

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - January 20, 2016

Speaker BERGSTROM: Good afternoon. Welcome to the January 20th, 2016, session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to call this meeting to order. And is anyone recording this besides our --

MR. ALBRIGHT: (Raising hand.)

Speaker BERGSTROM: Okay. We have someone recording this besides our normal recording.

So, I will begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (85.54%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Brian O'Malley (1.36% - Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).

Absent (14.46%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Edward McManus (5.67% - Harwich - arrived @ 4:10 p.m.).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 85.54 percent of the Delegates present; 14.46 percent absent.

Speaker BERGSTROM: Thank you.

Now I'll need approval of today's Calendar of Business.

Mr. HITCHCOCK: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. All those in favor?

The DELEGATES: Aye. Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of January 6th, 2016. Are there any additions or corrections to the Journal?

Mr. O'MALLEY: I'll move approval as distributed.

Mr. LEWIS: Second.

Speaker BERGSTROM: Approved and seconded. All those in favor?
The DELEGATES: Aye. Opposed?
(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. So now we come to the Communications from the Board of Regional Commissioners. I see we have a quorum of Commissioners here.

Commissioner FLYNN: An ordinance.

Speaker BERGSTROM: Yes. Thank you.

Commissioner FLYNN: Good afternoon.

Mr. LEWIS: Good afternoon.

Commissioner FLYNN: At least we made it before the snow so that's good. As you probably know, we have been spending the last two or three weeks working on budgets. We have had presentations from almost all the departments now. We have another week next week to finish up departments and maybe to receive information that we requested from some departments, in addition to the information they provided us.

So far, it's gone very well. This is more of a listening session, and it's an opportunity to really talk to department heads about their departments, what they do, what their goals are, what they accomplish, and how that all relates to the finances.

So beginning next week, the following week, and afterwards the Commissioners will be meeting to really get into the meat of the department requests and their budgets and determine what can be funded and what can't be funded. And that's the next step for us because, by Charter, we have to provide you with the budget by February 17th and we are on target to do that.

And the other thing I wanted to mention is, as you may know, we will be interviewing next week three candidates for the position of County Administrator. One candidate is from Alaska, and we were originally going to interview him by Skype, but he decided that he wants to come, which is great because it would be very difficult to hire someone without looking them in the eye. And we were not really prepared at this point to make -- to incur that particular expense. But he's decided on his own that he's coming.

And the other two candidates had previously worked recently in Quincy and Brockton. So we'll see how it goes. You're all invited to attend. They begin I think it's Tuesday -- Thursday.

Commissioner CAKOUNES: Thursday.

Commissioner FLYNN: Thursday starting at 9:30 a.m. but the interviews are scheduled for an hour and half or maybe it's 9. Anyway, it's 9 -- two in the morning and then the next one is at 1 o'clock in the afternoon, an hour and a half interval between the first two. And then we have a half-hour break, and then at 1 o'clock we interview the final, the third candidate.

So, hopefully, we will find that someone will be a good match for us and that we would be a good match for them.

So that's it.

Commissioner CAKOUNES: Thank you, Mr. Speaker. As you know, you guys meet every two weeks; we meet once a week. We did hold a meeting, as Commissioner Flynn just mentioned, on the 13th, and that's when we were given the recommendations from the screening committee.

We also, at that meeting, we were given a final report from the Barnstable County

Fire Rescue Training Academy Building Needs Assessment Committee. And I hope that you all get a copy of that.

This was a group that was appointed by the Commissioners along with some members of the fire chiefs, and, boy, they did an absolute excellent job. And I'm hoping that you all get that -- a copy of that and review it because there's some interesting recommendations for actions that I think you'll be seeing put on the Commissioners' agenda after we forward the budget or maybe before; I'm not sure. We will be, hopefully, discussing some of those recommendations and moving forward with them.

Another thing is we voted a Proposed Resolution, and I believe, Chair, you just passed that in. Did you pass in the Resolution?

Speaker BERGSTROM: Yes.

Commissioner CAKOUNES: So I want to make sure that that's the one -- it was basically for a salaries reserve fund -- I'm sorry, reserve fund, a salary transfer from Salaries into Miscellaneous Contractual. And when you hold the meeting on that we'll be -- or our Finance Department will be able to answer any questions on that.

We did approve the ordinance that you approved to purchase the new vehicle for the facilities department. So likely that will be arriving soon and, hopefully, before this storm because it is well needed.

And, basically, the only other actions that we took on the 13th were we voted to appoint Commissioner Lyons to the National Association of Counties.

I believe we're still looking to get an answer back about the Cape Cod Municipal Health Group for Maggie so.

Commissioner FLYNN: My understanding is that Maggie will continue for about a couple of months until Mary McIsaac completes the budget process. She has a lot to do right now with that.

And then I'm expecting that the Commissioners will consider her permanent appointment representing the County at the Municipal Health Group sometime in April.

Commissioner CAKOUNES: Today, also, on our agenda was a discussion and possible action, although we did not take any action, sending out an RFQ for a request for a scope of legal services.

I ask that all of you pay attention to this because there are some questions in there for the Assembly, members of the Assembly, and certainly other department heads, and I just want to bring it up to your attention that we did speak about it today, although there was no action taken on it. So right now our County Counsel is still Attorney Troy.

And, basically, the only other thing that came up today and I want to draw this to your attention because I think it is important. When I took office over a year ago, I found that we, the County Commissioners, were signing contracts for agencies that we are fiscal agents for. And when I requested that those agencies take a vote on those actions prior to us signing the contracts, and that's kind of what we did for the first couple of months, and now I find that it's not the case.

And what's happening is the Commissioners are actually signing contracts and then those actions are being ratified but those committees. And I'm just not sure and I think Commissioner -- Chairman Flynn agreed with me that it's not really the process that we should be taking on.

So I, today, and the Chairman agreed that we're going to be looking into that process. And I think there's a bigger picture in this also. We are actually going to be, hopefully, looking more at our relationships and our legal commitment exposure, if you will, to being fiscal agents for a

number of these organizations.

Hopefully, that will come, once again, after we're done with the budget. So I'm hoping you'll see things like that on the agenda. So I just want to give you heads up in case you see it you'll understand what it's about.

Thank you.

Speaker BERGSTROM: Are there any questions for the Commissioner? Brian.

Mr. O'MALLEY: Thank you, Mr. Speaker. From your January 13th meeting, you say you received the final report from the Fire Academy Needs Assessment; whereas, we don't yet have it in hand. Can you give us a synopsis of what the pertinent recommendations are going to be so that -- because I know, certainly, there's interest in my town, like my Board of Selectmen is very concerned about what we're going to do with our Fire Department.

So I'm interested in knowing what the recommendations look like at this point.

Commissioner FLYNN: Well, this wasn't so much a part of the recommendations, but we have been -- well, I was the liaison to this working group, and I was very thankful to have the opportunity to work with them. Chief Maruca from West Barnstable, was the chair, did an outstanding job, really did. There's a lot of documentation regarding the Fire Training Academy.

One of the important things we learned is that we are way behind in terms of seeking state assistance for fire training. As many of you know, the state fire marshal happens to live in Falmouth, and I've known him for quite some time, and George Russell and I actually met with him some time ago to really pick his brain and see what is it that we're not doing; what is it we can do?

One of the big things that we have been missing all along is an earmark from the state. The other fire training -- the big fire training academy near Worcester or Springfield, I forget exactly which city --

Ms. MCAULIFFE: Stow.

Mr. OHMAN: Stow.

Commissioner FLYNN: Well, it's in Stow, yes, but there are other --

Mr. OHMAN: There's one in Springfield.

Mr. LEWIS: Quincy.

Commissioner FLYNN: Yes, anyway. The state earmarks from the fire insurance funds monies to go to the training academy. And those monies come in the state fire marshal's budget, and then he distributes them accordingly to whoever is on the books to receive them.

And so our directors at the Fire Academy have already met with our legislators quite a few months ago in terms of getting state earmarks for the Fire Training Academy. Now they have asked for \$200,000. I think they should've asked for \$300,000.

But on January 26th, the delegation is going to meet at the Fire Academy and take a look at the site and talk to the people -- talk to our group there and just see for themselves what it's like, what it does, what it needs to do, and what they can possibly do to help us in improving the facility and also improving the training programs.

So if any of you -- it will be the afternoon of the 26th. So if any of you are interested in coming, by all means, do come because it was a great opportunity to share with our legislators the real needs we have there. So I wanted to say that.

And in the report, it really goes through -- the purpose was what are the training needs of the Fire Departments on Cape Cod? And based on those needs, can the Fire Training Academy at its present location and staffing meet those needs? That was really the main purpose.

And they did address that in the report, and I have asked already that they make sure to send each of you a copy of it so you can read it.

And the assessment actually did address that but much more as well. And I think it would be easier once you've read it. If you have questions, we could talk about it then. But they did a great service to us to actually make that determination because it's really the Lower Cape and the Outer Cape that have the most training needs because most of the fire service there are volunteers. And in the larger towns, they're full-time employees. So there's a big difference in who makes up the fire services in lower and outer Cape towns.

So it's really important to them that they have a training place nearby. So that as driving from Provincetown to Stow is like a day's trip just to get there, just to say nothing of the training and having to come back.

And the cost; we all know that union contracts, you also pay for travel time to and from. So travel time from the Lower-Cape to Stow is quite significant plus the time they're there.

So we're working on a lot of those and trying to make it easier and more productive for our fire departments on Cape Cod to be able to receive the training they need.

Mr. O'MALLEY: Thank you.

Speaker BERGSTROM: Jim, did you have your hand up?

Mr. O'MALLEY: Can I follow through with that?

Speaker BERGSTROM: Yes, go right ahead.

Mr. O'MALLEY: With respect to that, just one point. I appreciate you bringing it up to date. I'm looking for two issues. I'm hearing that there's some sense of commitment to keeping the Fire Training Academy functioning, which I think will be a great reassurance.

And I'll point out that actually the problem for the Lower-Cape towns, the call departments, is not just the travel time. It's the reality that those people go for a block of time. They have jobs. They're call firefighters; they have real jobs. For them to take six weeks to go train, it doesn't work, and we'd have to go to an entirely professional system.

So that's where we're thinking about this very strongly in terms of budgeting right now. So I appreciate that clarification.

Thank you.

Speaker BERGSTROM: Jim, did you have something?

Mr. KILLION: Yes. Thank you, Mr. Speaker. Good afternoon, Commissioner Flynn and Commissioner Cakounes. I have a couple of questions that are perhaps related -- Commissioner Cakounes, you had mentioned doing some investigating regarding the County's exposure about contracts or that we're the fiscal agent of and it's something similar we had discussed at the Assembly in the last couple of years.

Is that at all related to the RFQ that is going out for legal services and is that RFQ something that's done on a regular basis or -- what's the reason precipitating that?

Commissioner CAKOUNES: Yes, because I'm not precipitating it, so I think I'm going to refer this to Commissioner Flynn. I'm not in favor of this so.

Commissioner FLYNN: Okay. The RFQ is -- actually, it was very helpful because we asked our County Administrator, Michael Brillhart, to work with staff and actually determine what legal services we utilize as a County. And it was very helpful to have that because we all have our own ideas. I mean we know; we pay the bills. We don't have the legal services the town has because we don't have land-use issues. And towns, a lot of their legal services are from the ZBA, the Zoning Board of Appeals or the Planning Board or the Conservation Commission.

And just in Truro alone, they have the issue of the Kline property and that has huge legal costs with that. So we don't have that.

So our costs a lot of times relate to contracts because the County has contracts with

the towns for services, you know, for fuel, for various bids. So our issues are more contractual and then occasionally the personnel issues which are not always all that great. Sometimes something comes up that is pretty significant.

But it was a good exercise in being able to see what legal services we have required over the past few years. And our legal expenses have not been that significant. They've been most of the time under \$50,000 a year, so they're not really huge. But it's a good exercise periodically to see what it is you're doing, what you need.

And so all we did was actually just take a look at it and review it. We had not real discussion about it. And because my feeling too is if we're going to be hiring a County Administrator in the next month or two, we don't want to be bringing in new legal services without that person having participated in the process.

So for that reason alone, we just tabled it.

Speaker BERGSTROM: Okay.

Mr. KILLION: Just to follow up, do you know when the last time this was done and what precipitated that?

Commissioner FLYNN: No idea. Probably years.

Mr. KILLION: So it's not a matter of not being comfortable with the current County Counsel or dissatisfied with his work?

Commissioner FLYNN: Not on my part.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: Well, could I just answer that though for the record? Again, I think I'm going on my thirteenth month of services as a County Commissioner. And this question of an RFP and changing legal services has come up seven times in the last 13 months.

And I have no, in the last 13 months, I have no documentation given to me that our current County Counsel is not providing good services or is somehow dropping the ball. And I don't know; we'll talk about that another time.

Speaker BERGSTROM: Ed.

Mr. LEWIS: Just to err to that and to agree to a certain degree with Commissioner Flynn, it is not a bad thing if every so often, and this has been something someone said to me something like 20 years that you review the legal services you're getting and what's out there for you, and what the costs are and whether or not you're getting the best bang for the buck. You may well be getting your best bang for the buck.

But it's really not costly to go out and have people come in and make a presentation to you about what they're going to charge you and give you some kind of a résumé so you can make a decision whether you are getting the best bang for your buck.

It's done all the time. The towns do it on a regular basis. Brewster did it four or five years ago or three or four years ago whenever it was, and it's a good thing to go through because it does give you a sense of what's being -- what you're spending are how you're spending it and what other people in that business might do for you and it doesn't hurt you. You may get a better bang for your buck and you may not; whatever.

As far as the Fire Training Academy, that report -- once you get that report and you read it, I think then any questions you had will probably be answered.

But I would agree with what you said -- what Mr. O'Malley said. I think the commitment is there after they had heard the report that's to keep the Fire Training Academy. But there are a lot of management questions that have to be solved and a lot more things that have to be solved moving forward. But it's a good report and I think you'll enjoy it.

Commissioner FLYNN: If I may? You will see in the report too that that the current directors, as they're called, -- what did they decide?

Commissioner CAKOUNES: Director.

Commissioner FLYNN: Yes, have really been doing some restructuring, and I mean not restructuring necessarily of the property itself but restructuring of their organization and their training programs. They are both retired fire chiefs from the Cape, so they really know the Cape's needs. They know the chiefs all around the Cape, and they're working really very hard to put together a training program that is -- that goes along with what the needs are and what the fire chiefs are looking for. So I think it's been a very helpful exercise.

Speaker BERGSTROM: Ed, did you want to follow up on that?

Mr. LEWIS: Just to add one quick thing. I think it's important that the various Boards of Selectmen, I've said this before, of the 15 towns -- the 14 towns plus the Councilors in Barnstable, really understand what the Fire Training Academy does because there may come a time in the future at some point where the different Boards of Selectmen and the different Fire Chiefs, and the different fire districts in Barnstable and the different fire departments throughout the Cape will be asked to -- there may come a time and that's in the report that there may be some costs involved but the different towns are going to have to realize how it's important for them to share in the support of that Fire Training Academy.

And I don't want to go into a long presentation, but I do think that different Boards of Selectmen have to be aware they can't be immune from understanding what goes on at the Fire Training Academy and how it benefits their towns. And they have to understand that so that when the fire chiefs come to them for the possibility of some small remuneration that -- or contribution to the Fire Academy, they'll understand the need for it.

Thank you.

Speaker BERGSTROM: Okay. Who do we have here? John and then -- we're moving down the line here. John, you're next.

Mr. OHMAN: Thank you, Mr. Speaker. Regarding the budget process which I've been a part of the last couple of weeks, have you given any specific directives to the management -- the managers on what their budgets should look like, level-funded, less than level-funded? Are you giving them some leeway on either side?

Commissioner CAKOUNES: That was an issue that came up today, and I'd like to take a minute to respond to that, and I'll let Commissioner Flynn respond if she'd like, but the Board of Commissioners have not voted a budget message themselves.

So you can't say that the Board of Commissioners has given direction directly to our department heads or even our lead staff, the Finance Department or the administrator.

The Finance department came out with their own kind of directive in trying to get a hold of the current financial situation but that was not voted on by the Commissioners.

Speaker BERGSTROM: Okay. Pat, did you have something?

Mr. PRINCI: I did. As far as the -- I don't want to get into a lot of questions and so forth regarding the report for the Fire Training Academy. I'm hopeful that at a future time they'll be a discussion published open meeting --

Speaker BERGSTROM: Have you gotten a copy of the report?

Mr. PRINCI: I'm hoping to get one as soon as --

Speaker BERGSTROM: It's out, yes, so we can get copies.

Commissioner FLYNN: No, I've asked to have it sent.

Mr. PRINCI: Okay. So, as far as I'm concerned, it's going to be a huge cost to

adequately manage that facility to ensure that all safeguards are taken place for the environment and the water quality, but we'll get into all that at another time.

I just have some questions regarding the contracting for the County dredge. When the management forms a contract with an individual town, for instance, which happened to my town, Barnstable, whereby we're delayed on the project now because of Marshfield; I'm just wondering if Marshfield had done -- their engineers did their proper work prior to them signing the contract whereby any core samples or anything to determine the scope of the project beyond what was bided on and what they paid for, and should that have been more money and so forth?

And the other question I have is if you could please in any future contracts set with other towns that are outside of this County, if we can have a disclosure in there that says if the scope of the work is more than -- they get the County dredge from this date to this date, and if the scope of the work is more and they've got to get back to Harwich for a project, then they go to Harwich. They leave Marshfield and they take the dredge to Harwich and they deal with Marshfield when they can.

I mean I understand its business and its contracts and so forth, but, you know, our towns should definitely have priorities on this. We've got flounder in Barnstable that are spawning. We're trying to not only clear channels and so forth but we're trying to preserve the ecosystems out there. And it seems to have been a mismanagement part on us, on the County, and I just hope that in the future we can set in the contracts with these off-Cape towns that if this work isn't done at that deadline and there's another project on the Cape, the dredge just comes back.

Thank you.

Speaker BERGSTROM: Okay. We'll I have a series of comments and complaints. So, I'll give it to you right now.

Commissioner CAKOUNES: You waited until the end.

Speaker BERGSTROM: I went to the Commissioners' meeting a week ago, a week ago today, and I was there because I got your agenda online. And the two items I was interested in was the report from the Fire Training Academy Committee and also the presentation of the three candidates for the job, the top job of Administrator.

So I sat there from 10 o'clock to around 11:30 while you guys shuffled to see what page you were talking about. "What page is that on?" And everybody -- so, finally, everybody got on the same page and talked about that.

Then the Chair announced at 11:30 that they were going to skip the items that I was there for and they weren't going to discuss them until 2 o'clock. So now I had been there for two hours and I wasn't -- despite -- also commuting time. I know it was an oversight.

But in our agenda, we have an item called, "Approval of the Calendar of Business." And what that is it tells the people in the room if we're going to take items out of turn that they'll know that. So that's my first complaint.

I'm in a complaining mood today. So the other --

Commissioner CAKOUNES: Address one at a time or do you want me to get all three of them?

Speaker BERGSTROM: No. Well, I'll give them to you all and then you can comment. Okay. The other complaint is -- it's not a complaint really; it's just an observation is that I had asked for a couple -- a year ago today or a year ago around this time I had asked the Fire Training Academy when they came in for their review of their budget from the Assembly, I said, "Do you keep records of who comes and goes because people log in and out?" And I was assured they do. They know the times that people come in and times people go out. So okay.

I asked for that, and I was told that it was available. That was about a month and a half ago and I haven't gotten it. That it exists but -- and I haven't heard reference to it from -- in the report, which is I agree with the Chairman, it was a very good report, very thorough, very well done. But it didn't say who has access to it, how that access is determined, the times of people coming and going. I'm assuming that a record is kept but I don't have it. So that's the other thing.

And I think you're going to get lucky because I think I forgot the last thing I was going to complain about. So we'll go with those two for now.

Commissioner CAKOUNES: I'd just respond to the County agenda first of all. Very rarely our meetings aren't very long. You know, throughout the 12 months that we get together, we have maybe five or six items on our agenda, and they're normally followed to the way they are written on the agenda.

But I would ask that you respectfully ask that you give us a little consideration in that we are in budget season.

Today, for example, we had scheduled five departments. One called and was on their way, so instead of, what, telling them we're not going to see them or whatever, we did have to take some things out of the printed agenda, if you will.

I will tell you that in a year and a month that I've been up there, it has not been a common practice of the now sitting Commissioners to do what happened last week. I would apologize for it as one Commissioner, and I think I'll even go further to speak for the Chair and apologize for her that that happened. But you have to understand that this is very, very busy time of year for us. And the agenda itself is also at the whim of those people that are on the agenda.

Shy of putting times on there and sticking to that, I think if this was a common practice that happened, I probably would be more inclined to change our current procedure.

But since it's only happened once in the 13 months I've been here, I'm going to let it go and hopefully you will respectfully give us that question.

The second one; I will answer you personally on the second one on the Fire Training Academy use log. There is one; it does exist, and I will make a phone call as soon as I leave this room to see if you will either get -- I don't know if it's electronically -- it may have to be copied, but I will make a personal request on that for you today when I leave the room.

Speaker BERGSTROM: Okay. And I remembered the last thing and it has nothing to do with you guys. But we have three more candidates for the Administrator job. I think there were originally 22 that applied on the first round. Was it 22? Is it winnowed down? Let's say 25. So there were 25 total candidates who applied, and I asked just out of curiosity how many of them were women out of the 25? And I got my answer; two were women.

Now that doesn't have nothing to do with you because only two applied but I'm just curious. It's just an observation that I'm sure there no discrimination on the part of the County, but I wonder if there is somehow some unspoken discrimination in the various roles that women play in County government or in civic government that would not allow them to reach the stage where they could apply for these jobs and be capable and acceptable.

So I mean I know you're not going to have an answer for that.

Commissioner CAKOUNES: Well, I do have an answer for that. I'll answer as being a County Commissioner and serving with two women Commissioners. We get along quite wonderfully and I can't imagine why women wouldn't want to serve with men.

Speaker BERGSTROM: Don't defend it --

Commissioner CAKOUNES: I think I speak for Chairman Flynn on that one too. I mean, you know.

Commissioner FLYNN: Yes, we do get along.

Speaker BERGSTROM: All right. Well, we'll accept that with that comment.

Anybody else have a question for the Commissioners? Okay. Well, thank you, very much.

Commissioner FLYNN: Thank you.

Communications from Finance Director Mary McIsaac

Speaker BERGSTROM: Okay. We now have communications from Finance Director Mary McIsaac regarding projected revenues and fiscal 17 budgeting options related to employee benefit costs.

I put this on the agenda because I wanted us to beat this horse before we actually got the budget.

Ms. MARY MCISAAC: Good afternoon, everyone. It's good to see you all again. I can't believe it's another month gone by in our reporting that we're here.

But, out of order, I would say that we handed out to you all today our six-month reports on revenues and expenditures.

And the last time we were here, we went into more detail about the line items and, you know, our understanding of where they're trending and what's going on with them and you were able to ask a number of questions. And I think I would respectfully submit that.

We're on target for revenues and expenditures. I don't see anything extraordinary or unusual between the November report and the December report. So we'll leave those for your reference.

If you have any questions after today, please feel free to call my office. I'm happy to take those questions today or any time after.

And I think the more important subject today that we're here about is fiscal 17 revenues and where we're going with health insurance options for our budgeting this year and other matters relative to the budget. So we'll get to that.

And I think that what I could respectfully submit is that we're still cementing the revenue side of our budget. There are a lot of unanswered questions about revenues, about grants that have been applied for, and there's been no decision yet which would be, certainly, you know, enhance our revenue side.

We also don't have the state lease cemented so we don't really know how much we're getting in revenues from the state. We submitted our cost reporting but we don't have a final answer on what the state will be giving us for revenues.

Certainly the courthouse rental money that we receive has a component in it for capital item reimbursements. And for the first time this year, that money will be segregated so the courthouse rental money will have a different flavor. It will be really reported to you in two components. The first component is the same as you've traditionally seen which is the rental. But we'll report to you on what's been driven through the rental line item in previous years that actually represents a reimbursement for capital expenditures that we've made.

Today forward, the reimbursements from the state will offset the cost of expenditures for those capital items. And we'll be borrowing the net or funding the net from available funds going forward.

For the rest of the revenues where we're just on hold waiting for numbers, our departmental revenues are we're working hard with departments to ask them to proactively market

their services to the towns for certain things that towns are needing or wanting to have for services from the County and that they're willing to pay for.

That's particularly to the Health Department and Human Services, and certainly IT is, you know, furthering their offerings to the towns for IT services from one end of the Cape to the other. Those numbers are being finalized.

So on the revenue side, we don't have our totals yet but we're getting there, and we have about another week to really ink the bottom line and then go from there on the expenditure side.

So the expenditure side is the hot topic and, respectfully, the departments are going before the County Commissioners with their proposals exactly for what they're saying their needs are for services and staff and supplies for the year. That request that comes from them lines up with what's in our system as a MUNIS Level I budget entries, and we've kept them the same. So the departments have the opportunities to go before the Commissioners and state from their perspective and from their desk where they sit what their needs are for their departments in fiscal 17.

We're rolling that, I think, as we speak. IT's been instructed to roll us to budget MUNIS Level II, which is the finance department's level, and that is the place where we are reviewing all of the departments' budgets, talking with them, and starting to make the cuts that we think we're going to need to balance the budget.

And even without the revenue line being cemented, we can see quite a disparity between the expenditure side and the revenue side based on what we're seeing.

So, we're working on that. We're looking at options for reducing our health insurance costs. We talked about that the last time. We still don't have our rates, so we don't know what the percentage of increase is going to be, but it's likely to be in the 10 percent range.

So the options for that, and I think, like I said, we talked about this the last time, the options on the table are eliminating PPOs which are the most expensive plans, but that comes with the caveat that retirees who have to be offered a PPO plan.

So if that were an option that was seriously put on the table and considered, we would still have to offer PPOs for retirees because they have the right to them living out-of-state and for various other conditions.

The resolution of that in terms of cost would be to have a decision to charge retirees who elect to stay on the PPOs a greater percentage. And they would, reasonably, we would probably look at having them -- having their percentage work out mathematically to be that we would not contribute any more to their plan than we're contributing to the HMOs for each of the providers. So that's one of the options we're looking at.

We're also looking at changing the percentages. The difficulty with that is we have a couple of unions to bargain with and there's a short window of time to be able to do that and submit the budget.

So some of these options are we don't really have the time for them. If the budget process was lengthier and, you know, we had more time to consider the final number and the impact of it, you know, you could say it's a good option to implement. But if you don't have the time to do it with having to submit the budget, then sometimes it becomes not a consideration or a lesser consideration that it might otherwise be.

The other option is looking at what other towns have done, which is eliminating insurance for elected officials. You know, there's a cost associated with that and that's also one of the options. But I would say today, the consideration is more towards eliminating the PPOs.

And part of the reason for that is that we're, you know, here comes the Cadillac tax

and even though it's been delayed, we're already seeing that our PPOs are being priced into triggering that Cadillac tax which is a 40 percent tax on the employers. And, you know, for the difference between some benchmark numbers that they say is the maximum premium that you can have for your plans and the premiums that these plans have escalated to over time. So the County certainly in other places cannot afford to pay the Cadillac tax.

So the plans are likely going away anyway in the form in which we see them today for the PPOs. The HMOs, quite honestly, are right behind them for the escalation of the cost. So I think we're looking at eliminating PPOs, maybe Cape-wide at some point and/or destroying them and rebuilding them in some other fashion that's affordable if we have the implementation of the Cadillac tax.

Speaker BERGSTROM: Mary, some of this -- just a quick -- a lot of us probably don't understand it, but the healthcare options that are given to County employees come from the County system, come from an overall state system or is this particularly just us?

Ms. MARY MCISAAC: Well, the County belongs to the Joint Purchase Group, the Cape Cod Municipal Health Group. And the reason that we're in this Joint Purchase Group is that Group Benefit Strategies, who are administrators for the group, negotiate with the providers. And they negotiate this much larger pool of people being, you know, all of the towns on Cape Cod to get the best rates that they can get.

That being said, that group, you know, our group is not a part of the state group because they are the GIC. We're not a part of any other local groups, group benefits managers, other joint purchase groups but we're singular to Cape Cod.

Speaker BERGSTROM: Okay. But we have the option of -- within that -- even with our arrangement of the other towns if we want to raise the percentages or something we could do that?

Ms. MARY MCISAAC: Sure. Absolutely. You mean not all of the towns offer all of the plans that are available. Towns opt out of certain plans. In the last probably five years, everybody almost has opted out of the indemnity plan called Master Health Plus, which was a plan years ago that everybody had.

Speaker BERGSTROM: Since I opened up this can of worms. I didn't mean --

Ms. MARY MCISAAC: Sure, sure, sure.

Speaker BERGSTROM: -- but I'll -- now I have to let the rest of the Assembly talk. So we'll start with Suzanne.

Ms. MCAULIFFE: Just quickly, a few years ago, when they were trying to make the state GIC the standard for health, I think the mass -- the local -- the Cape Cod Municipal Health Group underwent a kind of a revision and they made all their provisions comparable to what the state would require.

Ms. MARY MCISAAC: Right.

Ms. MCAULIFFE: So it is very responsible and respectable, but also over the years a very cost-saving system compared to other systems. So I think it's always been a benefit to be a part of the Municipal Health Group.

Ms. MARY MCISAAC: Sure.

Ms. MCAULIFFE: My question is I don't want to get into a whole big thing. Just for future item, OPEB, which is Other Post-Employment Benefits --

Ms. MARY MCISAAC: Yes, ma'am.

Ms. MCAULIFFE: -- I think should have a brief explanation and discussion for our new members in going forward.

Ms. MARY MCISAAC: Sure.

Ms. MCAULIFFE: Just so that they know that it's out there.

Ms. MARY MCISAAC: Right.

Ms. MCAULIFFE: And I know no one's planning on meeting its responsibility.

Ms. MARY MCISAAC: It's a pretty big number.

Ms. MCAULIFFE: Yes, it's a huge number.

Ms. MARY MCISAAC: Sure.

Ms. MCAULIFFE: And I know the state is okay as long as you're working towards it. But I just sort of want to -- everybody on the Assembly, especially the new members, know and understand what's going on with OPEB for the County.

Ms. MARY MCISAAC: Sure. And I'm happy to come back to another meeting and speak to our actuarial report from Segal that did the work through the Barnstable County Retirement Association.

Also, at the same time, we are planning a meeting with the treasurer of Plymouth County Group because they developed and devised their own OPEB trust. And any member of Barnstable County -- any town in Barnstable County can also join their trust because in the makeup of their irrevocable trust they included other counties besides Plymouth. Tom O'Brien who's the treasurer of Plymouth is going to come down to the County. He's agreed to come here and several other towns have expressed interest in listening to their presentation on their trust and the kinds of things that they've been able to do with their agreement.

And I'll certainly be happy to extend the invitation to the Assembly members of the date and time of the meeting and you're welcome to attend.

Ms. MCAULIFFE: Thank you.

Ms. MARY MCISAAC: You're welcome.

Speaker BERGSTROM: Ed, did you have a question? Ed McManus.

Mr. MCMANUS: Yes.

Speaker BERGSTROM: And then we'll work our way down.

Mr. MCMANUS: The Municipal Health Group though it's just not towns, it's also school districts and a variety of other districts.

Ms. MARY MCISAAC: Yes.

Mr. MCMANUS: And also some jurisdictions off Cape as I understand it.

Ms. MARY MCISAAC: I'm not aware of any off Cape but certainly cities, towns, and districts, authorities are members also. There are numerous small, small units that are members. Sure.

Mr. MCMANUS: Yes, okay. And then the other question is what's the trigger for triggering the --

Ms. MARY MCISAAC: The threshold for Cadillac?

Mr. MCMANUS: Yes.

Ms. MARY MCISAAC: I don't remember the exact number. It's around a \$2,000 a month number.

Mr. MCMANUS: So it's a value of the monthly cost is the trigger figure?

Ms. MARY MCISAAC: Sure. It is, yes. The gross cost and not the -- you know, not the contribution of the unit.

Speaker BERGSTROM: Ed Lewis.

Mr. LEWIS: Yes, a couple of things.

Ms. MARY MCISAAC: Sure.

Mr. LEWIS: One of the things you might want to do is contact the 14 or 15 towns and find out how many towns offer -- and I know this is a big horse here, but offer insurance -- health insurance for elected officials. I know Brewster doesn't. I know many towns don't. I don't know if any towns do, maybe they do.

Ms. MARY MCISAAC: I think they do.

Mr. LEWIS: Some towns do but Brewster doesn't. That's the only one I know.

Ms. MCAULIFFE: Yarmouth.

Mr. LEWIS: The other thing that comes to mind, four or five -- four years ago I think the state -- there was some legislation passed that we bargained with the four unions that are in Brewster; CIU, OPIU, and the police union, the fire union and got them to accept this legislation and then it was voted on by the Board of Selectmen and that saved the town a great deal of money that time, and I don't know maybe --

Ms. MARY MCISAAC: It did?

Mr. LEWIS: -- maybe the County did that at that time.

Ms. MARY MCISAAC: I don't know. I mean they were too small unions so I'm not really sure what happened.

Mr. LEWIS: But I mean we applied it to everybody.

Ms. MARY MCISAAC: Right.

Mr. LEWIS: Once we did it, we applied it to whether they were union or not union.

Ms. MARY MCISAAC: Yes.

Mr. LEWIS: And that saved the town a great deal of money. And I don't know if the County did that or not. I don't know if the County, also with retirees, they must be -- once they hit the Medicare age 65, they have to be on Medicare; therefore, it doesn't matter where they live. They cannot accept -- we won't pay private insurance for them.

I know here, as an example, while those under 65 get their medical insurance. If you're over 65, which I am, and when I first joined the Assembly I said, "Well does the Assembly -- does the County pay our supplement?" And they don't do that.

So those of us who are over 65, we don't have any medical costs that go to the County. Under 65, they pay their medical insurance. So I don't know how that affects retirees within the County, just within the County as to whether you're paying their supplement or you're not paying their supplement or whatever. I know that there are a lot of people retired who are under 65, but that's a huge, huge cost, the whole thing with medical insurance and going up 10 percent.

Ms. MARY MCISAAC: Right.

Mr. LEWIS: Which I -- the school district in Nauset, we've been putting in 10 percent right now into our budget. We don't have the rates either. And you can imagine what it is for a school district with the many hundreds of employees we have.

Ms. MARY MCISAAC: Right. Exactly.

Mr. LEWIS: It's a killer.

Ms. MARY MCISAAC: It's a big number, for sure. And I think when you speak with respect to the plan design changes that happened, that was under the Reform Act.

Mr. LEWIS: Right.

Ms. MARY MCISAAC: And also embedded in the Reform Act was a mandatory transfer of Medicare at age 65. Now prior to that, communities had the option of adoptions -- of adopting Section 18 -- Section 18B of 32 (sic).

Mr. LEWIS: Right.

Ms. MARY MCISAAC: So if they adopted it, people were mandated to go on

Medicare after they turned -- once they turned 65. Many communities hadn't had that but they were mandated in the year that the Reform Act was signed.

Mr. LEWIS: Did the County do that?

Ms. MARY MCISAAC: It's mandatory. It's the law. The County --

Mr. LEWIS: Did the County do this reform so that 18, 32B (sic)?

Ms. MARY MCISAAC: Yes. Well, there was no requirement then. The Reform Act mandated it for all citizens in Massachusetts, all employers, and retirees have supplement plans that are companions to Medicare in order to complete someone's medical coverage. And we subsidize the Medicare supplement plans to the same rate as the active plans, which is 75 percent.

Speaker BERGSTROM: Okay. Brian and then Jim.

Mr. O'MALLEY: Thank you, Mr. Speaker. At our January 7th meeting when you were addressing the question of health insurance costs, you indicated that you had some preliminary sense that 10 percent was going to be conservative, that it might actually be increased by 15. Do you know will we have this information in time for the budget? When are these rates coming out?

Ms. MARY MCISAAC: We're expecting that the Cape Cod Municipal Health Group will take their vote on the rates the first week in February. So the rates will be known to us right before the document comes over to you.

Mr. O'MALLEY: That's great. Thank you.

Speaker BERGSTROM: Jim.

Mr. KILLION: Thank you, Mr. Speaker. Just for clarification, it's my understanding that the tax from the Affordable Care Act is not currently indexed for inflation.

Ms. MARY MCISAAC: Yes.

Mr. KILLION: So at some point all these plans are going to get caught up in that tax. And I think that's an important thing for people to understand --

Ms. MARY MCISAAC: Sure.

Mr. KILLION: -- that we're going to be dealing with this whether it's three years/five years from now. And people should be involved, call their congressman to try and straighten that out because it is going to be an issue.

Ms. MARY MCISAAC: Sure. Well you're absolutely right. And I think right now the only way to view it is that as everybody creeps to the threshold once we really have D-Day and have to deal with this is the plans will be scrapped as they are and other plans will be offered in their place because you can't change the plan designs but you can eliminate plan offers and develop new plans. And I think that's likely what will happen in lieu of anything that would forgive that increase.

Mr. KILLION: The last time you were here, which was very informative, thank you; we talked about some of the measures that might be on the table for cutting expenses in the next fiscal year.

Ms. MARY MCISAAC: Sure.

Mr. KILLION: Will you be able to provide to us these types of scenarios? For example, the last budget session many of us here were trying to cut expenses because we saw this coming. And some of the things we looked at were freezing salaries, COLAs, that type of thing.

Ms. MARY MCISAAC: Sure.

Mr. KILLION: And it became very difficult, I would say almost impossible for us, to be able to quantify some of those numbers due to how certain parts of the budget is structured.

Is it going to be possible for us in this go around to try and quantify those numbers to see what parts we might be able to freeze or cut and change in order to make this budget work?

Ms. MARY MCISAAC: Sure. I think it makes sense to quantify those numbers for

you and to deliver notes on all of the options, you know, because that's the foundation of, you know, the decisions that you'll make. You need the information to make informed decisions about the budget document that you're looking at.

For the County Commissioners, my goal is to develop the budget and also go -- really walk it from the department's -- what the department's request to what we think the budget should be based on, you know, what we've had to cut and the explanation of the cuts will -- there will be documentation and sort of the history of the account or any of the reasons why we felt we needed to walk a number backwards, which is likely what will be happening. We won't be doing a lot of increasing; we'll be doing a lot of decreasing.

But you'll be able to walk from their request to what the final document was that went to the County Commissioners. I can certainly provide you as much information as I can from their perspective for what they have changed it to be before it comes to you. I'm happy to do that.

Mr. KILLION: Great. Thank you, very much.

Ms. MARY MCISAAC: You're welcome.

Speaker BERGSTROM: Yes, Mary, just one question I have for you is that in a review of the County's health plans that they offer, they don't offer something called a one plus one, which means if somebody is, let's say, you know, an empty nester and they have a spouse they want to cover, they're forced to get a family plan.

Ms. MARY MCISAAC: They are.

Speaker BERGSTROM: And so in the eyes of Blue Cross or Tufts or whoever they go to, they're actually paying, you know, the liability for carrying a family on that health care plan and, indeed, they're not.

Ms. MARY MCISAAC: Sure.

Speaker BERGSTROM: So now I asked the previous person who was involved in this. I said, "Why do you do that?" They said, "Well, we feel it's only fair that the two people should pay a little more so that the families have to pay a little less," which I thought was kind of discriminatory.

But I just wondered if there could be some savings in that. I mean if you have 20 people carrying a family plan and there are only two people in their family --

Ms. MARY MCISAAC: Right.

Speaker BERGSTROM: -- you know, the one plus one might be a cost savings.

Ms. MARY MCISAAC: Well, the one plus one is something that would be jurisdictional to the Joint Purchase Group. And the agreements that are forged between the providers and Group Benefit Strategies for the group are molded and modeled in the fashion that, you know, one plus one has to be a family plan.

And what ends up happening, and I wouldn't use the word fairness, what ends up happening is a husband and a wife with no dependents are subsidizing a husband and a wife with two or three or four dependents because that's how they structure the cost of the premiums.

And it is how the Cape Cod Municipal Health Group models their plans and prices their premiums and it's a group decision. That's how the agreements are made with the providers.

Speaker BERGSTROM: So what you're suggesting is that if they did offer a one plus one that would result in the family plans becoming more expensive.

Ms. MARY MCISAAC: I'm sure they'd be quite a bit more expensive actually. That would be my guess. And you get to one plus one when you get to 65 and someone else isn't there yet, so that breaks up the family.

Speaker BERGSTROM: All right. We'll go Ed and then Ed.

Mr. LEWIS: I'm first? Just a quick -- nothing to do with healthcare. Whenever requested cuts for certain departments are requested by either the Commissioners or yourself or whoever or the County Administrator whenever that person is hired, I think it would be a good idea if somehow when we got that information we understood what effect that will have on that specific department and the towns that they service.

Ms. MARY MCISAAC: Sure.

Mr. LEWIS: What they do, in other words, the County Health Department, the Extension, or any of that. So when we get the budget, because we're the legislative body and we can change the budget and we're not tied to any one thing because it's really led to believe it's our budget in the long run. But if the towns are going to lose a benefit --

Ms. MARY MCISAAC: Right.

Mr. LEWIS: -- and then the County becomes less important to the towns, I think that have an effect that we may not want it to have. So I think we have to know that what the effect would be.

Ms. MARY MCISAAC: Sure.

Mr. LEWIS: Thank you.

Ms. MARY MCISAAC: Sure. And that's easy for our programs and services because we can -- those are targeted to certain towns and organizations inside of towns. And other things like the health insurance -- a change to health insurance that we can't really deliver that as an impact to a town.

Mr. LEWIS: Right. I see.

Ms. MARY MCISAAC: Okay. Good.

Mr. LEWIS: Thank you.

Ms. MARY MCISAAC: You're welcome.

Speaker BERGSTROM: Ed McManus.

Mr. MCMANUS: Yes. Just a comment on the empty-nesters as opposed to families with children. I know when I was part of the review committee in California with Kaiser Permanente on their municipal plans and they really -- they didn't offer different plans to the municipal. There were certain negotiations on costs but I mean the plan structure was the same throughout their population.

And one of the -- actuarially, one of the things they found is that while in family plans with children you have more people and more services but they tend to be more routine services.

Ms. MARY MCISAAC: Right. Preventative.

Mr. MCMANUS: And the empty-nesters tend to be older and moving into the big ticket items of triple bypasses and hip replacements. So there's a balance that happens.

Speaker BERGSTROM: We won't go into that. You know, I interrupted your presentation so I didn't mean to.

Ms. MARY MCISAAC: No, no, no; feel free.

Speaker BERGSTROM: No. I just want to say that this is -- so you're not prepared at this point to give us an idea of cost savings in the items that you gave us for instance if we eliminated the PPO what the cost savings would be. If we went to an increase in the employer contribution of let's say 10 percent or 15 percent, or if we eliminated, you know, the plans for elected officials, you don't have numbers?

Ms. MARY MCISAAC: We don't have final numbers on that. No, sir.

Speaker BERGSTROM: And I guess my other question is before we go into this further is that we heard just before you came -- before you came before us that the Commissioners

have not given any instructions to the department heads. So, apparently, they're waiting to see what's being asked first, right, before they decide how to apportion whatever available funds?

What? Leo said they didn't vote on that. They didn't --

Ms. MCAULIFFE: No, but she put out her own policy.

Speaker BERGSTROM: So you put out a policy?

Ms. MARY MCISAAC: Well, we put out some --

Ms. TAYLOR: Suggestions.

Ms. MARY MCISAAC: -- we put out our guidelines in order to help people -- give people some framework in which to submit their budgets so that they could articulate in some format that was consistent because we were finding that that was a request that came forward last year. I'm looking for the same form and content from all the departments.

It's difficult though because some of the departments are heavily invested in services that are somewhat funded, you know, to some extent by grants, and the grants come and go so we don't have grants that are fiscal years, and it's hard to format that against a department that doesn't have any grants. It's a whole different sort of mathematical calculation, and it's hard to fit, you know, a square into a round hole.

Speaker BERGSTROM: Okay. Well, anyway, did you have more to give us or?

Ms. MARY MCISAAC: I would say if you had any other questions other than the last time that we were here we talked about a capital plan and the dates for that. And Attorney Troy advised that the capital plan would come over with the budget document.

And we're hoping to have that ready before the date of the budget document, so we can let you know if it's on the agenda, and you can see it at a Commissioner's level before it's walked over here.

Speaker BERGSTROM: Okay. Yes, Deborah.

Deputy Speaker MCCUTCHEON: I just had a comment about -- I'm always quick to criticize all the information that we're given. I want to tell you I find it refreshing that when you come here you're very forthcoming. You're really on top of your game with the numbers and I really appreciate it.

Ms. MARY MCISAAC: Well, thank you. I appreciate that support.

Speaker BERGSTROM: Ed.

Mr. MCMANUS: Yes. The one piece of information which I've been asking for is the information on the statutory establishment or the variety of the three main sources of revenue and what the limits of -- to which they can be charged, i.e. the deeds tax, the County tax assessment.

Ms. MARY MCISAAC: For the deeds tax?

Mr. MCMANUS: Yeah.

Ms. MARY MCISAAC: There was a calculation that Jack Meade provided; have you seen it?

Mr. MCMANUS: I know the calculation but if it's to be changed is --

Ms. MARY MCISAAC: The impact of the change?

Mr. MCMANUS: No. If a vote was to change the rate it was, what's the process, that sort of information? I know the deeds tax rate has been changed in the past.

Ms. MARY MCISAAC: Right.

Mr. MCMANUS: Where does the deeds tax appear in General Law Statutes? How is it controlled? Those sort of issues.

Ms. MARY MCISAAC: We can get you that legislative information, certainly.

Speaker BERGSTROM: That's really an internal matter for the Assembly, the

County budget process. We've done it before. We've raised the tax before so we, basically, vote to do it is what happens.

Mr. MCMANUS: Yes.

Speaker BERGSTROM: Or we vote not to do it. It depends on your point of view. But I guess the question in front of us is now today is the 20th of January.

Ms. MARY MCISAAC: Yes.

Speaker BERGSTROM: There will be, my calculations, three more meetings of the Commissioners before -- assuming that they meet every --

Ms. MARY MCISAAC: Three or more that they've proposed that they're willing to meet as many times as they need to before your deadline.

Speaker BERGSTROM: Okay. And you know even though we're not too certain, and I agree with Deborah, the one thing that's come out of this supposed crisis, I don't consider it a crisis, is that we've been able to now review County practices going back a few years, look at things like the Fire Training Academy, talk about the contributions made by the state for the leases. We talked about potential revenue sources. Its stuff that I wish had been done years ago but we didn't do it. But now we're doing it, which is good.

But you think that even though you don't have firm numbers on the revenues that by the 17th of February we'll be able to put this all together?

Ms. MARY MCISAAC: I think we'll have a good story to present to you.

Speaker BERGSTROM: I've got -- we heard many stories. Some of them were --

Ms. MARY MCISAAC: With lots of backup.

Speaker BERGSTROM: -- and some of them were fiction.

Ms. MARY MCISAAC: No, we don't deal in fiction.

Speaker BERGSTROM: Okay. I've been asked to ask you about the auditor, the RFQ for getting a new auditor; is this something true?

Ms. MARY MCISAAC: Well, we're not getting a new auditor per se. We've had the same auditor for a number of years.

Speaker BERGSTROM: Right.

Ms. MARY MCISAAC: So we're going to do an RFP, and we're going to solicit services of any interested public accounting firms, and we'll evaluate all of the proposals, and we'll decide whether we will seek a new auditing firm or we will stay with the firm that we have.

Speaker BERGSTROM: Yes. Just for a point of information. I contacted some state agency and there might have been a resolution, I'm not so sure, that actually does come into communities and reviews their accounting practices and so on. I forget what it is.

Ms. MARY MCISAAC: Well, the DOR does that.

Deputy Speaker MCCUTCHEON: DOR does it.

Speaker BERGSTROM: They refused to do it for us.

Ms. MARY MCISAAC: They refused?

Speaker BERGSTROM: They said, "No." They said, "We don't do counties." And I said --

Ms. MARY MCISAAC: You know, they used to do counties, because when I worked there, there was a whole county section at the Bureau of Accounts, and they dealt with a lot of -- they were very, very active in the counties. But then as you know, a lot of the counties have gone away and so --

Speaker BERGSTROM: Well, I think they're a bit disingenuous because people -- because since there are so many revenue streams that go through our checking account that some of

the people who had interest in County finance didn't want them to do that. So they said, "Oh, you have ulterior motives for asking me for that so we don't do it."

So I found out they did, indeed, do one for one of the counties out on Martha's Vineyard but its too bad.

Ms. MCAULIFFE: Maybe we could get the Finance Director to request it.

Speaker BERGSTROM: Well, maybe, but, anyway, that's water under the dam. I had to talk to my consigliere.

Clerk O'CONNELL: Thank you, Mr. Speaker. Mary, or maybe anyone else who might recall, on the MMA website I think they're featuring some discussion from the Governor regarding some initiatives or suggestions or that he's making a proposal to clean up some of the items that kind of don't make sense.

And I think one of them, if I recall correctly, is related to these things that are out there such as, you know, you can call and ask for an audit but, no, that's not right. That's going away.

Some of you may want to take a look at -- because I think he's coming to MMA to talk about what he is going to be putting forward. And I found some of those items to be very interesting in terms of how it may or may not reflect some of the things that you request that they're saying, "No, we don't do that any longer."

Ms. MARY MCISAAC: Right.

Clerk O'CONNELL: So you may want to take a look at that. I think that was my recollection.

And with regards to the audit RFP, the Assembly typically has participated in that in years past. And I have spoken to the chair of finance regarding participation again.

But important to take note is this is something that's typically done during the day during office hours, but John may want to kind of expound on that a little bit in terms of soliciting anybody on the Assembly that may want to participate but understand that it's a limited -- typically, that committee doesn't have 15 people on it. So if there is a large response, you may get -- because the Assembly has to approve --

Speaker BERGSTROM: Well, we approve the budget so.

Clerk O'CONNELL: -- the auditor.

Speaker BERGSTROM: And we approve the auditor. So, we'll get it. We'll get some information on that. When do you think this is going to happen? When are you going to get the information back?

Ms. MARY MCISAAC: We're not likely to go out for this until the end of February, beginning of March.

Speaker BERGSTROM: Are there any other questions for -- yes, John.

Mr. OHMAN: I had a brief discussion with Mary about the auditors and, typically, the Assembly's had two members on a review committee and that's a pretty standard operation, if you're willing to do that for us again.

Ms. MARY MCISAAC: Sure.

Mr. OHMAN: And since Janice and I did it last time, I was going to offer it to the Assembly in general if anybody has time during the middle of the day and wants to participate in this and watch this process from the inside. It's a very interesting process if you have that sort of interest in the process.

So, if anybody's interested serving on that committee, please let me know and I will consider it. Thanks.

Speaker BERGSTROM: All right. And the only thing I would ask is if you have any significant progress on determining revenues or expenditures in the next few weeks that you copy the Assembly so we will have advanced notice.

Ms. MARY MCISAAC: Absolutely. Certainly. I'm happy to do that.

Speaker BERGSTROM: All right. Well, thank you, once again.

Ms. MARY MCISAAC: You're welcome. You're welcome. Thank you, very much.

Speaker BERGSTROM: Are there any communications from Public Officials?
Any communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene, and we will begin with committee reports and the Telecommunications and Energy minutes, need approval of 1/6/16.

Mr. KILLION: Thank you, Mr. Speaker. Before I give the brief report, if I could have a motion to approve the minutes of January 6, 2016.

Deputy Speaker MCCUTCHEON: Motion to approve.

MALE VOICE: So moved.

Mr. KILLION: Can I have a second?

Ms. MCAULIFFE: Well, I'm an alternate. I'm not allowed to speak.

Deputy Speaker MCCUTCHEON: Oh, I second. I'll second it.

Mr. KILLION: All in favor?

Committee MEMBERS: Aye.

(Minutes approved.)

Mr. KILLION: Thank you. Mr. Speaker, the Telecommunications and Energy subcommittee late last year began holding hearings regarding energy prices in Barnstable County.

As we heard in the past as has been reported in the Cape Cod Times among other sources that the Cape residents on average spend -- or have spent anywhere from \$20-\$40 million more than their counterparts on the other side of the bridge.

So I decided to have some hearings and bring in a number of different sources to look at what factors enter into the cost of our energy. And last month we had in members of the Cape Light Compact who came with their power planner and their legal department among others.

And this past month, we had Chris Powicki who is the president of Water Energy & Ecology Information and Design Services. And Mr. Powicki is actually a proponent of the mission of the Cape Light Compact has, however, some of us may have heard, he's a bit of a critic of the way they deliver their services.

But one of the interesting facts we did learn from the presentation from Cape Light Compact how there are issues with our geography being farther away from many of the generating sources that are currently available. And consequently, there are some significant line losses that we, as end users, have to absorb.

And, of course, those issues are only going to be exacerbated over the coming years as with the closure of Pilgrim Nuclear and Brayton Point in the next year or two.

So those are issues that we're going to have to try and overcome. Those may actually help the renewable market where some of that energy can be generated locally.

Now the other issue that went into their power purchasing was the fact that as a government entity they are prohibited from assuming any type of risk. So, consequently, where

energy can be hedged on the market, they're precluded from doing that. So, consequently, we pay a little bit more for the energy versus a supplier which is able to assume risk and spread their risk around through other regions. So that was an interesting point.

Mr. Powicki who gave a presentation, which I believe all of you should have received a copy of, went into some of the details about how he felt the energy markets were being controlled and issued in the region and his criticisms of it.

And our plan going forward is to actually have some folks in from the private market. We have a couple of energy suppliers who have expressed a willingness to come and speak to us, tell us how they go to market with their products and services. In addition, we'll have one member at least from either Eversource or National Grid to give us further information.

So at the end of this, as I said, will be the opportunity to, hopefully, solve some of these answers as to why if, in fact, we are paying more and why that is.

So I encourage everyone to attend, and if they have questions or if they have suggestions on sources of information that we should be looking into and inviting into our room, I will certainly take that under consideration.

I have avoided having folks, from members of the public, speak during these meetings because I don't really want them to turn into a debate. We're just gathering information at this point. Any member – Cape Light Compact was certainly in attendance at the last meeting when Mr. Powicki spoke and they expressed an interest in speaking, but they will be given an opportunity to come back and address any information or questions that they had with either Mr. Powicki or anyone else who chooses to attend our meetings.

Thank you.

Report from the Clerk

Speaker BERGSTROM: Okay. There are no other reports. So now we get a report from the Clerk.

Clerk O'CONNELL: Yes, I just thought I'd add that the information I just gave you previously on the MMA webpage, it's a Municipal Modernization Package that the governor is -- there's a whole list of items, big laundry list, and maybe it's of some interest to you.

And other than that, it's just to remind everyone that the MMA annual conference and tradeshow is coming up. I will be heading up there myself, as well as several of the Delegates this year. We have a very good representation from Barnstable County. And, hopefully, the weather isn't going to create a problem for that.

But that's where I'll be for the next few days and back into the office on Monday. And that's it.

Other Business

Speaker BERGSTROM: Okay. Other business; anybody have any other business to be brought before -- yes, first Brian and then Ed. We'll start with the end, start with the far end there. The far end of the Cape and the far end of the desk.

Mr. O'MALLEY: Thank you, Mr. Speaker. So, first I would like to propose an amendment to the Barnstable County Home Rule Charter. At our last meeting, I submitted a Proposed Ordinance which would've been 16-01.

After discussion with County Counsel who advises me that the Ordinance form is, in

fact, not the correct form to use for a Charter amendment. And that, in fact, the language to be used is a Proposed Amendment to the Barnstable County Home Rule Charter.

With several changes of language and withdrawal of a couple lines of that document that could have been considered regulatory rather than definitional and revising the last piece to remove the potential for legal action against the County and reserving those rights of a resolution in court to the County itself.

I am submitting the Barnstable County Bill of Rights as a Proposed Amendment to the Home Rule Charter. And as I explained very briefly, and will keep it to that, our existing Charter references the fact in its preamble that there are rights and that is the function of County government but those rights are never, ever further referenced. And what this will do is make explicit those natural rights that we assert for ourselves as the people of Barnstable County.

And I'm hopeful as we go forward that, in fact, it will help to give us some perspective on what the mission, shall we say, purpose, function of Barnstable County is as we think about reorganizing.

So, with that, I introduce -- I'll bring this forward.

Speaker BERGSTROM: Ed.

Mr. LEWIS: Just I don't know how many of you are attending the MMA this weekend, but if you are, on -- what is it Friday?

Mr. MCMANUS: Friday.

Mr. LEWIS: Friday at 5:30 p.m. in the Gardner Room, there will be a meeting of the Cape Cod Selectmen & Councilors' Association. And just for your information, one of the things that will be discussed there is our next breakfast meeting which is February 12th, I believe, in Brewster at Ardeo's.

And the topic which hasn't been worded yet, unless Ed's already done that, will involve County Governance and the Fire Training Academy. And that will be discussed and Chief Maruca will be at that meeting to make a presentation as it relates to the reports, since he was the chair of the committee.

So that if any of you are interested, and I ask you if you can, to at least come to the meeting at 5:30 p.m. in the Gardener room. And as our Clerk has decided, since the reception starts at 5 o'clock on one floor, get your drink of choice and then move your way up the stairs and come to the meeting. And then after the meeting, go back and get your second drink of choice.

Ms. MCAULIFFE: And have an hors d'oeuvre.

Mr. LEWIS: You can have an hors d'oeuvre or whatever. But I think that what we're trying to do is what I said before is to get the different Boards of Selectmen involved so they understand what's going on within the County. We're getting a lot of what I would say is unhealthy press, and I don't think that that's really in many instances very correct or references the work that everybody does.

So I think it would be a good idea if we get the public involved so they understand what we do a little bit more. So that when some of us campaign or don't campaign in order to get elected. Someone doesn't always say to us, "What do you do?" So that's why we're trying to involve governance and the Fire Training Academy with the Selectmen & Councilors' Association.

Thank you.

Speaker BERGSTROM: Brian.

Mr. O'MALLEY: Mr. Speaker, thank you. I'm advised by our Clerk that it was not made sufficiently clear that in making this new proposed amendment to the Home Rule Charter I am withdrawing the previously submitted ordinance, Proposed Ordinance

16-01.

Speaker BERGSTROM: Okay. Thank you. The only other business I have to bring before the Assembly, I was hoping to submit an ordinance today but there are some legal issues.

But I have discussed with, actually starting with the suggestion from Ed Lewis, the Delegate from Brewster, I had discussed the possibility of adding to the requirement of passing an ordinance or a regulation the need for eight positive votes.

In other words, besides the necessity of having 51 percent or above 50 percent of the population of Barnstable County, the requirement to pass an affirmative vote would be the same as the requirement for the quorum which would mean that you'd have to have eight votes which would total at least 50-point-whatever percent of the vote.

This is an obvious response to the litany of complaints I've gotten over many years as to the inordinate power of the larger towns. Even though if you go through every resolution and ordinance, you'll find it very rare an occasion when a minority of towns voted.

But I was informed by our attorney late today -- even though my reading of the Charter of Section 2.5 was that it wouldn't require a Charter change because the Charter only references the necessity of having 51. It doesn't say -- it also says we can -- well, you'll read it yourself so.

I'm not going to get into a discussion, but I'll try to submit that. It may have to go as a Charter change but that's my intention. So ruminate over that.

Yes, Julia.

Ms. TAYLOR: And did the question come up or did Attorney Troy have any thoughts about the one man/one vote concept being relevant?

Speaker BERGSTROM: I don't think we can go to -- I mean I didn't ask him one man/one vote, but I don't think that's possible to be honest with you but I'll ask him. He's been asked a lot lately too.

Something I didn't bring up before with the County Commissioners, but with the ongoing dialogue with County Counsel, it's important that you go through the Chair, which most of you do anyway. In other words, you come to me and I will give a heads up to Troy.

And he's had the same problem with the selectmen, not selectmen, with the Commissioners too. Everybody runs into the office and so on, and so we're looking to kind of get some order to it. It's best to go through procedures when you talk to County Counsel and not to engage in an ongoing dialogue without some kind of heads up. You know, you ask a question but you can't go back and forth and argue with him because he's an attorney; you're going to lose.

So, anyway, that's all I have to say about that.

Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. Just a follow-up, towards the end of the last meeting, the Delegate from Harwich raised the issue regarding the subcommittee meeting, which I Chair, and made the assertion that the requirements of Open Meeting Law dictated that we allow public comment, which as most of us probably knew at the time and certainly know now thanks to Janice, that that is, in fact, correct, that it is not required.

But the suggestion I would like to make in the future if there are questions about any policies or procedures that go on either in here or the subcommittee that we put it on the agenda and have it discussed. We don't just throw out facts or understandings of the matter that are incomplete.

Thank you.

Speaker BERGSTROM: Okay.

Ms. MCAULIFFE: Move to adjourn.

Deputy Speaker MCCUTCHEON: Second.
Speaker BERGSTROM: All those in favor?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:20 p.m.

Respectfully submitted by:

**Janice O’Connell, Clerk
Assembly of Delegates**

List of materials used at meeting:

- Unapproved 1-6-16 Journal of Proceedings
- Handouts from Finance Director (2 pages)
- Draft meeting minutes from Telecommunications & Energy dated 1-6-16
- Proposed Amendment to County Charter – “Bill of Rights” from Delegate O’Malley