

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings - October 15, 2014

Acting Speaker MARTIN: Good afternoon. It's October 15th, 2014. I'd like to call this meeting of the Assembly of Delegates to order.

We'll begin with a moment of silence to honor our troops who have died in service to our country.

(Moment of silence.)

Acting Speaker MARTIN: Let's say the Pledge of Allegiance.

(Pledge of Allegiance.)

Acting Speaker MARTIN: So, just for clarity, is there anyone else recording this proceeding?

Okay. Let's move on to a roll call by the Clerk, please.

Roll Call (84.76 %): Richard Anderson (9.15% - Bourne), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73%- Orleans), James Killion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth).

Absent (15.24 %): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Marcia King (6.49% - Mashpee), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Madam Speaker, we have a quorum present with 84.76 percent of the Delegates present; 15.24 percent absent.

Committee of the Whole

Acting Speaker MARTIN: Thank you.

We're up to approval of the Calendar of Business. Do I have a motion?

Ms. MCAULIFFE: So moved.

Mr. OHMAN: Second.

Acting Speaker MARTIN: Okay.

Ms. MCAULIFFE: Call for the vote.

Acting Speaker MARTIN: Sorry. All in favor?

(Motion passed.)

Acting Speaker MARTIN: Approval of the Calendar of Business. Do I have a motion?

Clerk O'CONNELL: You did that. It's the Journal.

Acting Speaker MARTIN: I'm sorry; the Journal. I don't do this often enough to have it down automatically. So I've got to look at my notes.

Ms. MCAULIFFE: So moved.

Acting Speaker MARTIN: Second?

Mr. CAKOUNES: Second.

Acting Speaker MARTIN: Okay. All in favor?

(Motion carried.)

Acting Speaker MARTIN: We have -- who do we have here today? We have no members of the Commissioners. No public officials?

Mr. CAKOUNES: We have the Administrator out there though.

Acting Speaker MARTIN: Oh, are you representing them?

ADMINISTRATOR BRILLHART: No status report today.

Acting Speaker MARTIN: Okay.

Communications from Public Officials? No other public officials standing up to speak. Okay.

Communications from Members of the Public

Acting Speaker MARTIN: And I'd like to keep these very brief.

Mr. PETER KENNEY: Define very.

Mr. CAKOUNES: It will take him longer to get to the thing.

Acting Speaker MARTIN: Three minutes. Get to the point.

Mr. PETER KENNEY: I have bone spurs on my spine so it may take me longer to stand up than the three minutes.

Peter Kenney, Yarmouth.

I wonder if anybody in this room can answer a simple question for me. Who hires, reviews the performance of and dismisses staff at Cape Light Compact? I want one of those jobs. No oversight, no rules, no penalties, no shame, nothing.

We now hear that, and I'm going to use a term that can be considered and something we don't want to hear in this room but it's happened so often I don't think there's any way to describe it other than Maggie Downey lied again. She told a 50 percent whopper about OPEB funds.

Now we hear that not only has CLC lied to all of us about that, a \$300,000 gap, actuarial correction they call that, but it was 100 percent of the money they did set aside. We now hear that CLC is considering or is going to set up a Reserve Fund against those obligations. Not give the funds over to the County, who are, after all, their financial agents and without whom they cannot even have a bank account. Where is this reserve going to be? Is it going to be hundred dollar bills buried under the old jail? How does an entity which cannot even have its own bank account set aside hundreds of thousands of dollars? And who here and among the august County Commissioners is going to ask that question on the record and demand an answer?

This must stop and it must stop now. We have a rogue entity which actually doesn't exist. CLC is not really an entity. It is to use their phrase, "An aggregation of members." There's no their there.

Now we find out they've shorted by 50 percent against their OPEB obligations and they don't even intend to make any money available to the County so the County can hold the funds against those obligations, which are the County's obligations, not CLC's, not Maggie Downey, not Jeff Bernstein, not Charlie

McLaughlin. Here is where the obligation must be satisfied. We won't get any money to do it.

How does that happen? How does that happen and when will it stop?

Thank you.

Acting Speaker MARTIN: Thank you.

Assembly Convenes

Proposed Resolution 14-02: To approve certain budget transfers for fiscal year 2015 in accordance with Barnstable County Ordinance 14-02.

Acting Speaker MARTIN: The Assembly will now convene. Okay. First item is Proposed Resolution 14-02, AmeriCorps Budget Transfer of \$58,920.

John, do you have something to say to that?

Mr. OHMAN: Thank you, Madam Speaker. This Resolution did not have to come before the Finance Committee but I can speak to it.

It's a Proposed Resolution to inter-department/inter-agency transfer of \$58,920. They're going to decrease line item 00111117-5750 by \$58,920 to the miscellaneous matching expenditure grant. And they're going to disperse it among I think it's 14 different other subtitles within their budget.

It's perfunctory. I see no problem with it and I would ask your support for that.

Acting Speaker MARTIN: Do I have a motion?

Mr. CAKOUNES: I'll move to approve Proposed Resolution 14-02 as presented.

Acting Speaker MARTIN: Second?

Ms. MCAULIFFE: Second.

Acting Speaker MARTIN: Roll call vote, I believe.

Ms. MCCUTCHEON: I think we need discussion?

Acting Speaker MARTIN: Oh, I'm sorry. Discussions.

Mr. CAKOUNES: There are a few members in the audience of people that are possibly going to be running for seats up here. And there are a few Delegates here that may not be here next year, including myself.

So for that purpose, I would like to, on the record, explain this Resolution because you're going to see it again next year.

What basically happens, really simply, is by the time we come around to put the budget together, we've appropriated \$58,920 into this specific line item, 5750, because at that time we are unaware of the exact figures in which it's to be dispersed.

So what happens is every year at this time we get this Resolution that, in fact, takes that 58,920 that we have previously approved under one line item. And then now that we know where it's going to go because the budget year is actually in motion, we appropriate that money to -- this year it happens to be I think the finance -- what our Chairman of the Finance Committee said 12, I even counted them, but there's quite a few of them this year.

So this is kind of a -- I guess I will use the term customary transfer. And, once again, it's for those to remind you for the ones that are here and, hopefully, next year someone will be able to explain it to the new members because certainly I know there's going to be at least one.

Acting Speaker MARTIN: Any other comments? Okay. Let's move on.

Ms. MCAULIFFE: Take a vote.

Ms. MCCUTCHEON: We've got to take a vote.

Acting Speaker MARTIN: We'll do a roll call.

Roll Call Vote on Proposed Resolution 14-02: To approve certain budget transfers for fiscal year 2015 in accordance with Barnstable County Ordinance 14-02.

Voting YES (84.76 %): Richard Anderson (9.15% - Bourne), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73%- Orleans), James Killion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth).

Voting NO (0%)

Absent (15.24 %): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Marcia King (6.49% - Mashpee), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 14-02 passes with 84.76 percent of the Delegates voting "Yes"; 15.24 are absent.

Acting Speaker MARTIN: Are there any committee reports? No committee reports.

Report from the Clerk

Acting Speaker MARTIN: We'll move on to Report from the Clerk.

Clerk O'CONNELL: Good afternoon, all. I do have a few items to report to you today. First, I want to remind you that we received four Proposed Ordinances from the Cape Cod Commission and we will have public hearings scheduled for all four next Wednesday, that's the 22nd of October, here starting at 4 o'clock.

Next item, I want to let returning Delegates know that registration has now opened up for the annual conference that's held in Boston every year, and I do have registration forms. If you want to get one of those from me and you'd like to register, I can get this processed before we get too much closer to January. It's coming quickly.

And last but not least, I want to let you know that I had the pleasure of seeing Mark Zielinski yesterday. He made a little bit of a surprise visit to the campus. And some of us were called last minute and scurried over there.

I'd like to circulate a little picture that we took with him outside on the steps of the Superior Court building. I'll go this way and then pass it back this way.

He wanted me to pass a message along to you. He said thank you very much for the card that you sent him and he misses the Assembly.

But just some good greetings and he looks fantastic. He looks fantastic. So that's it. That's all I have to report today.

Acting Speaker MARTIN: It's nice to have some positive news like that. It's really good.

Other Business

Acting Speaker MARTIN: While that's floating around, I guess we can move on to other business.

The one thing on there is request for information from the Inspector General's office. I was going to ask our Clerk to explain that a little bit more.

Clerk O'CONNELL: Certainly on a little more serious note, I know that everyone is aware of the correspondence for a lot of -- I guess every community on Cape Cod has received with regards to a request for documentation by the IG's office related to the report conducted by the Special Committee on inquiry into Cape Light Compact and CVEC.

It's my understanding that I think the Commissioners got a letter and anybody that maybe had any association with anything to do with this report.

And I guess I'm happy to say that our section or our piece, our documentation has been completed. I didn't think I was going to be able to do it on time but I did. I can tell you that it consumed 12 reams of paper. I literally stood 18 hours in front of the copy machine because that's how it had to be done.

And I think they've got every scrap of paper. And if they don't, all the need to do is just say, "Hey, this is what we're missing" and I'll go digging. But, literally, it was a huge undertaking to get that all done in terms of a little bit of research and literally just producing the documents to get them to the IG's office.

So they have them and I just wanted to convey that to you. You received a copy of the letter that we received requesting that information and you can see we received it on October 7 and the request was to comply by the 17th.

Given that I had a scheduled day off and there was a holiday in there, I was just like beside myself. They did grant us an extension. I asked and received a small extension of a week. But as it turned out, I didn't end up needing that. So we were able to comply, again, on the documents and that's it. That's all I have to report on that.

Acting Speaker MARTIN: Really good work, Janice. I'm glad to hear we were compliant and that was taken care of.

Any other items under other business?

Leo.

Mr. CAKOUNES: I have a Proposed Ordinance that I'd like to file. The Delegate from Barnstable and I have worked on this and prepared it so we could file it today.

Just to give you a little bit of background on it, I won't speak for him, but I will say in the discussions that he and I had both of us were taken back by the fact that the last year's budget has -- when we got the reconciliation for it, it was quite evident that we had a quite large shortfall in the proposed revenue side of it. And really we're not made aware of that until months after the new budget season started.

So the gist of this Proposed Ordinance basically, and I won't read it in its entirety because I'll file it and you'll all get copies of it. But it's basically to kind of put in place a procedure in which after a budget is passed that if, in fact, there is a perceived shortfall in any projected revenues coming in that an Ordinance is going to have to be placed in front of the Assembly asking for a transfer of funds from a specific either savings account or reserve fund to be transferred into the budget to make up that shortfall.

And I believe also there is language in here and our belief is that it will also give the opportunity of the Assembly of Delegates to make a decision at that time whether they want to, in fact, do that, transfer money into the budget from the savings account or if they want to mid-year make a proposal to actually cut the budget so that they can meet the budget requirements.

So with that said, I would like to hand that in. I don't know if my partner-in-crime wants to add to that.

Mr. PRINCI: It was well stated. And, again, we'll get into more discussions later on. But what this is also going along with the fact that it will also open up better communications between both branches and give us a little bit more oversight over budgetary matters.

We'll talk more hopefully next meeting.

Acting Speaker MARTIN: Suzanne.

Ms. MCAULIFFE: Yes. Just a question. So is this for transfer from reserve accounts or other accounts or is it a transfer -- any transfer, let's say you're going to transfer from one account to another to cover a shortfall but it's mostly just for the reserves?

Mr. CAKOUNES: If I may, Madam Speaker?

Acting Speaker MARTIN: Yes.

Mr. CAKOUNES: Presently we have in the works our procedures that we use that when we're transferring money from Salary and Wages to Expenses, that has to be done through an Ordinance. And if we're transferring from one department to another then we have done that. People have come in and said, "Well, we're not going to use this money" and you can switch it over that way.

This really is targeting or adding to that list the ability for our Chief Financial Officer to supplement the budget with a transfer of money from savings, which, obviously, must have been done because we had a shortfall of over \$800,000 last year and we were not aware of it.

So I believe that this pretty much just targets that exchange.

Acting Speaker MARTIN: Suzanne.

Ms. MCAULIFFE: It seems to me that if we're operating by Ordinance, it's kind of patchwork. And I know most municipalities have some pretty regulated

procedures about how they handle budget transfers and shortfalls and whether we get specific updates.

But it seems to me that might be something we could specifically ask the DOR for assistance with. I know they declined but they have helped Dukes County. So that might be a specific request in terms of getting some financial regulations that aren't just necessarily Ordinance by Ordinance.

I do support this Ordinance and in the --

Acting Speaker MARTIN: Actually, we're not supporting or not-supporting it right now though.

Mr. CAKOUNES: Right.

Acting Speaker MARTIN: We're kind of starting to move into the gray area of discussion which you'll have ample time for when it comes to it.

Ms. MCAULIFFE: Okay.

Acting Speaker MARTIN: Clarification is okay.

Ms. MCAULIFFE: Okay.

Acting Speaker MARTIN: But we're kind of moving in that gray area.

Ms. MCAULIFFE: Okay. But I just would say that -- I'll leave a comment then that the financial practices are appearing to come through Ordinances. That's just a comment.

Acting Speaker MARTIN: Thank you. Anything else under new business and other business?

Jim.

Mr. KILLION: Yes. We still have a Proposed Resolution on the table in the Finance Committee regarding Special Counsel. And I'd like to meet again to resolve that.

Now I had given some information to the Speaker because a question came up about the cost of what we were going to be doing and I gave him some parameters so that he could obtain those costs.

So I would like to try and get this on the agenda or back to the Finance Committee at our next meeting. But what is the cut-off date for that notice?

Acting Speaker MARTIN: Clerk.

Clerk O'CONNELL: Well, it's tabled until you resurrect it again.

Mr. KILLION: So we can bring it back anytime?

Clerk O'CONNELL: Yes. Correct. Just keep in mind that Governmental Regulations is meeting next week. And with this Proposed Ordinance, I believe it's going to Finance. So Finance will be meeting on the 5th of November for this purpose.

Mr. KILLION: So we could do that then?

Clerk O'CONNELL: And talking to, you know, we have to have some conversation with the Chair, Finance Chair and --

Mr. KILLION: Oh, anything but that.

Clerk O'CONNELL: We'll look at time and scheduling. We just want to make sure that we have, you know, adequate time. You may have to come in a little bit earlier than three in order to address both of these and maybe not. I don't know. We're going to have to have that conversation.

Mr. OHMAN: If the member from Sandwich would like us to do that, bring back that up again, it's his will, I'd be happy to do that.

Can you contact the members of the Finance Committee that are not here to find out if we can get a quorum at 2 o'clock. I think an hour is plenty for this.

Ms. TAYLOR: Two o'clock?

Acting Speaker MARTIN: Well --

Mr. OHMAN: Three o'clock is going to be the other one, the first one.

Clerk O'CONNELL: Yes. You're going to deal with the one that Leo submitted today. I don't know how long that will take but that's why I think I've got to have some discussion with John and try to make sure that, you know, we're not allowing too much time because I know people have commitments, but if we have enough time to do both on that day.

Mr. OHMAN: I'd hate to feel rushed.

Mr. CAKOUNES: You might be retired after November 5.

Acting Speaker MARTIN: All right. Anything else under other business?

Clerk O'CONNELL: Somebody's got to do what she usually does.

Acting Speaker MARTIN: Is somebody going to do what I'm usually doing?

Ms. MCAULIFFE: Oh, move to adjourn.

Mr. HITCHCOCK: Second.

Acting Speaker MARTIN: All right. We are adjourned. Oh yes; all in favor of adjourning?

**Whereupon, it was moved, seconded, and voted to adjourn the
Assembly of Delegates at 4:25 p.m.**

Respectfully submitted by:

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