

**CAPE COD REGIONAL GOVERNMENT
CHARTER REVIEW COMMITTEE**

Minutes of SEPTEMBER 18, 2013

Call to Order/Attendance:

Chairman BERGSTROM: Good evening. It's now Wednesday, September 18th. This is the meeting of the Charter Review Committee of the Cape Cod Regional Government Assembly of Delegates. I call this meeting to order.

We have four members present, which is a quorum. [Austin Knight, Bill Doherty, and Linell Grundman were absent when the meeting was called to order. However, Linell Grundman later arrived at 5:45 p.m.]

And I will then begin with new\business to discuss and finalize this list of pro/cons of governance options for public comment sessions.

Meeting Minutes 9/4/13 for Approval:

Clerk O'CONNELL: Can you approve the minutes for the last meeting?

Chairperson BERGSTROM: I'm sorry; I missed that. Yes. You have a copy of the minutes. Any additions or corrections to the minutes? Hearing none.

Ms. MCAULIFFE: I'll move the Minutes.

Ms. TAYLOR: Second.

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

(Minutes passed.)

Chairperson BERGSTROM: Julia, do you want to take this?

New Business:

Ms. TAYLOR: Well, I'm sorry, I didn't realize today was when we were finalizing this. I've got the wrong date. So I don't have a nice list. And I apologize. I was looking ahead to having it before the next meeting before the 2nd, but I didn't realize -- I thought -- and it's entirely my fault. I think we could do it together pretty quickly, but I haven't written it up.

So I don't think it would take us more than 15 minutes to make that list, but it just wouldn't be in a very attractive written up form.

Chairperson BERGSTROM: Well, we've got three options. Let's review those options so we're all on the same page.

The first option is the current set up; all right?

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: Three Commissioners, 15 Assembly of Delegates elected town by town.

Second option --

Ms. TAYLOR: And the three Commissioners.

Chairperson BERGSTROM: The three Commissioners.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: The second option is the option and it was the Ordinance that was passed by the Assembly, which is a five Commissioner Board elected regionally and the current 15 member Assembly of Delegates.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: So the only change there would be go 3 to 5 with the Commissioners and elect them, 5 distinct regions of the Cape.

Ms. TAYLOR: Right.

Chairperson BERGSTROM: The third option would be -- and I think we decided on 11 -- would be 11 Delegates, have one single body who appoints a manager/executive. That single Legislative body would be comprised of 11 members elected by districts of approximately equal population.

Ms. TAYLOR: Okay. I'll start with what I see as the major advantages of the current system.

Chairperson BERGSTROM: Okay.

Ms. TAYLOR: It's worked for familiarity, one. Two, it's been effective for 22 years or whatever the number is. Janice would know. And most importantly, people feel that each town has a singular voice at the table.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: The advantages of the Commissioners, the three Commissioners, are again historic.

Secondly, they serve -- are elected and, therefore, serve Cape-wide. They represent all the citizens of the Cape. Those I see as the two advantages.

The disadvantages I would say are for the Assembly --

Ms. CANEDY: For the first option or second option?

Ms. TAYLOR: We're talking about the first -- we're still on the first.

Ms. CANEDY: Okay. All right.

Ms. TAYLOR: The present system, the disadvantages I would see are that the proportional vote, which I think is the correct term, did we learn that from Mr. Curran? Proportional voting while it has not been ruled unconstitutional is not considered the gold standard for equal representation of voters. That gold standard is some sort of district that is relatively equal. And it just can't meet that test.

Second, it's subject to domination by a few individuals who because they have a large percentage of the vote --

Ms. CANEDY: Weighted vote.

Ms. TAYLOR: It's subject to -- the way the weighed vote system works, 2 to 3 to 4 individuals out of 15 can carry the day on any given vote. And so that gives a disproportionate amount of power to them. It's not going to -- you all understand that.

So that has drawbacks. So that in some ways, although the voters of a small, very small town have cast their votes, they have a Delegate, but, in effect, those voters are virtually disenfranchised because their Delegate has such a teeny percentage of the vote that they don't really have to be taken very seriously by the Assembly as a whole.

And if you've got Delegates with an equal power, each Delegate is equal to every other Delegate. To me, that makes for a better Legislative body to have equality between the Delegates. Okay.

Ms. MCAULIFFE: Before you move on, I think one of the issues is also the power is too concentrated with just three and the Executive.

Ms. TAYLOR: Then there's the --

Ms. MCAULIFFE: You have two people making decisions, I guess.

Ms. TAYLOR: Right. Now if you've got the three Commissioners, to me, the disadvantages -- we're on disadvantages now; right?

Ms. MCAULIFFE: Yes.

Ms. CANEDY: Yes.

Ms. TAYLOR: Disadvantages would be, one, you've got -- it's been referred to often the problem of a quorum. Any two Commissioners constitute a quorum so they can hardly even say hello to each other in the coffee shop. I don't know how you'd write that up but --

Secondly, there is conversely a diffusion of power. Here's an Executive, so-called, which we think of as being a single the buck stops here. And instead, you have diffused responsibility among three people.

So visibility and accountability are very important attributes to an Executive in my view, and that's missing in the present three-man board.

And I think that's all I have on that.

Chairperson BERGSTROM: I'm going to make a suggestion because this would be difficult for us to really do -- I'm going to make a suggestion and not presume that people understand the way we operate now.

Most of the communications we can make I think on this Assembly be descriptive. In other words, we'll say currently there are 15 Delegates. Each one votes in proportion to their population of their town relative to the population of all of Cape Cod.

Ordinances are passed by a majority of the weighted vote. So, in other words, we'll go

--

Ms. TAYLOR: That's separate. That's a different proposal than pros and cons.

Chairperson BERGSTROM: Right. It is but I think that --

Ms. MCAULIFFE: You might want both.

Chairperson BERGSTROM: I think that inherent in that description people will begin to see the pros and cons.

Ms. TAYLOR: I'd be very surprised.

Chairperson BERGSTROM: Well, I mean --

Ms. MCAULIFFE: There's also the small thing of also running Cape-wide is a challenge. Depending on what we do with the other two. The Commissioners have said that running Cape-wide is very difficult.

Ms. TAYLOR: Yes, for the three -- it's very expensive. It requires a partisan background practically speaking.

And I don't disagree with you, Ron, and we might want to spell out a little more about what they actually do, but I think if you don't try to put out the pros and cons, you're really wasting your time.

Chairperson BERGSTROM: I agree but poor Janice is going to have to -- we're going to have a document that we're going to vote on. That's the issue.

Ms. TAYLOR: I understand. I just don't think we're going to be able to have the document at the end. I think we can all agree on what we've said at the end of this session, and we could get it written up and vote on it.

Chairperson BERGSTROM: Right. Ann.

Ms. CANEDY: For the purposes of our public hearings, the format should be as you suggest I would think is a small summary at the beginning of each discussion. This is the scenario. This is the way it is now and the way it is now and describes it.

And then go into and here are some pros and cons as we developed it. You may as the public --

Ms. TAYLOR: Want to comment on those or different ones.

Ms. CANEDY: Yes, think of more. And I would add -- I agree with what Julia said a hundred percent, but I would also add that what I've heard and that is that there is really -- I have not heard any complaints from the smaller towns about their weighted vote.

So that could be a pro for the current system. And then the old adage, "If it ain't broke, don't fix it."

Ms. TAYLOR: And that can be a pro. Well, that's kind of what I said.

Ms. CANEDY: Right. Yes.

Ms. TAYLOR: The issue of no complaints, that's relevant -- given the history of the time that this has been in existence, that's new that we don't have that complaint. That used to be a big complaint. Whether it will come back -- I think finally they can understand why they can't have an equal vote, but it used to be a big complaint.

Ms. CANEDY: Well, it probably is personality driven, but I think that could be -- maybe you could put on both sides of that coin. Maybe it's a pro and a con.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: Yes, my brief experience with that debate is that there was some belief early on among some Delegates and some members of the public that a one person/one vote would be fairer, even with the current system.

So we really had to look at -- it's been looked at before but, you know, we have a new Assembly every few years, so and so. I had to explain to them that we are not allowed to have -- we're not allowed to sit and have one person/one vote by the Constitution, so and under the current town by town representation.

So, once that was understood, a lot of the complaints about "I want my vote to count as much as his" sort of went away because you simply can't go there.

Ms. CANEDY: I really think its personality driven a lot of times too.

Chairperson BERGSTROM: No. Well, coming from the Barnstable Council, you might have some experience with it.

Ms. CANEDY: I certainly do. Things are like this.

Chairperson BERGSTROM: Let's talk to Linell.

Ms. GRUNDMAN: Well, I just want to say that the pros and the cons are a good idea, but I think we should be focused about what we are trying to cover in those pros and cons. Because I think one of the most constructive threads in our conversations as we've gone on is looking at why are we making these recommendations? We're not making them to settle the score of the 25 years of any complaints. We're making them to create an efficient government. And that was the real focus of the Special Commission.

And then I think the Assembly has done a very good job of pushing back on the recommendations of the Special Commission in the same vain. Well, are these recommendations really going to lead us to the kind of government we need in County? And I applaud this group and Ron for beginning our work talking about governance. I think we need to stay very focused about why -- what are pros and cons.

I think our pros and cons should be specifically about is this an improvement to the government? And to that point, I'm getting a lot of positive feedback, that doesn't really matter, but you're all going out there talking to people.

I think the one person/one vote is an important concept that we've developed very extensively at this table. It's an important concept. The weighted vote is not a one person/one vote. The weighted vote still relies on town population as a way to be a part of the

conversation.

What we've really been struggling with and I know people -- it will be a miracle if we can make the recommendations that we'll get through, but what I am happy we're struggling with is looking at what kind of government do we need that will reflect that one person/one vote. Where can we get representation that equally brings that concept to a more powerful thing?

Then we're looking at the separation of Executive and Legislative. Is it Executive and advisory with the Commissioners and Legislative, or is it just two bodies? These are the important things that we need to bring forward.

Ms. TAYLOR: Well, back to the con of the present system. Is a regional government best served by representatives of regions?

Ms. GRUNDMAN: Exactly.

Ms. TAYLOR: Or by representatives of the towns. So that would be a con.

Chairperson BERGSTROM: Well let Ann get in here.

Ms. CANEDY: If our purpose is to present all three options, I understand what you're saying Linell and I don't disagree with you. But the first option one would argue is if someone is trying to make the government more efficient, the inferences that the current government is not efficient.

So if we're going to have that option out there, we just have to say this is what people like or what people don't like about it.

Ms. GRUNDMAN: Right.

Ms. CANEDY: Then, what you're saying comes to the forefront when we're talking about Option 2 and Option 3. And that's where you, you know, you feel strongly that those things make it more efficient and beef up those pros.

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: I think another thing if I can, Ron, is that you just lent this -- you just made me think of this. When we go into our public forms with our opening statements, I think it would be a good thing for us to say this is why -- this is what we see our work as and why.

And that you used the word "regional." Well is our work to develop a regional government? No. I don't know. But I think it's important that we are very clear about this is what we see our work as and why. I personally see it as a way of making sure that we've got a government in place, a County that is doing efficient work but preparing for those big decisions that we don't need that we know are done.

And is it the form of government that allows the communication between the various branches to actually move us forward, critically think, problem solve, and keep going forward.

Chairperson BERGSTROM: You know it's interesting you say that because something is being lost in this and that is we're concerned about and we should be concerned about the governance structure as far as the Commissioners and us. But the big Kahuna is this whole thing is having the manager, having an Executive. That's a big change.

Ms. GRUNDMAN: Yes.

Chairperson BERGSTROM: Regardless of what we do, the big change in the current system is there's going to be someone who's steering the ship. I mean no offense to the Commissioners, but Julia's absolutely right. I mean you've got three of them and, you know, they can disagree on things.

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: I mean the structure. I mean I've been critical of the Commissioners, and I'm not going to go back on that.

But one of the reasons why I think they have not been as effective as they should is simply the structure that they work under. They make the decisions but they're not there in the office; do you know what I mean?

Ms. CANEDY: Yes.

Chairperson BERGSTROM: They're not the ones who are putting or overseeing the implementation of those decisions. And, let's face it; we've all been involved in some governments. When I was a Selectman, you walked in, there was the agenda. You got it on Friday. It's not like you drew up the agenda.

As Chairman, I was supposed to draw up the agenda, but most of the stuff I got, very frankly, was from the Administrator. "This is what we have to do. We need to vote on this. We need to vote on that."

What we really need is someone who is going to do it very similar to what a town manager does. He comes to -- the Legislative authority says, "These are the challenges. We have to do something about this. You have a building that's falling down. We need a capital investment program." And I just don't see that happening right now, and I think that's because the way its structured, the Executive right now doesn't take a lot -- I mean he's good at what he does but he doesn't take a lot of initiative. Those initiatives are supposed to come from the Commissioners, but the Commissioners are only there once every two weeks.

Ms. TAYLOR: Right.

Chairperson BERGSTROM: So I think we have to look -- when we look at these three options, we have to look at how does that tie in with the establishment of a more powerful Executive with authority?

You been quiet so far. You're stunned from the last meeting like me.

Ms. MCAULIFFE: No. That's -- well, that's the only reason I'm being quiet.

Two things. On the pros for the first one, people like the checks and balances and also there's a known cost.

My second point is in talking to my Board of Selectmen who knows more about County government than any citizen in the town, they don't understand why it needs to be changed. They think if it's not broken, don't fix it. They think it's a good idea to have more County Commissioners and a Strong Executive because you should never have three people making decisions. But they just don't -- and they have the most impact from County government.

So whatever we come up with, if we don't have compelling arguments that we can convince the voters, much less the people who know about County government, why it needs to change, then we need to -- we may end up, you know, after our Public Hearings back here saying, "Okay. People think this, this, and this." So we're going to just do some tweaking."

Ms. TAYLOR: And that may very well be the outcome.

Ms. MCAULIFFE: But I was very surprised, you know, because I did give them the more efficient, more accountable, you know, bringing everybody in under the umbrella. There's a whole -- this is why we're doing it and they were like, "It seems fine to us. We like the checks and balances."

Chairperson BERGSTROM: Well, you know, you have to understand, there's seven of us. Bill's not here today. He had another meeting, and Austin couldn't make it. But it's not

a given that this committee is going to agree. I mean it could be a 4 to 3 vote.

Ms. TAYLOR: Right.

Chairperson BERGSTROM: And given that, there's not an agreement that -- there's not a certainty that the Assembly will -- even if it passes it, it could pass by a simple majority and so on. So, I mean, we're looking at --

Ms. MCAULIFFE: I think the Assembly's going to be the big mountain.

Chairperson BERGSTROM: The big mountain. Plus then, it goes to the Legislature and they're going to be looking at it and say, "Well they're having a food fight down there on Cape Cod. There's no way we're going to touch this."

So, I think that we have to really consider whether or not we have a strong recommendation and we're willing to back it up.

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: Because if we don't -- I mean, don't get me wrong. I mean we were put in this position. I believe it's a good exercise, but I'm responding to the League of Women Voters. I'm responding to the Business Roundtable. I'm responding to the Commissioners.

Ms. MCAULIFFE: Special Commission.

Chairperson BERGSTROM: Special Commission on County Governance. And there were a lot of very well-respected people. I mean you can't ignore them. Bob Lawton was on that and Bud Donovan's on that table. The Chamber of Commerce.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: So we are doing what we're asked to do, but once we sit down at this table, all that goes away. We're going to make a decision now as to whether or not what we think is right.

And I agree with Suzanne and some of the other people who've spoken is we've got to come up with -- if we're going to make a change, we have to come up with a compelling case to make the change.

I think the most compelling case is the Strong Executive. Because over the course of the last 25 years, each town, at least my town and many other towns have faced the same issue and gone in that direction and is familiar with them.

As far as the makeup of the Legislative body, you know, Julia and I sat on that Special Commission, and, you know, I wasn't sympathetic with some of their recommendations, but there was that big elephant in the room is if you have that Strong Executive, it's going to take the power and authority away from one of the other bodies.

It's not going to take anything away from us because we -- all Legislative bodies pass on finances and the budget. So what do the Commissioners do? That's the issue with that.

Ms. CANEDY: And in a Town Council form of government, which is the third option, the Assembly of Delegates or whatever you would call that body is the policymaking body.

Ms. TAYLOR: Right.

Ms. CANEDY: So it isn't just that the Administrator brings items to the table for you to vote on. You have given them a set of these are our goals, these are our policies, and these are our strategies. You implement them and then in that process he comes up with, well, in order to implement this, we're going to spend this much money on roads, and this much money on, you know.

Chairperson BERGSTROM: You know, I have experience with different five-member

body -- we have seven here. I have 15 on the Assembly, and so on. But the Assembly's not really a policy making board. It's more of a financial board. I mean Ann is on the Council. How does 11 work? How does 13 work? I mean can 13 people push the elephant in a certain direction?

Ms. CANEDY: Yes, we have strategic session plannings. I think we should have more, but we do have them once a year and sometimes it's a day and sometimes it's longer. And we go through goals, and then we iron out how do we -- how would we suggest that the goals be implemented and what specific projects would fall under those goals.

And then the Town Manager tries to create a budget that reflects some of those goals. It's constant give-and-take. If you had that form of government in the County, I would think that you would have to -- you were saying that you just do budget. Well, you're Charter says --

Chairperson BERGSTROM: Well, no, not that we do just the budget, but I mean that's our primary. We rule on a lot of things but we don't really make policy unless we wanted to make policy through the budget, which we could do but we've kind of not done that.

Ms. CANEDY: Yes. But your Charter seems to indicate that you do have that power. It's just that you have maybe elected because you have three Commissioners.

Ms. TAYLOR: Right.

Ms. CANEDY: So, why do you need to do it? So I think that if you didn't have three Commissioners, you would have to take back that power.

Chairperson BERGSTROM: I mean I've always told people if you look at the state of Massachusetts, Governor Patrick sends the budget to the Legislature. The Legislature looks at it and says, "Thank you very much" and throws it in the wastebasket.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: And then they put their own budget, which he either approves or don't approve. I mean we try to be a little more -- a little more cooperative, and I think that's been successful most of the time.

Ms. TAYLOR: What about Option -- do we have any more option -- any more pros and cons for Option 1?

I think -- you've got Suzanne's comments?

Chairperson BERGSTROM: Poor Janice.

Ms. MCAULIFFE: Yes, for the pros for Option 1, I added --

Clerk O'CONNELL: When you say Option 1, you don't mean the status quo?

Ms. MCAULIFFE: Yes, status quo.

Clerk O'CONNELL: Okay. We're going to call that Option 1.

Ms. MCAULIFFE: Yes because it's first on the list.

Ms. TAYLOR: Known cost --

Ms. MCAULIFFE: And checks and balances.

Clerk O'CONNELL: Right. I've got the checks and balances. It was known cost.

Ms. TAYLOR: Known cost.

Clerk O'CONNELL: Yes.

Chairperson BERGSTROM: Yes, Linell.

Ms. GRUNDMAN: I need to ask a very provocative question because I talked to a lot of people who don't think its working. So our statement that it's been working, what exactly do we mean when we say that?

Ms. CANEDY: Well, why don't we say there's a perception.

Ms. MCAULIFFE: A familiarity.

Ms. TAYLOR: Well, you could just use that phrase many people feel if it's not broke, don't fix it.

Ms. GRUNDMAN: It's the status quo.

Ms. TAYLOR: But -- well, yes, but we have, as Ron said, there has been a number of civic groups that have felt we needed a change. So for those kind -- I don't know whether we want to include those.

Ms. CANEDY: I think there's a plain, ordinary fact that any change is hard.

Ms. TAYLOR: Yes.

Ms. CANEDY: So, you know, I think there's -- the number 1 inertia --

Ms. TAYLOR: Change is difficult.

Ms. CANEDY: -- for Option 1 is change. Nobody likes -- some people don't like change.

Ms. TAYLOR: Right. And change is always difficult.

Ms. CANEDY: Yes, right.

Ms. TAYLOR: Okay. Should we do Number 3 -- I mean Number 2?

Ms. MCAULIFFE: Yes.

Ms. TAYLOR: With the 5 Commissioners. One of the pros for the five Commissioners would be that they -- under Leo's plan, and I don't know if we want to say this --

Chairperson BERGSTROM: Don't worry. You won't give it a bad name by saying it's Leo's plan.

Ms. TAYLOR: No but I--

Ms. MCAULIFFE: That would be the Assembly Resolution.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: Under the Assembly Resolution, if the idea was that there would be five Commissioners elected by district --

Chairperson BERGSTROM: Right.

Ms. TAYLOR: -- which would be easier for them to run and less expensive to run, could be nonpartisan, would be --

Ms. MCAULIFFE: If you look at Bill Doherty's thing, it says legitimizes private meetings among the Commissioners. I don't think that's the best way to put it.

Ms. GRUNDMAN: No.

Ms. MCAULIFFE: You could say there's something in terms of --

Ms. CANEDY: Quorum issue.

Ms. TAYLOR: Quorum issue.

Ms. MCAULIFFE: -- a quorum issue.

Ms. GRUNDMAN: Yes.

Ms. TAYLOR: Could avoid/might avoid the current quorum issues.

Ms. GRUNDMAN: And also Open Meeting Law.

Ms. TAYLOR: And Open Meeting Law.

Ms. GRUNDMAN: I think it does better --

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: -- particularly given that they have been tweaked.

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: I think it does help with the Open Meeting Laws.

Ms. CANEDY: And isn't the five Commissioners supposed to address some -- the district representation, the more regional --

Ms. TAYLOR: That's right. All areas of the Cape would, therefore, be represented.

Ms. CANEDY: Equal. Equal.

Ms. TAYLOR: Unlike the present system. Doesn't necessarily mean that they will be. All right.

Ms. MCAULIFFE: Like district and equal rep.

Ms. TAYLOR: Yes. Cons would be ---- more diffusion of authority, less accountability, less visibility of a leader. Less likely to provide dynamic leadership.

Ms. CANEDY: That's a voice, a single voice.

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: And I also think that -- something that comes up a lot with people who talk to me about this is that the budget is smaller than many of the towns' budgets.

Ms. TAYLOR: The towns --

Ms. GRUNDMAN: So how many people do we need to actually look at this budget?

Ms. TAYLOR: Do we need 20 paid elected officials for this?

Ms. GRUNDMAN: So I think a con could be that it's much less efficient. Efficient, I think, is an appropriate word. It's less efficient in time and it's less efficient in --

Ms. MCAULIFFE: More costly.

Ms. TAYLOR: And more costly.

Ms. GRUNDMAN: Yes, and more costly.

Chairperson BERGSTROM: Yes, well one of the comments about that is it in my experience whenever you have five -- I've never been in a situation where you had five people and three of them always voted the same way.

Inevitably, there's somebody on there who would vote one way or another. Whereas if you have three, I mean you could get two people and they basically have two people running.

Ms. MCAULIFFE: Right.

Ms. TAYLOR: But you've still have got the Assembly.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: You know I just think you can't say you've solved the leadership issue with that, with that five.

Ms. CANEDY: Well, you've compromised. I think that's a compromised position, number 2.

Chairperson BERGSTROM: Yes.

Ms. CANEDY: And you keep the Assembly and you keep the individual town representation, but you broaden the regional aspect by including two more Commissioners and addressing districts.

Ms. TAYLOR: So it does create regional districts.

Ms. MCAULIFFE: Yes. That's a pro.

Ms. TAYLOR: So County Commissioners (Inaudible).

Ms. GRUNDMAN: That's a pro we should identify.

Chairperson BERGSTROM: Before we go too much further, I'm just thinking about our poor Clerk here because perhaps Julia you can -- I mean we'll continue this discussion, but perhaps we can go submit some more stuff. We can vote on it at the first public meeting so

that at least we're on the right page.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: Because otherwise, she's going to be writing stuff down -

Ms. TAYLOR: I know. I'll be happy to help right this up. And I just totally apologize. I just had the date all wrong.

Clerk O'CONNELL: Well, I mean based on your conversation, when the transcript is generated, those facts are going to be there. And it will be a simple matter of, I mean I can pull them out in pros and cons.

Ms. TAYLOR: Right.

Chairperson BERGSTROM: Okay.

Clerk O'CONNELL: I would just caution you in that I try to put myself in the place of the public when I go to a meeting. I'd like to have something that's going to briefly explain what it is you're going to try to talk about and present.

So with that said, that's why I had suggested something that we could take with us to the meeting.

Ms. TAYLOR: We will. We just will vote it that night. We'll have seen it before that. Which is why we voted it. That's all.

Clerk O'CONNELL: And I would suggest that as a member of the public, you give me too much -- if you give me 15 of each, I'm going to be lost. Be as concise as possible.

Ms. TAYLOR: Once we've written those down, I think we can make it a little easier to read. And I think we can write it up in a nice way. We will all have seen what we wrote up, and then we will be able to distribute it, and we will vote it at the beginning of the meeting.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: That's all. Just to make it official.

Ms. O'CONNELL: So how do you want to -- I guess if you want to keep on discussing what your pros and cons are or do you literally want to send your individual list to one person without any other comment?

Ms. TAYLOR: I think we should finish this now.

Ms. MCAULIFFE: Yes, we're almost finished and we're done.

Ms. TAYLOR: We're almost finished. We've moved. We're in a groove and we'll be able to -- Ann's got good notes. You've got notes. We'll be able to put this together without much trouble.

Ms. CANEDY: May I ask that before we leave Option 2, what was Leo's rationale when he proposed it?

Ms. TAYLOR: Don't you remember the Commission Doherty -- don't you remember?

Ms. MCAULIFFE: A scathing letter about he wants to run for a spot.

Ms. TAYLOR: He wants to run for the spot, and Leo didn't care for that.

Ms. MCAULIFFE: He came from I think from a good government perspective. More minds, more people than you don't run into two people off in a corner making decisions kind of thing.

Chairperson BERGSTROM: Right.

Ms. TAYLOR: More cooks don't spoil the broth. They bring more ideas.

Ms. CANEDY: Yes, okay. More ideas.

Ms. MCAULIFFE: More openness, more transparency.

Ms. TAYLOR: Yes.

Ms. CANEDY: So more dynamic.

Ms. MCAULIFFE: Yes.

Ms. TAYLOR: It could be, yes.

Ms. CANEDY: Was he concerned that -- did he talk about -- did he feel that a five Commissioner panel would be more representative.

Ms. TAYLOR: Wider representation.

Ms. CANEDY: Yes.

Chairperson BERGSTROM: He said basically five is better than three just for the fact that it's no two people can dominate it.

Also, he thought that the regional running, you know, my feeling and his was that if you represent let's say the Outer Cape, you're more in touch with the people there and their concerns than if you represent everybody.

Ms. TAYLOR: And it's fairer.

Chairperson BERGSTROM: Did you have something to say, Linell?

Ms. GRUNDMAN: Yes, there's a very strong pro that just occurred based on you saying good government, and it's one we're all familiar with because of Boards of Selectmen.

With five people, you can have a legal subcommittee of two and you're not violating Open Meeting Law. It can be a working group.

Ms. MCAULIFFE: So it's more efficient.

Ms. GRUNDMAN: There is efficiency there. So it's a better way to distribute tasks, and it's a better way to distribute, you know, some work among those Commissioners. That's a very strong pro.

Chairperson BERGSTROM: The recommendations of the Special Commission were seven, and I think that we didn't like that -- I didn't like it because then basically you're going from you knowing -- in other words, you're going to a system where a lot of people are voting for one person.

So we felt that we wanted to maintain -- regardless of how I feel about the recommendations here, we thought that people would not buy into the idea if their representation of County government became too remote from them.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: In other words, you grouped them, there were too many people. They've got this guy, you know, he's running the whole from wherever, you know. So, and also, they had at-large there which created --

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: -- and you're looking at it across the table saying, "I've got to, okay, this jabone here only runs, you know."

Ms. CANEDY: So it was a compromise from the beginning.

Chairperson BERGSTROM: Well, it was a compromise to go to 11. I thought that people weren't willing to give up knowing who they were sending into County government.

And that's another thing too is that you've got to realize familiarity is one thing and people, you know, can you get people to support a system where now they have to change their whole mindset as to who their representatives are as far as who represents them on the County.

And I'm thinking in two terms. I'm thinking what's best for the County, but I'm also thinking of what's going to be successful if you ask people.

Ms. TAYLOR: Let's remember that in a town like Falmouth, the vast majority of people don't know who their Delegate is from a hole in the wall. And that's not because I haven't been in the paper every two weeks, and not because, you know, it's just -- they don't give a damn and that's understandable.

Chairperson BERGSTROM: Yes, but they know who you are, Julia, that's the important thing.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: And they know who I am, and they know who Suzanne is. That's is --

Ms. MCAULIFFE: But not because the Assembly of Delegates.

Ms. CANEDY: They know who I am too.

Chairperson BERGSTROM: Yes. If you don't --

Ms. MCAULIFFE: And Linell.

Chairperson BERGSTROM: I've said this before. You can't expect people to pay attention to what the Assembly of Delegates do. They have too many things -- I mean if I wasn't here, I wouldn't be doing it.

So the substitute is to elect somebody who you know and respect and have them use their judgment.

So the question is... is that best served by someone from your community that you know, and you say, "I'm going to send Julia, and she should...."

Ms. TAYLOR: Well, that wouldn't be bad if we didn't have that problem of the communities being all such different sizes.

Chairperson BERGSTROM: We're getting off track here.

Ms. CANEDY: I think one of the goals -- you talk about what's good for the County, and Julia's touched on it. It is a shame that people are not more involved in their County governance, and it is a shame that people do not know their County Commissioners even or their Delegates.

Ms. TAYLOR: And this needs to be a result of -- any change in governance needs to be going towards visibility because from that comes accountability.

Ms. CANEDY: And also involving the people more directly.

Ms. TAYLOR: And I could really be a pretty horrible person or terrible Assembly member and I would still get reelected.

Chairperson BERGSTROM: Now what about Option 3?

Ms. GRUNDMAN: I have a good pro for Option 3, and it's based on this conversation.

So the districts actually do lend themselves to people becoming more invested in the representation. You take the smaller towns that has that weighted vote, how invested are they in their representation based on the weighted vote. But with a district model, people then become invested.

I'm for this district. I have the same power, and power's a very good word, I have the same power as this district. I'm more vested. I have a direct way to be heard in County government.

It's no longer about electing wonderful people from communities that are representing me. It is about that directness. I mean you still represent those people. I think that's a strong pro.

Ms. MCAULIFFE: But you assume they can.

Ms. GRUNDMAN: I don't ever go into any of that crystal ball about what people think and feel. I really do believe --

Ms. MCAULIFFE: I know but I'm just saying I don't know if people really care about that.

Ms. TAYLOR: I think that you would have to run in such a different way in districts, 11 districts, then you do now.

Ms. GRUNDMAN: That's the point.

Ms. TAYLOR: I can run just on the basis of I've been around a long, long time, and I haven't ever been caught stealing.

Ms. GRUNDMAN: I think that there's also something really important to remember. I represent the majority of the people who live here who weren't here when we started the County. And I represent -- there are a lot of people like me who are invested in government because of where we came from.

So I can't relate to these conversations that are based on a cultural history that I wasn't a part of.

Chairperson BERGSTROM: Yes, well, you know --

Ms. GRUNDMAN: I know there are a lot of people that want to be invested in this government, and I think that's one reason why we're still talking about what the County should look like. This is the third time in four years.

Chairperson BERGSTROM: I don't know if this --

Ms. CANEDY: And I don't agree that everybody feels that way.

Ms. MCAULIFFE: Exactly.

Ms. CANEDY: I mean in my community, people are invested.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: Well, that's interesting. I don't know if this is a coincidence or not, but the largest -- the three largest votes are Barnstable, Falmouth and Yarmouth. There were three contested elections.

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: The three contested elections were in Barnstable, Falmouth and Yarmouth. Those people, you know, do those people -- were they contested because they knew that those communities have a bigger stake?

Ms. MCAULIFFE: Sure.

Chairperson BERGSTROM: Or was it just coincidence? I don't know.

Ms. MCAULIFFE: No, no, you're right.

Ms. CANEDY: It's considered a much more powerful position.

Chairperson BERGSTROM: I mean look today, we took a vote. I didn't know how some of the larger vote -- I didn't know how people were going to vote.

Ms. GRUNDMAN: Right.

Chairperson BERGSTROM: I didn't bother asking, you know, Cheryl because I knew -- not that her opinion doesn't matter, but Julia's opinion, you know, and Suzanne.

Ms. TAYLOR: Her vote doesn't matter.

Chairperson BERGSTROM: And Pat and those people were the big votes.

Ms. TAYLOR: I think that matters.

Ms. MCAULIFFE: Patrick never talks so you never know.

Chairperson BERGSTROM: You know, he got up before the Barnstable County

Council, Ann was there, and he said, you know, he gave an overview and he said, oh, we're talking about the fertilizer regulations but I haven't decided about a vote, so I'm not going to give you -- until I hear the full story.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: So I got up and said, "Yeah, he's a great substitute for -- a great successor to Tom Lynch" because neither one of them would tell you how they're going to vote until they actually sat in the room.

Ms. MCAULIFFE: Right. And it's true. We're all sitting there waiting for, you know, the big Kahuna.

Ms. TAYLOR: Now what are our pros? Okay. So we've got --

Chairperson BERGSTROM: Pro is equal representation.

Ms. TAYLOR: -- equal representation. Every voter has a Delegate who is equal to every other Delegate.

Chairperson BERGSTROM: Right. And the other pearl would be a single --

Ms. TAYLOR: A single body.

Chairperson BERGSTROM: -- a single body, a single policymaking body.

Ms. GRUNDMAN: So you have the Executive and policymaking body.

Chairperson BERGSTROM: Right.

Ms. GRUNDMAN: I think another strong pro is -- now I lost it -- is the -- oh, Ron. Oh, the equity of the vote. We've already talked about that.

But also the likelihood that people will be -- oh, no, I know exactly what it is. That it gives us more opportunity to think regionally, which is a mixed word. That's what I was --

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: But I think that it's important because it strictly says that we now are looking at districts to develop the kind of government we need to deal with the problems of Cape Cod --

Ms. TAYLOR: Across town lines.

Ms. GRUNDMAN: -- not just the voices of the towns. So it really does foster a regional thinking at least ideally.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: Okay. Julia.

Ms. TAYLOR: And, honestly, when you listen to -- who's that terrible guy?

Ms. CANEDY: Never mind.

Chairperson BERGSTROM: Peter.

Ms. TAYLOR: Blap, blap, blap. At any rate, the conversation which implied that, you know, he said outright "County government is here to serve the towns. And anything that takes away from that is wrong." And I just wanted to say no. County government is here to serve the citizens. Towns are often a vehicle for that service but they are not whose electing. It's people.

And so to continue a system where we're only talking about towns and we're not talking about the citizens and the region as a whole and regions within the whole that just seems not the right approach.

Chairperson BERGSTROM: Linell.

Ms. GRUNDMAN: I think another strong pro is that we have the strong and much needed regulatory entity in the Cape Cod Commission represented by each town.

Ms. TAYLOR: Correct.

Ms. GRUNDMAN: Very critical to our environmental concerns that are critical to our economic concerns. So creating a more effective and efficient government with an Executive branch and a Legislative branch that works with. Yet, that other branch I think is a better sync, for lack of a better word, a better way to try to critically think and problem solve.

Ms. TAYLOR: And the towns are very well represented with an equal vote, for God sakes, on something as important as the Cape Cod Commission or the Cape Light Compact or other -- almost all advisory board -- But, can I drop that for one second?

So we have town-wide town representation in an important, important way. So we need a different thing for this.

One of the things that came up with the Special Commission was to try to have an advisory board to the County government.

Chairperson BERGSTROM: Right.

Ms. TAYLOR: And that it would be made up of town managers. And so I would even like to see something where town managers met four times a year and twice a year issued formal reports stating their priorities for County government.

And I think if we had something like that where we'd be getting really good town input, better even then --

Ms. MCAULIFFE: But that's not on one of our suggestions.

Ms. TAYLOR: I know, but I'm suggesting that we might want to add that.

Chairperson BERGSTROM: Well, what about -- I don't want to go too much longer.

Ms. TAYLOR: Yes.

Chairperson BERGSTROM: How about cons? I mean --

Ms. MCAULIFFE: Checks and balances. What do you think about checks and balances with a district and a Strong Executive? Does that meet your checks and balances the way the Assembly and the County Commissioners checks and balances?

Chairperson BERGSTROM: Well, that's interesting because in a town government, let's say you have the Selectmen and you have the town manager, but ultimately the decision goes to the voters.

Ms. MCAULIFFE: Right.

Chairperson BERGSTROM: In Barnstable, the case is more like this.

Ms. MCAULIFFE: Town Council, yes.

Chairperson BERGSTROM: The Town Council. So I mean I think that -- to be honest with you, I'm going to say a Republican in the sense that I believe the people give authority to their representatives to make decisions.

Ms. MCAULIFFE: Okay.

Chairperson BERGSTROM: I don't believe in plebiscites. I believe in recall petitions. I believe you elect people, you trust them, they sit in the body, Town Meeting, like the Town Meeting in Falmouth, and they make the decision.

So they're perfectly comfortable with whatever Legislative body we have making the final decision.

Ms. MCAULIFFE: So but how would you --

Ms. TAYLOR: I think I would say the pro and con or con it does not have the same checks and balances.

Ms. MCAULIFFE: Not the same.

Chairperson BERGSTROM: No.

Ms. MCAULIFFE: Okay. But it could potentially have but not the same. Okay.

Ms. TAYLOR: It couldn't be the same. But it does, in my view, the most important check and balance is less in County government, 25 million bucks between the Executive and the Legislature, but between the Cape Cod Commission power to regulate and the Legislature.

Chairperson BERGSTROM: Okay.

Ms. TAYLOR: I think it's essential that that check -- I wouldn't want two or three people signing off on the unelected people or a couple of elected people.

Chairperson BERGSTROM: Yes.

Ms. TAYLOR: I want a pretty good size elected group signing off on the check. I want them to be a balance.

Chairperson BERGSTROM: Linell had her hand up.

Ms. GRUNDMAN: In one sense it's a different form of checks and balances because right now the Assembly is the check and balance for the Cape Cod Commission. It's also the check and balance for the proposed budget.

That really you're really creating a different form. You've got the Executive, say the Strong Executive, who creates the budget, and then the Legislative branch, is the check and balance for that. But they continue to be the check and balance for the Cape Cod Commission.

So I can see it as a con, but I think what we're actually doing with that third recommendation is just creating a different check and balance.

Ms. MCAULIFFE: You're saying not the same.

Ms. TAYLOR: It's not the same con.

Chairperson BERGSTROM: Well, I think one of the cons is you'd probably be -- you may be less familiar with the people you elect. In other words, people --

Ms. GRUNDMAN: That's true.

Chairperson BERGSTROM: If you look around the Assembly now, a lot of us have a history in our town other than just serving as Delegates. You know, not everybody but a good deal of them.

So, you know, when somebody like myself or Julia or Suzanne gets up, people know who you are. If your district have 5 towns like my district, you'll be able to divide it up even into 11 would be consistent with at least 5 towns or 6 towns, you know.

Ms. GRUNDMAN: Yes.

Chairperson BERGSTROM: You know, I might not have the buy-in, you know, somebody might run from Provincetown and I don't know who they are. I don't know the history. I don't know what they want, and if they run --

If Julia's right and now people who run campaigns on issues, well that's a whole different ball. First of all, it's expensive. And somebody may decide they want to spend whatever, 20,000.

I mean I have somebody in Chatham who spent like \$15,000 to become a Selectmen.

Ms. MCAULIFFE: Wow.

Chairperson BERGSTROM: So, you know, we get into that kind of category, you know, where hey half the people in town don't know I'm a convicted murderer, you know, but that doesn't matter because the other five towns don't know me and stuff. I don't want to be rude but -- do you know what I mean?

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: Yes.

Ms. CANEDY: On Option 3, it is going to be more expensive.

Chairperson BERGSTROM: Yes.

Ms. CANEDY: More labor-intensive, and you're going to have to pay these people more.

Ms. MCAULIFFE: Yes.

Chairperson BERGSTROM: Yes.

Ms. CANEDY: Because they are --

Ms. MCAULIFFE: You're right, the job will be more.

Ms. CANEDY: Yes, the job is a lot more -- you'd have to be going to meetings and -- if you represented Provincetown, Truro, and Wellfleet, you'd have to be going to meetings in all three towns. You'd have to be dealing with people in all three towns. That's an advantage. That's a pro and a con.

Ms. MCAULIFFE: Right.

Ms. CANEDY: Because we've got that model now with our state representatives and it's working fine.

Chairperson BERGSTROM: I've always felt that people are always against paying public officials. I mean even the Legislature gets \$50,000, \$52-56,000.

But people say, oh, you know, -- I had one guy at Stop & Shop come to me and said, you know, you shouldn't really give health care to the Selectmen because you can always get some retired guy to do it. You know, he's already on Medicare and stuff.

I think, first of all, in our system everyone should have an equal shot at being an elected official. It shouldn't be exclusively the province of people who have money to burn and can afford it.

Ms. CANEDY: Right.

Chairperson BERGSTROM: And, secondly, I think if you invest in Public Officials, you get more competition. I mean just like the private sector.

Ms. MCAULIFFE: Right. You get a better product.

Chairperson BERGSTROM: The more competition you get, the better product you get. So, I mean I'm not saying you should pay these people any kind of a standard that you pay the Legislators and stuff, but they should at least get -- I mean -- I'm here with my little pitch here, but so many of us are self employed, Leo and John, and I know Teresa and myself and a lot of people are self-employed and they give up time for this. The little bit that we get -- it's not that I begrudge it, I don't have to run, but, you know, I think if you pay people enough and include them in the benefit package but also you include them in retirement, that gets you qualified people who are going to really do a good job.

Ms. MCAULIFFE: And this is going to be a bigger job so --

Chairperson BERGSTROM: It is going to be a bigger job, yes.

Ms. MCAULIFFE: -- so you can actually you know ---

Chairperson BERGSTROM: Well the Commissioners get I think 14 or \$15,000?

Ms. MCAULIFFE: Yes.

Ms. TAYLOR: Yes.

Ms. MCAULIFFE: They have a big job.

Chairperson BERGSTROM: So, anyway, that's outside our purview but I agree with Ann it will be more expensive. I don't know if it would be more expensive in the long run than

it is now. But it will be -- depends on crunching the numbers.

Ms. TAYLOR: So it's an unknown cost.

Chairperson BERGSTROM: Unknown cost.

Ms. MCAULIFFE: That's a good idea.

Chairperson BERGSTROM: Okay. So do we think we have enough here for --

Ms. MCAULIFFE: I think we do. And we'll come up with more probably through the hearings.

Ms. TAYLOR: Yes, we can add to this and we'll say that at the hearings. These are just what we've come up with but you undoubtedly --

Ms. MCAULIFFE: Give us your feedback.

Ms. TAYLOR: -- we're interested in what you think. That's why we're having the hearing. We're only giving you this so that you have an idea of what we're talking about and go from there.

Chairperson BERGSTROM: Well, I hate to say this but I've been meeting since 3:30 so my participating is starting to deteriorate.

Ms. MCAULIFFE: All right.

Ms. GRUNDMAN: Move that we adjourn.

Ms. MCAULIFFE: Second.

Ms. CANEDY: Wait, wait.

Chairperson BERGSTROM: Ann.

Ms. TAYLOR: And one more apology for not having done this, but I knew I kind of had it in my head.

Chairperson BERGSTROM: Okay. Ann.

Clerk O'CONNELL: Are you okay with the three dates and the times? I mean I've got it all scheduled.

Ms. MCAULIFFE: Yes. Yes, that's good.

Chairperson BERGSTROM: Yes. And thanks to --

Ms. MCAULIFFE: Thanks to Janice. Thank you.

Ms. CANEDY: Do you want to make sure you've got Bill's?

Chairperson BERGSTROM: What's that?

Ms. CANEDY: Do you want to make sure you've got Bill's in the record?

Ms. TAYLOR: Oh yes.

Ms. MCAULIFFE: We did cover Bill's.

Ms. TAYLOR: I think we covered them all. Yes.

Ms. MCAULIFFE: Because I wrote on his paper. That's where I made my list.

Ms. CANEDY: All right. Fine.

Chairperson BERGSTROM: I'm what's known as a sundowner here so.

Ms. TAYLOR: I think we're --

Chairperson BERGSTROM: Okay. Do I have a motion to adjourn?

Ms. MCAULIFFE: Second.

Next Meeting:

Ms. TAYLOR: And what is our next meeting date?

Ms. MCAULIFFE: October 2nd.

Ms. TAYLOR: In Sandwich.

Chairperson BERGSTROM: Moved and seconded. All those in favor, say “Aye.”
“Opposed?”

**Whereupon, it was moved, seconded, and voted to adjourn the Charter Review
Committee Meeting at 6:25 p.m.**

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates