stop and are more concerned about what we are rather than what we do, I think we're making a serious error in going forward.

So the question comes up, and this question comes up from people that talk to everybody. If you've been able to conduct your business but you're irritated because you're not able to get what I'd call get whatever you wanted when you wanted it, is that really a reason to make any changes?

So that's a question that I think that is part of what Ann is looking at. Is there in her scenario as far as value where we really get things -- more things done or is the delivery of what County government does based upon the good people, 179 people we have working for us that actually deliver that stuff every day to each one of the towns.

So with regard to the towns, I think we forget the fact that if we live in a town -- I live in Harwich, that when I vote in a County election, I am voting as a citizen of Barnstable County rather than just a citizen of Harwich. My vote might be coming from Harwich, but it is as a citizen of the County.

And when we talk about constituents, you know, that's where the argument comes about in terms of the -- getting from the weighted vote to having a district is because there is that dual status that citizens have.

We have not answered the question as to whether or not in Massachusetts the weighted vote is constitutionally okay because all of this move toward districts has its basis and the conversation about we need to move to that because the weighted vote is somehow illegal.

We haven't vetted that out. We haven't gotten a judgment from SJC or the AG to say that it's all right to continue with the way things are. We had this conversation about wanting to make this change but the basis of it is a feeling right now because we haven't vetted it out. There's a feeling that somehow or other it's not the way it's supposed to be. So we need to get that answered.

Ms. MCAULIFFE: I just had a quick response. I don't think people in Yarmouth

think County. I've become very aware of County when I got on the Assembly. But I think the citizens of Yarmouth just -- they don't even know what the Assembly of Delegates is most people. And I think they just don't think County. And I think when they vote County Commissioners, they just think County government. I don't think they necessarily think I'm a citizen of Barnstable County.

They think I'm a citizen of Yarmouth, and I'm voting for someone to run that bigger government.

I think people in County government think County government. I think most residents think locally. They think their towns.

Chair BERGSTROM: Right. Let me just say something. To Ann's list, and I think she did a great service by putting those lists because she listed pros and cons; right?

So we're going into unchartered territory. How would it work out if we did this? How would it work out if we did that?

We're going back to my opening statement is people know how it works now. In other words we have where they can see what we're doing and they can see the good points and the bad points or how it works or doesn't work.

So if we were to make a recommendation other than what is happening now, I think we would have to make a pretty good case because there's always going to be pros and cons. There's always going to be speculations to how it would work as opposed to the system now which even though people say we could do better, we haven't heard really concrete complaints. I haven't heard too many concrete complaints.

But the only thing I would say that doesn't work now is the fact that three Commissioners have to run the entire -- someone who has run for County Commissioner, I will tell you that running a race from Provincetown to Bourne and having a meeting in the morning in Provincetown and another meeting is a pain in the neck. And it does a disservice not only to the people who are running but it also does a disservice to the people who are voting. Because as Suzanne says, you only have so many synapses in your brain to pay attention to politics. You come down the list of people like County Commissioners and so on, they're running there with the president and everybody else and you're try to figure it all out and you tend to vote regionally.

I mean Mary Pat got a lot of votes from Falmouth. They got a lot of votes from Upper Cape. And so it depends -- so I think that a regional Commission, whether it's five or seven, and the Assembly voted for five would be a lot better than the way it is now because it also you can't have to -- in our Charter, you can't have two Commissioners from the same town, which means if you have a sitting Commissioner, let's say someone else wanted to run from Falmouth, they couldn't run because Mary Pat lives in Falmouth.

So that's another con. Yes, Linell.

Ms. GRUNDMAN: I just wanted to touch on something you said earlier about what's the role of County government and you kind of got into what the Charter --

Chair BERGSTROM: Yes.

Ms. GRUNDMAN: So I think that that's another thing we have to keep discussing, and I like what Ann has done, look at the pros and cons, specifically.

But from my perspective, as a Selectman, former Selectmen, the delivery of service, he hit on something there. Delivery of service people do think about.

There's been a lot more information out about delivery of service. I know in my

town we're constantly in the last three years in particular talking about what things the County does for us that we no longer can afford to do for ourselves.

And so the delivery of service is an issue. I think it relates to some of the recommendations that were made to the larger Commission because there seems to be this attitude that a more efficient government organizationally, you alluded to that Ron, what it looks like on paper doesn't necessarily equate to are we going to go forward with the government?

And I think what I hear from Bill is that's a real specific question. What we create -- what we recommend -- what we recommend is that are we in any way inhibiting the delivery of service? Are we in any way -- gets to your point about the Administrator. Is the Administrator guaranteed that service is going to be delivered just because they're professional?

Well, we've see where that's not necessarily working out in all cases. The trend to bringing professional administrators as opposed to elected officials.

Chair BERGSTROM: Linell, do you have any comment on that because this is something the Special Commission brought up and something that I brought up and is here to stay.

Barnstable County, what we think of Barnstable County which is that part of it which we represent, the Delegates, has a lot of branches. You're on the Wastewater Collaborative.

Mr. KNIGHT: I am.

Chair BERGSTROM: You have a governing board that's separate from the governing board of Barnstable County. Same thing, the Cape Cod Commission has a governing board.

Ms. CANEDY: Right.

Chair BERGSTROM: Same thing with various other organizations, CVEC and CLC has been a constant source of tension.

So one of the recommendations, and I don't know if we're going to discuss it tonight, but one of the things is we talked about the power of an Executive, the power of an Administrator and even the Executive authority of the Commissioners is to try to bring some of these organizations home. You say delineate what is a governance of Barnstable County and what isn't?

And already there's talk about sloughing off some of them and the Commissioners made some changes in the governance of CVEC -- I mean Cape Light Compact, so that it's clear when you're the Executive what you're running and what you're not running and what you're voting for and what you're not voting for.

I mean I believe personally, and both Bill and I sat on the committee that created that Wastewater Collaborative. And there's an Ordinance, the Blue Ribbon Panel, and I believed at that time that most of the 15 -- that if we were going to have 15 people sitting at a table the Assembly of Delegates elected, maybe they should take upon some of the responsibilities of these other boards.

Because when I was a Selectman, I dealt with zoning. I dealt with the police. You can walk and chew gum at the same time. If you have the knowledge and you're simply relying on professional staff.

But another thing that I was thinking of when you mentioned your -- is that when

the Cape Cod Commission was formed, and I wasn't paying attention then. I was probably doing some dissolute things that I did in those days, but they made the Assembly of Delegates the final authority on changes to Regional Policy Plan and also creation of DCPCs.

And I suspect the reason they did this, because it was quite a controversy at the time, is that people said we're going to create this authority but we're not going to give the folks the authority. We're going to have to have some authority back to the town.

Now whether that's a good idea or bad idea from the prospective of the Commissioners is it was, politically, it was necessary. Whether it's still necessary to have that caveat in there that no matter what we create, no matter what authority we give the Barnstable County and its various manifestations ultimately you will have a say in what they do.

Bill.

Mr. DOHERTY: The reason why, you know, the thinking behind is I've come to find out was that they had the example, the Martha's Vineyard Commission, which was separate from Dukes County because Dukes County did not have a successful structure as far as the County governance.

And in the case of Martha's Vineyard, they also discovered that any decision that that board made had to be approved in Boston, which means you had to go out of the County, out to Boston to get the support up there, which I think was found to be a flaw in terms of delivery.

Now, the Cape Cod Commission over time has also been through changes. It changed its focus when another committee that we formed, I think when I was Chair, was what was the paradigm under which the Cape Cod Commission operates? And the paradigm was at that time regulation and planning. The paradigm changed to be planning with regulation supporting -- yes, that you could deliver the plan and that's where -- that's what, in my opinion, Paul Niedzwiecki has delivered as he's taken over that leadership role. I do not want to see that same change.

There also have been in other Charter Reviews a conversation about should the Cape Cod Commission have elected representatives rather than having an Assembly. I think that's wrong because you put your best regulatory authority without any oversight in doing that.

So I think a Legislative body, which is written into the Act is essential to make sure that the people -- and, indeed, I ran for Assembly in the beginning because I read the Charter and saw that the Assembly, the Legislative body, provided that check and balance upon the authority of the Cape Cod Commission.

Chair BERGSTROM: Well, I'm going to go far afield here now. Also you have the issue that the Cape Cod Commission has real authority, and it has its own separate authority. And that authority is exercised by a body that is not represented by population.

In other words, the people in Truro have a tremendously more influence on what goes on in the Cape Cod Commission than people in Barnstable do because Truro has one vote and Barnstable has one vote.

So my understanding was, and I might be wrong, because I'm far removed from it, is that the Assembly being the representative body by population. In other words, that would cover them. In other words if they didn't go to a representative body by

population, they might run into Constitutional issues.

And we'll have to sort that out and hopefully they'll be there to help us. But people have brought up the question as to whether or not you can elect proportional representatives.

But you also have to ask yourself is to give a body authority, it has to have -- everybody in the Commonwealth has to have the same votes as everybody else. That's really the issue we're dealing with.

So I don't know how much further we want to go with this. We haven't come up with any really concrete recommendations, and maybe it's the idea of the committee that we won't, that we will start with the three or four and go out with them.

Mr. DOHERTY: I'm going to make a suggestion that hopefully by next week the Commissioners would have put together the clarification language, and I'm going to ask you as the Speaker of the Assembly to ask for the same clarification from the individual members of the Assembly as to what they understand based upon the Ordinance or the Resolution that they voted on as far as the structure.

Everybody has a different opinion, and I would think that it will be very useful to us to have that. I don't know if you could have a conversation with 15 people --

Chair BERGSTROM: Bill, you know as well as I do that regardless, you know, the framers of the Constitution may have had different opinions as to what goes in it, but what they wrote down was actually what we had to listen to.

I can only go by what the Ordinance says. What they thought they were voting for when they voted for it --

Mr. DOHERTY: Okay. Then go back to Jefferson that you quoted before. That Jefferson basically in his desire to get the Constitution passed basically sloughed over a lot of things that didn't have anything -- nothing to do with good government, and it didn't really get resolved until we had a Civil War to resolve it. And even then, even then we're still dealing with some of those.

Chair BERGSTROM: I think Leo Cakounes who did that Resolution to change the County Commissioners from a three member to a five-member body elected by district, and about outside of that is what the districts are. It really protects -- if you were to create a body that's represented by districts, you don't have any model to go by. You can't use the Legislative districts. You can't use the towns. You have to create the districts. They have to be equal in population. They also cannot divide precincts because you have a ballot for each precinct.

So there are technical issues that would have to be resolved. And I don't think the Assembly went into that, but I think their impetus was to give you guys a break. You wouldn't have to run Cape-wide and plus --

Commissioner DOHERTY: What it amounts to is if you have five districts, Harwich to Provincetown is one district.

Chair BERGSTROM: Yes.

Mr. DOHERTY: Because I made a map. Falmouth is one district. Sandwich and Bourne is one district. Mashpee and part of Barnstable another district. So --

Chair BERGSTROM: In Yarmouth, Dennis is a district too. How do you know if you're on that district?

Commissioner DOHERTY: I have and I've been successful, so thank you very

much. That's a different story.

Chair BERGSTROM: So should we -- I guess should we take a vote on governance either now or at a future, immediate future meeting and where we stand or should we just let it state the recommendations of --

Commissioner DOHERTY: I would like you to defer until the Commissioners come up with their clarifying language, because I think that would be very helpful.

But I do say that at our next meeting we definitely vote on it because I think the consensus here is we want to go before the people as to what --

Ms. GRUNDMAN: With the recommendation.

Commissioner DOHERTY: -- with the recommendation to get what I'd call positive feedback with regard to where those people that are paying attention, those people that are paying attention, you know, could give us what I'd call useful feedback.

Chair BERGSTROM: Okay.

Ms. MCAULIFFE: In the interim, I know Dennis and Yarmouth are both going before their boards on July 9. We won't be meeting again before July 9.

MR. AUSTIN KNIGHT: Right.

Ms. MCAULIFFE: So what I intend to do is say we are considering a number of governance issues first. These are the various options. There are pros and cons to each. There may or may not be a recommendation coming forward immediately, but if you have any reaction or any -- if you want to put that on an agenda item and discuss it, by all means do it. We can flesh out what we want.

Ms. GRUNDMAN: Right.

Ms. MCAULIFFE: Because it's happening now whether it's the final appearance, no, but I don't want to go in and say you're going to have to wait until we do something.

I would rather go in and say this is what's coming, think about it, and then you can perhaps come up with a preference or wait until the committee does.

Mr. DOHERTY: Nothing is better than having elected boards in each town talk about it.

Ms. MCAULIFFE: Right.

Commissioner DOHERTY: Nothing is better than that.

Ms. MCAULIFFE: Right.

Commissioner DOHERTY: The fact that they're interested enough to put it on the table to talk about it will generate in my opinion some very useful information that will give us a sense of where people's heads are at with regard to this whole --

Chair BERGSTROM: That brings up an issue or point that you could have the five members of let's say in Yarmouth or Dennis do the same thing we've just done, which is discuss the pros and cons of various options.

At some point, the pressure is going to be on us, but also the pressure on various Boards of Selectmen to really make a recommendation are they for and against it and what do they think. Even if it's not the straight recommendation on the ultimate answer, at least we can say well we think we should keep the Assembly of Delegates or we think we should expand the Commissioners too. Something to give us some guidance because we really want the end of the process -- I always believe in people making decisions.

Ms. MCAULIFFE: And at least when we bring -- if we bring something to them or not, they will start the discussion. It won't be August and all of a sudden they feel like

their backs are up against the wall because it's just coming before them. At least they'll be talking about it.

Chair BERGSTROM: Yes. Linell.

Ms. GRUNDMAN: Well, I think that what was demonstrated in Sandwich is that without some comment from this board about where we are in our process that, while I agree with Bill, the conversation is helpful to them and to us, it's confusing, and I think we need to try to keep it on track.

I mean we have made no recommendations. We've created no materials out of this Charter Review; we've only met three times.

So, to have opinions come from the Board of Selectmen I think are fine, but I like what Suzanne's saying that we need to be very careful about how we communicate with people and where we are in the process.

Chair BERGSTROM: All right. How about these questions. Let's start off with the questions that we put in front of the -- let's say we went to the Boards of Selectmen. The first question we ask them is, "Do you feel the County's working well the way it is now?"

Ms. GRUNDMAN: That's a good question.

Chair BERGSTROM: And the next question is, "If you don't -- or do you feel it could work better?" So the first question you ask is do you think there should be some changes? And then you go to these are the changes that have been recommended by the Assembly so on and so forth, what do you think?

Mr. DOHERTY: Now there's a second part to that second question, which is if you think that the County is operating okay, that's a zero (Inaudible).

Chair BERGSTROM: Yeah.

Commissioner DOHERTY: The second question is if you think it needs to be improved, what are you talking about? Are you talking about the service delivery piece? How you get what the County does, or are you talking about the way the policy is established. That, to me, is a distinction that is very very important in terms of perception.

Because when we did the dog and pony show, we go out, you know, the thing I emphasize, and I think you remember this, Suzanne, is this is what has happened in this town based upon service of delivery. Not if the County Commissioners have shown up. We're just there to tell you about it and use the cameras to get to talk to the constituents so they actually know that something is going on at a regional basis that actually happens in their town.

Chair BERGSTROM: Well, you know, go ahead. Yes, Austin. Go ahead. I'm sorry.

Mr. KNIGHT: I just want to say one of the things that when we bring items to the Board of Selectmen is we bring all parties forward in more of a panel meeting also, so we have representatives from the County, and we have representatives from the Commission, and we have representatives from the Assembly; we have everybody there to be able to be there part of the discussions.

So there may be questions that come up that can be answered relatively quickly. I would presume that a lot of the towns may not know exactly what all the services they provided because it's all done through the administration. It's all done through the

different boards.

Chair BERGSTROM: And that's what Bill was talking about delivery of services. That's going to be an important thing. Because if we were to go to the town governments and say or to the people and say, "Well, you know, this is what we do. We operate the fire training Academy and all these little things." They're probably going say, "Oh yeah, fine. It seems to be working."

But if you follow County government and some of the issues that Cape Cod faces, you can anticipate that whatever entity we create is going to be a lot more aggressive in the future.

I mean we talk about this wastewater thing. No matter what -- I mean, it's basically the County is talking about taking an active role and being discouraged by some towns and encouraged by others. And, also, there's other issues on the table that we're going to have to -- we may -- we, as a County entity, are now talking about the regionalization of expenses. In other words, we're trying to go out there and save money by consolidating things like excess in department and so on.

So, I mean, we're talking -- we're not talking about something of static. We're talking about we want to deliver services. We want to be an aide to the towns, financially and otherwise, what's the best way to go forward. Because I don't want them to think well then we're just some dusty bunch of people off in the corner, you know, and not bothering anybody because we probably will be bothering people. There are issues on the table. It doesn't affect Provincetown so much as Chatham but it's huge in places like Yarmouth and Falmouth and so on.

Mr. DOHERTY: In my opinion a related issue, Senator Wolf and Sarah Peake will be coming before the committee that I serve on, the Municipal Association, the Administrative Regional Services, to talk about legislation that would reduce the requirement for two-thirds majority (Inaudible) --

Chair BERGSTROM: (Inaudible).

Commissioner DOHERTY: -- but not money, because that's Constitution. But the other part is there are a lot of things like, for example, for housing and things like that that failed because they get a simple majority, a substantial majority but not exactly the two-thirds.

So they're coming before that committee to see if they can get support from that entity to go forward. And that's related to what we're talking about because that certainly affects a lot of issues within the town in the sense of how do you regain some sovereignty because the towns are facing that.

They're looking at what is standing in the way, what is impeding their ability to move things forward and that's considered to be a substantial part of that.

Chair BERGSTROM: All right. So --

Ms. MCAULIFFE: So where do we go from here?

Chair BERGSTROM: Well, where we go from here is we -- I think we sort of had a consensus that we are going to present options, a limited number of options, three maybe four maybe three to right now for public discussion specifically through the various boards and committees.

And we're going to wait for the Commission -- the County Commissioners to refine their Resolution and report back to us or send it back to us, and then we are going

to, I would think, think about Austin's recommendation of maybe going on the road.

Ms. GRUNDMAN: Yes.

Next Meeting:

Chair BERGSTROM: And maybe having a meeting in one of the other towns that can accommodate a meeting hopefully with the services they can be televised and recorded.

The problem is now is I don't know if the Assembly is going to meet on the 3rd. I certainly don't think we should have a meeting late on the 3rd because it's the 4th of July.

Ms. MCAULIFFE: So the next meeting would be the 17th.

Chair BERGSTROM: The next meeting of the Assembly -- I know we don't necessarily have to go on an Assembly meeting. I'm just doing that because Wednesday we know that four of us can do it on Wednesday. So if you guys could do it --

Ms. CANEDY: Sure, the 17th.

Mr. KNIGHT: I think we were given a schedule that was relatively clear. And if we can try to maintain that, it makes it easier.

Chair BERGSTROM: Yeah.

Ms. MCAULIFFE: Right. So it's not the 3rd. It's the 17th.

Mr. KNIGHT: The 17th would be our next meeting. Meanwhile, by that point, there will be a lot of towns that have already met and have the basis of those conversations.

Chair BERGSTROM: I hope that a majority of them will have met.

Mr. KNIGHT: I was waiting for this meeting before we started to schedule some to find out what was coming out of here so we have something --

Continued...New Business:

Chair BERGSTROM: The recommendations are the Assembly -- the Special Commission on County Governance recommended a seven person board, five to be elected by districts and two to be elected --

Mr. DOHERTY: No, no, no. The Commissioner did not recommend that. That was the Special Commission.

Chair BERGSTROM: No, that's what I'm talking about.

Ms. MCAULIFFE: That's what he said.

Chair BERGSTROM: They recommended that. The Assembly passed a Resolution. The only change would be to change the membership of --

Ms. MCAULIFFE: Three to five.

Chair BERGSTROM: -- 3 to 5 of the Commissioners and have them elected by districts. What was the other one that Ann put in there?

Ms. MCAULIFFE: The model that Michael Curran --

Chair BERGSTROM: Oh yes. The model that -- of simply having a single representative body of maybe 11, 9, you know, --

Ms. MCAULIFFE: And that could even encompass 15.

Chair BERGSTROM: It could encompass 15 and so on. And meanwhile, we're going to get some clarity on the weighted vote and the Constitutionality of the weighted vote.

Mr. CURRAN: What's wrong with it? When I worked with the Charter Commission 20 years ago, or whenever it was, we determined what could be more one man/one person/one vote than voting in proportion to the population.

Chair BERGSTROM: Well, I agree with you, but I want to make sure that we're mandated. I think we're mandated to do that. Yeah, I think we have to vote according to the population, but there's been some noise saying, "Oh, you don't have to do that" or some noise saying, "You can't get elected to do that." So.

Mr. CURRAN: Well, there are other models. I had sent out some --

Chair BERGSTROM: Yes.

Mr. CURRAN: -- the commentary thing from the National Municipal League Model Charter and some other notes that I had on City Council Organization. There are different ways you can form the makeup of the Legislative body.

So I think that's where -- I think two things. I think that my impression of the talk that was going on is I think there's an uncertainty as to what is the mission of the County. Is it -- are you trying to form a government for a regional -- a mechanism for a regional government or an amalgamation of towns?

Chair BERGSTROM: That's right.

Mr. CURRAN: Now it's an amalgamation of towns. If you went to a more of a regional government, which there have been a lot of talk about that the Charter itself talks about that it's a regional government, maybe you would want to elect representatives to the Legislative body from districts.

And the number 7 had come out, and I played around with that in my mind, and somewhere where you said 250 is the population of the County, I saw somewhere it was 220, but if you had 7 representatives, that would be like 30,000 population each person would represent. So you could have 7 districts.

I've done a lot of work with cities and towns, some of the ones that I think that have worked best were towns that had gone to city forms of government that use a model of -- and I thought the 15 that you have here now, 15 members on the Assembly, if you created 8 districts that would be a little less than 20-30,000, about 27,000 population for each of the eight districts, then elected seven people at large.

The beauty of that is every voter will be voting for a majority of the Legislative body. They'll be voting for the seven people at-large plus his or her representative from the districts. So you're voting for a majority of the council.

Right now, the only input you have is Chatham, and the only -- Suzanne has is Yarmouth. You don't have any constituents of Yarmouth. So you would have a majority of the council would be elected from districts and would see things on a district basis. But you would have the people elected at-large who see all of the County. Even the district people would see beyond their own towns' borders because in most instances they would have to add something else to their population to get the 27,000.

Chair BERGSTROM: That's interesting.

Mr. CURRAN: In Barnstable's case, you'd be taking some away. But some parts of Barnstable would lend themselves to being put with somebody else. You know, two were to go with Mashpee or West Barnstable or Sandwich. So they would be more logical entities that way than the municipalities themselves.

Those notes that I sent out were so that we could talk about those things. We'd

talk about the options; how would they work; how would they benefit; what would be the disadvantages? And then you can start working from those.

And then at some later time we'd move to a discussion, I guess Ann was the one who talked about a discussion of the Executive branch. My own self, I make a distinction between Executive and Administrator.

Chair BERGSTROM: Yeah, I do too.

Mr. CURRAN: Executive is policymaking, and so you're going to elect somebody who's going to be a policymaker, that person doesn't have to be full-time, and you have a good deputy who would report -- this is a model. I'm not saying it's the one. Other things you talk about.

But like Tom Menino is a great guy but you know he's not a hands-on Administrator. He has policy ideas. He has objectives and goals for the city of Boston, but he has Administrators who follow and flush out what he thinks is the right thing to do.

So that's what you want to have is a policymaker. And it can be a multiple member number one. But when you have a multiple member -- I don't want to get too far afield, but you get a multiple member Executive body as a three-member council or five-member Executives, County Commissioners, you're always going to compromise.

Three people don't agree all the time on all the issues and it's always a compromise. Again, using Mayor Menino as a -- Mayor Menino sets a tone for the city. When he ran for office, he said, "This is what I'm going to do. I'm going to make every section of this city as important as the downtown. I'm going to see that it's responsive to your needs." And he said that was the policy that he expounds and in which through his administration has been conducted.

Kevin White when he was mayor wanted to make a national, a world-class city was his big thing.

But it sort of runs for office, particularly the help of some mayor or it could be a County Executive. If I'm elected mayor, if I'm elected County Executive, this is what I'm going to do, and the voters then have an opportunity to pick between policy alternatives by the candidates who run for those offices. Again, these are the things that I would hope --

Chair BERGSTROM: That was what the Special Commission on County Governance actually took -- had a debate on whether or not we should elect a County Executive. They talked about it a long time and went back and forth. And I think it was just too much to push. It was too far away from the existing organization.

But maybe we should look at it again because I agree with you. Sometimes you need somebody in the leadership position to steer the boat.

They tried that in Barnstable, I don't know if you know that. They had a Charter Review and they talked about an elected Mayor so-to-speak, and they never put that recommendation to the voters for one reason or another.

But it's funny we didn't -- I should have had you weigh in earlier because you're right. That was a big issue as to maybe we should elect a Czar of Cape Cod or something. As soon as you do that though, you have people portraying it as a big power source.

Mr. CURRAN: Well, it's a catalyst then that person can go out to then and carry

the message to the cities and towns on Cape Cod.

So, anyway, those are the things I hope we would talk about it at sessions on a Legislative Branch, Administrative Branch, Executive Branch.

Ms. MCAULIFFE: At our next meeting.

Ms. GRUNDMAN: Sounds good to me.

Chair BERGSTROM: Yes.

Ms. GRUNDMAN: I'd like him to lead the discussion for the next meeting.

Mr. DOHERTY: That happens to be the sense of what that Special Commission was talking about was to have the Executive be the face of the County and be visible to the County.

Mr. CURRAN: Yes.

Chair BERGSTROM: Yes.

Commissioner DOHERTY: The idea of an elected Executive who would be responsible for policy and delivering the budget would go to Sullivan County, New York. That's essentially what they put together in terms of let's say in terms of a model that sounds very much like that.

At the same time, the idea of consolidating the Assembly to that 11 or 9 at the same time sounds like it's something that we should talk about.

Because at the end of the day, you're not going to elect somebody that's going to be -- guaranteed to be a good manager. If you want professional management, you have to hire it.

Ms. MCAULIFFE: Right.

Mr. CURRAN: Right.

Chair BERGSTROM: All Right. Well, I guess a motion to adjourn.

Mr. DOHERTY: Move to adjourn.

Ms. MCAULIFFE: Second.

Chair BERGSTROM: All in favor? "Aye".

Whereupon, it was moved, seconded, and voted to adjourn the Charter Review Committee at 7:45 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates