

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES  
CHAMBER OF THE ASSEMBLY OF DELEGATES  
FIRST DISTRICT COURTHOUSE  
ROUTE 6A, BARNSTABLE, MA 02633**

**APPROVED Journal of Proceedings - December 7, 2016**

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, December 7<sup>th</sup> session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this besides our --

Mr. ALBRIGHT: (Raising hand.)

Speaker BERGSTROM: Yes. So we have another recording besides our official recording.

With that, I will now call this meeting to order, and we'll 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.)

Speaker BERGSTROM: Thank you and we will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (100%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee-left @ 4:40 p.m.), Edward Lewis (4.55% -Brewster), Teresa Martin (2.30% -Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).**

Clerk O'CONNELL: Mr. Speaker, we have a 100 percent of the Delegates present.

Speaker BERGSTROM: Thank you.

You have in front of you today's Calendar of Business. Do I have a motion to approve the calendar?

Mr. LEWIS: So moved.

Ms. KING: Second.

Speaker BERGSTROM: So we have a motion to approve -- moved and second to approve the Calendar of Business. All those in favor say "Aye". Opposed?

(Motion carried.)

Speaker BERGSTROM: Okay. Now we move on to the Journal, which you should have received a copy of November 16<sup>th</sup>. Are there any additions or corrections to the Journal?

Yes, Ms. Green.

Ms. GREEN: Thank you, Mr. Speaker. I do have some very minor changes. On

page 7, line 9, there's words "that" --"the" that should be changed to "that," and then on page 7, starting on line 18 there's some very minor changes in punctuation mostly. "D" deleted and I've given Janice the changes.

Speaker BERGSTROM: Okay. Well, we don't really need approval to change grammatical errors like that, so we'll just go with it. So we'll take a motion now to approve the Calendar.

Mr. O'MALLEY: Move to approve --

Deputy Speaker MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. We've got a motion. Moved and seconded. All those in favor? Aye. Opposed?

(Motion carried.)

### Communications from the Board of Regional Commissioners

Speaker BERGSTROM: We have a representative from the Board of County Commissioners with us; that's Leo Cakounes.

Commissioner CAKOUNES: That's me.

Speaker BERGSTROM: Flying solo today.

Commissioner CAKOUNES: Thank you for having me. As usual, we meet every week; you guys meet every other week. So I have two meetings to report on. November 30<sup>th</sup>, 2016, was our last week's meeting.

We at that meeting voted a budget review schedule which I think our Administrator, Mr. Yunits, is here to report to you on so I won't go on that. But we voted it with some minor changes. I'm sure he will go over that with you.

We also voted the goals and objectives for the Cape Cod Commission Executive Director, if I may add, "finally." It was supposed to be done back in June, but we finally got on the same page and have voted that in.

We had a discussion and we actually formed the Barnstable County Cape Cod Hoarding Task Force. And I had a little bit of an issue with this one personally because I am a hoarder. I'm not a recovering hoarder. I am a present active hoarder and proud of it.

But just so you'll know, this task force basically is what it -- it already exists and it's a bunch of people that have gotten together and are helping the towns. And the reason why we thought it was a good idea to bring it under the auspice of the Barnstable County is basically because we're going to be able to then be focused in one area and go out for grants and go out for other things that this particular organization is working with in order to help people that have this severe problem.

I mean we kid and joke about it but there are some people that have a really serious problem with this. So we decided to agree to bring them under.

The good thing is, and a footnote to this one, is it's at no cost to us. We're not looking to hire an executive director to run it at \$50,000 a year or anything like that. It's going to be run with the staff that's already been doing it and involved in it. So it's just kind of giving it a more -- bringing it to the light that it is now under the Barnstable County government.

We had a number of different deed riders and things like that that are involved with our involvement with affordable housing; approved a couple of minutes. I think that was about the majority of the busy stuff. Approved a task -- the timesheets, some

HOME documents.

Last week we did have an item or a couple items actually on our agenda which were postponed to this week. So I will address them in this week's report. And those items, I'll go directly to them; they were actually at the end of the meeting but I will go to them first because I'm kind of -- my heads already there.

Basically, through the Cape Cod Wastewater Protection Collaborative, there were three requests. Two of those requests were grants; one to the town of Falmouth and one to the town of Mashpee -- I'm sorry Wellfleet. The third was a contract extension. I should actually refer to it as a brand new contract for some services provided, and that one was in the tune of around \$250,000.

So as a result of today's meeting, the contract extension was tabled. We did not sign it. Just so you'll know with this particular organization that we have contracted with, we are under an agreement with them in fiscal year '17. There are monies allocated for their services. That particular contract ends in April of 2017 in our '17 fiscal year budget.

However, the documents that we had in front of us, we're going to extend that from April for three more years out and that has been tabled.

There was some really, I feel, very good discussion on why we should table it and where we're headed with that. And it may be something that I'm sure you're going to be hearing more about it. But, quite frankly, we are going through some changes in this Cape Cod Water Collaborative. Our executive director has resigned. So now we don't have anyone at the helm, if you will.

And after I, and again, this is not votes of the Commissioners; this is my personal input onto this because remember the topic was tabled. But I added that, you know, when I went back and looked at the creation of the Collaborative, it was done in 2005 and it has really never been updated.

Right now, it's 2016. We have a 208 Plan. We have all kinds of changes to wastewater and different things that we can implement.

So I believe the Commissioners, with their action today, you're going to see very quickly in June -- January and February move forward with some reorganization of that whole relationship. Again, there's a lot more to be said on that one, but, for today, that's all I have to report to you from the actual actions of the Commissioners.

I'm going to go backwards on our votes. We did a couple amendments to a Well-Drilling contract. Again, with some Affordable Housing stuff; an Estoppel Certificate. There was a request for some vacation carry-over. A couple of our department heads didn't have a chance to enjoy their vacation time so we allowed them to carry it over.

We did actually do the formal appointments to the Cape Cod Hoarding Task Force that I previously referred to that we created the week before. Well, today, we actually appointed members to that.

We also -- I'm going to leave that one for last. We did a modification. This is an interesting one and you may have some questions on this. Actually, I'm going to do two first.

We actually adopted a Barnstable County Sexual Harassment and Discrimination Policy, so that is now on our books. And by the way, we are required by law to do this. And we're also required by law to have our employees receive that by January 1<sup>st</sup>. So we approved it now so we know it's going to actually go to all employees.

And along with that, we have approved and adopted a Barnstable County Protected Class Harassment Policy and Procedure. So that document also will be made available to our employees, and I assume that you guys will be getting copies of those too. Again, falls in line with state law, nothing really different there.

One of the interesting things that we did do and that I think is probably going to come up in discussion as we move forward in the FY'18 budget discussions; there was a motion made to -- I'm going to give you a little bit of history on this before I go to it. The Registry of Deeds -- the Registrar at the Registry of Deeds is an elected official. Ironically, this elected official is -- his relationship with the County is that we pay his salary, but there was also a merit increase that the County Commissioners would have to vote on on a yearly basis.

And because this was really my first time having this in front of me as a Commissioner, because remember I've only been in for two years; back in June I had a problem with the Commissioners voting on how the job -- good, bad, or whatever deserving a merit increase to an elected official. I feel strongly that that position, it's an elected position, and that the voters are the ones that should decide whether the person's doing a good job or not.

With that said, I researched it and came up with what I thought, and the Commissioners did agree. And what we've done is we've actually made equivalent the Barnstable County Registry and Probate -- the Registry of Deeds position's salary is the same as the Barnstable County Registry and Probate set forth in Massachusetts General Law.

So, basically, it takes out the Commissioners' position of reviewing this position's salary and deciding whether this position should get a merit increase or not and ties it directly to Massachusetts General Law. And the chapter and verse that I quoted, Mass. General Law, 217, Section 35A is actually got a heading of "A Registrar's Salary." And so it's actually going to be tied to the Barnstable County Registry of Probate salary.

The good thing about that is, and as all of you know that I am kind of a financial kind of guy, and I maybe spend too much time on this, but how I sold this to my fellow Commissioners, and by the way it did get voted today, is that if I calculated it just using the next 7 years, for example, the merit increases that we were kind of rubber-stamping and giving this particular position, we actually are going to save money by doing this.

The first year it gets a little bit of an increase but it stays at that rate. And history looks -- when I did a look-back and saw how many times this actual section with the Massachusetts General Law got a raise, it averages about once every 6 to 7 years.

So in the long run, it's going to be a cost, however slight, but it will be a cost savings factor for us, not certainly more money; the exact opposite. And you've got to remember this is an elected position that does stay in for six years. It's a six-year term so.

Housekeeping, if you will, but I think it was also a really good movement on our part to clear that up and get it off the books.

And the final thing and I do have a Proposed Ordinance that I would like to submit today. Once again, Mr. Speaker, I'm going to ask for a little bit of lenience on this one to give you some background first so you'll know why it's being done.

But we've had people in the press question the authority of our Clerk of Barnstable County having the legal ability, if you will, to swear-in elected officials.

After discussing this with our attorney, he agreed that there are two ways that we can rectify this question. One would be to ask the governor to actually come down and appoint our Clerk or give the authority to our Clerk as being the -- having the authority to do this.

And the second way was because we are not a typical county government under the state rule; remember we are a regional government known as Barnstable County under a Home Rule Charter. Our attorney has determined that if we wanted to keep this action in-house under a Home Rule mentality that the best way to handle it would be for the Commissioners to vote an ordinance and it's a real simple ordinance. It just says, "The Clerk of the Regional Cape Cod Government is hereby authorized to swear into office any and all elected or appointed officials."

And with that, the Commissioners voted that proposed ordinance today. We are hoping that you will expedite this at your next meeting. I'm not sure if it's going to require any large public hearing. If not, I hope you could hold one either the same day or even call the Assembly meeting a public hearing and take information from that. But it would be nice to have this passed on your last meeting of this year so that we will put to bed, if you will the question of the authority of our County Clerk having the legal authority to swear us in.

That's a mouthful but that's all of it. Oh, there's one other thing. Some people have asked me and a couple things that I want to update you on as I have updated my fellow Commissioners on. Some time ago I had mentioned a lease agreement -- I'm sorry, Licensing Agreement with the town of Orleans. That License Agreement has been completed by our attorney for some time and it is in the hands of the town's attorney. I understand there are some small revisions that have to come forward, but I do believe we're going to be moving forward with that. And, again, I think I still have the plan with me. If I'm here later on, if anyone wants an update on that, I'll be happy to give it to you. But, quite frankly, we have not made any movement on it yet. The attorneys are still playing with it.

And since I have the attorneys on the chopping block, I will add that the CLC situation which you all are aware of and are abreast of. As far as I'm concerned, as of about five minutes ago before I had got here today, there has really been no movement. The attorneys are going back and forth and back and forth.

I will tell you for the record that I have received a draft revision, but I have not had the opportunity to actually open and read all of it. So I cannot give you my personal opinion on it tonight one way or another. And nor probably would I because it's still something that's going back and forth unless there was something in there that really red-flagged me.

But there was no, to my knowledge, no movement on that relationship, and I hope that when Jack comes up maybe you guys will put his feet to the fire because I have nothing to report to you on that, other than its status quo and the attorneys are making a lot of money.

So with that, Mr. Speaker, I will lend myself -- let me turn this in while you guys are taking questions.

Speaker BERGSTROM: All right. Well, sit down and you'll have a chance to be grilled by the members of the Assembly.

Commissioner CAKOUNES: This is the proposed ordinance that I mentioned.

Speaker BERGSTROM: Okay. Who would like to be first? Yes, John, and then

we'll go down to the end.

Mr. OHMAN: As always, thank you, Commissioner Cakounes. You're so thorough about updating us on the past meetings that we have missed. But I just wanted to point out that this particular time there were actually three meetings since the last time you were here.

Commissioner CAKOUNES: Thank you. I'll get the file for the other one. What was the date on the other one?

Mr. OHMAN: The 23<sup>rd</sup>.

Commissioner CAKOUNES: Okay.

Mr. OHMAN: So you've reported on the 30<sup>th</sup> and the 7<sup>th</sup> and --

Commissioner CAKOUNES: Excellent. Well before I leave, I will look at that file. And if there's anything that's pertinent, I'll be more than happy to report it to you.

Mr. OHMAN: So there was a meeting for the Commissioners?

Commissioner CAKOUNES: There was.

Mr. OHMAN: Okay.

Commissioner CAKOUNES: But I didn't --

Mr. OHMAN: It was the day before Thanksgiving on a Wednesday.

Commissioner CAKOUNES: Sure. I'll look at the file and if it's something that was really important, I'll ask to speak about it.

Mr. OHMAN: Also, I'm really glad that you were very proactive about getting Janice the opportunity to swear us in. If that doesn't work out, what happens?

Commissioner CAKOUNES: It's not working out. I mean it's going to work out. She is the Clerk and, again, I don't want to specify an individual.

Mr. OHMAN: Yes.

Commissioner CAKOUNES: The Clerk of Barnstable County is going to have this authority.

Mr. OHMAN: Right.

Commissioner CAKOUNES: And as long as you people vote it next week, then by all means it will be fine. All we're doing is crossing the i's and dotting the t's. If there's --

Mr. OHMAN: My fondest hope is that that happens.

Commissioner CAKOUNES: Well, if it doesn't happen, we'll go upstairs and get Judge Nickerson to come down and swear us in. And then we'll address it throughout the month of January to make sure that it gets rectified.

Mr. OHMAN: It's nice to have a backup plan.

Commissioner CAKOUNES: But we have a number of backup plans. Sheriff Cummings has the authority through the Governor to do it. I just got sworn in today by Mr. Cummings. And I asked him when I saw his plaque on the wall. So we can have Sheriff Cummings come and do it.

Scott Nickerson is the Clerk of the County courthouse over there, not Barnstable County but the Clerk of Courts. He has authorization to do it. And certainly any of the Superior Court judges.

So I think we're okay as far as something catastrophic happens.

Speaker BERGSTROM: Did I see another hand down there? Brian.

Mr. O'MALLEY: Thank you, Mr. Speaker. Mr. Commissioner, I have two questions about agencies you refer to in the early part of your presentation. I'm interested in exactly what their relationship to the county has been, that is the Hoarding

Task Force. Was this a 501(c)(3)?

Commissioner CAKOUNES: No, just -- to my knowledge, and I could read you the names of the people that we appointed to it. They were basically a group of people who have gotten together from different organizations. One of them, again, the Department of Health had a couple members on there. There was an animal control officer who attended the meetings who was on there.

Mr. O'MALLEY: So this was kind of a loosely organized --

Commissioner CAKOUNES: I don't want to use that strong of a term. It was a very well organized and excellent group; however, they didn't have an auspice -- an umbrella to be under.

Mr. O'MALLEY: Okay. And the Water Protection Collaborative?

Commissioner CAKOUNES: The Water Protection Collaborative was a group that was actually formed by this committee right here through an ordinance in 2005. And that Water Protection Collaborative is a representative from each town. There are 15 members. And in the ordinance, the original ordinance, Barnstable County said that they would supply a director of the Cape Cod Water Collaborative, and that director was a contracted position and has been the same individual; however, that is irrelevant to our discussions.

But the County has been paying a salaried position, contracted position if you will, and that person has also come and solicited more money from the County which has been disbursed in grant situations or in purchasing services, which is the agreement that I alluded to earlier, the particular one with and, again, I don't want to mention companies, but the company that was in front of us was for not a grant. It was for purchasing services actually going out and taking water samples.

So does that give you a good enough background?

Mr. O'MALLEY: Right. So in a sense this was organized under the auspices of the County, and you're simply looking at it to re -- to structure it a little more clearly.

Commissioner CAKOUNES: Absolutely. The biggest thing I can say and the most simplest thing is I could say it was formed in 2005 and it has absolutely -- when you look at the purpose behind it and what they're supposed to be doing, it doesn't reference the 208 Plan at all in any way fashion and form.

Is that a bad thing? No. Does this need to be updated? Absolutely. I mean this is like having -- everybody having those big brick cell phones, you know, not even flip-phones. It hasn't been updated and it needs to be looked at.

Speaker BERGSTROM: Yes, I see a hand there. Ed.

Mr. LEWIS: Just to piggyback on that, you stated that the Cape Cod Water Collaborative was formed through an ordinance by this group?

Commissioner CAKOUNES: Yes.

Mr. LEWIS: Would that not be up to this group then since they formed it to any ordinance in order to revise it?

Commissioner CAKOUNES: Yes.

Mr. LEWIS: It made it out like the Commissioners were going to do this, and since it was formed by the Assembly would not the Assembly be the ones to do that?

Commissioner CAKOUNES: No. The ordinance, I want to clarify, it was passed by the Assembly. I'm not going to say it was put together by or it was formed by. You passed an ordinance as you are going to pass, hopefully, the one that I just submitted.

Mr. LEWIS: I understand that. I'm just saying --

Commissioner CAKOUNES: But it wasn't something that the Assembly went out and formulated or passed.

Mr. LEWIS: Well, I understood you then.

Commissioner CAKOUNES: I misstated it. I should have said that it was created through the ordinance process. And you are 100 percent right, Mr. Lewis. You are going to have an ordinance in front of you changing it.

Mr. LEWIS: Okay. Now the other point; in many elected positions, the Congress and the House of Representatives, the Senate, the House hearing on Beacon Hill, and the State Senate, they seem to have the ability to vote for their own raises without the people who voted for them voting for them.

Ms. TAYLOR: They're legislature.

Commissioner CAKOUNES: I have an answer for that one if you want to just give me one second if I can find it here. Let's see, I know it's in here somewhere. I'm going to just hoof it on the top here. A statute that I referred to Mass. General Law 217, Section 35(A), it actually states that the salary will be based on, and please don't quote me on this, I think it's eight point -- 81.57 percent of the -- I think it's says Superior Court judge, the head judge. So if the head judge gets a raise, everyone down the line gets a raise. That's the way I understand that the state works it out.

Mr. LEWIS: I wasn't questioning that. It was just sort of comical. Your point was that you said that you don't believe that elected officials should get a raise without the people who elected them giving that raise. I'm just saying that's not the normal way it's done in the elective offices.

Commissioner CAKOUNES: Well, I felt very uncomfortable giving someone a merit increase and having to review even someone's position as a County Commissioner. I will take full responsibility for this one. I brought it up and it has taken six months to try to find out what I feel is a better result for it.

Speaker BERGSTROM: Let me just clear something up, something I have a little bit of knowledge on. At some point, a panel was formed to deal with the wastewater problem on Cape Cod. It was called a Blue-Ribbon Panel. I don't know why they called it that. It's called the Blue-Ribbon Panel.

It had I think -- I think that the then head of the Cape Cod Commission, Margo Fenn, was on it. Bill Doherty was on it, who was then a County Commissioner. There were representatives -- there's probably a dozen people around the room; Maggie Geist from the Association for the Preservation of Cape Cod. And one year when I became the president of the Cape Cod Selectmen and Councilors' Association, by virtue of that I was on that panel.

And John Hodgkinson, who was the Orleans Delegate at that time, and the late John Hinckley, who was an Orleans Selectmen, had the unenviable task of taking all the nonsense that we talked about during -- and tried to put it into minutes and presenting to us at the next meeting. Of course, we all disagreed that that's what we said.

But what came of it was, basically, their work which was then to create this Blue-Ribbon Panel. And it wasn't about disbursing funds. It was about helping the County -- this was 2005 and already we were aware of it.

I don't think anybody on that panel would disagree with what Commissioner Cakounes said that it's now 11 years later and we have to relook at it and revisit it. But it was a work in progress. A lot of work was put into it and that's how it really came

about. It was finally presented to the Assembly and passed I think by John Hodgkinson. Yes.

Ms. TAYLOR: And my recollection is that Tom Bernardo who was the Speaker---

Speaker BERGSTROM: He was on that to. He chaired that.

Ms. TAYLOR: So, at any rate, I think it's something that, yes, that the Commissioners should take the lead on, but it might be worth having the -- some Assembly members involved in it as well.

Commissioner CAKOUNES: Absolutely. My thoughts exactly.

Speaker BERGSTROM: Okay. Is there any other questions for -- yes, we'll start with Linda.

Ms. ZUERN: I'm going back to the Hoarding Task Force. I just have a couple questions. You said that there was no money involved. But if they do go for grants, doesn't somebody have to oversee that and is that going to be taken over by a staff member from the County or? I'm not sure if the staff members are already employees of the County or if they're employees of other companies and they're just doing this as volunteer work?

And if they're going to have grant money, are they still going to oversee that as volunteers?

Commissioner CAKOUNES: The way I understand it, because I asked that question purposely. The people that we've just appointed to it today, the members, they're already a member of it and they work for Barnstable County.

Ms. ZUERN: They all do.

Commissioner CAKOUNES: They are our employees. And it wasn't said that there will never be any ask or a cost to the County because, obviously, when we do now start getting involved in any grant applications, there's going to be some kind of a cost whether indirect, is the big word everybody uses. There's no doubt that that will be reimbursed to the County though.

I think my comments, again, I may overstep my bounds a little bit, but my comments were that that we were not doing things like, for instance, we did with the Wastewater Collaborative where we actually had a paid person supervising this. I think there are a couple of other things that we have, last year if I remember correctly, we did a thing with the Human Rights where we actually were on the hook to have a staffer and pay us -- pay them specifically for this purpose. This is not like that at all.

We've already have volunteers that are on this board and they'll be continued to be on it. And certainly, yes, there will be some indirect costs when we start getting into applying for grants. But, hopefully, those will be able to be charged back.

Ms. ZUERN: That's what I found at the town level too. Sometimes you start with a group that isn't costing any money. And then once it starts developing, you need a staff member and you need, you know a department and that kind of thing.

Commissioner CAKOUNES: Well, I've been assured that that won't happen here.

Ms. ZUERN: Okay.

Commissioner CAKOUNES: Otherwise I wouldn't have supported it.

Ms. ZUERN: I was wondering. Also, when you have -- when you're getting a grant, could you put aside some of that money that's from that grant?

Commissioner CAKOUNES: The whole grant discussion I think is an excellent

discussion to have. We have not taken a position as a board so I can't report to you on that. But I will tell you as a single Commissioner that we -- I am going to be taking a very strong look at how we not only apply for grants but how we administer those grants, and to make sure that we are taking all advantage of charging back any times that we have put into them, not just in the Hoarding Task Force but in the hundreds of grants that we operate here through the County.

Another committee that I would like to see formed would be a Grant Oversight Committee. And, once again, they would be working with committees like this task force to make sure that we are getting what we deservingly get from administering it.

Ms. ZUERN: Thank you.

Speaker BERGSTROM: Yes, Lilli.

Ms. GREEN: Thank you, Mr. Speaker. I'd like to ask a couple of questions and clarification about the Cape Light Compact. You said that you received draft revisions for a contract. I know that the Assembly was promised that we would have any final contract before it was signed. We'd be able to review it.

I just want -- I'm asking about clarification and update as far as that is concerned.

Commissioner CAKOUNES: The only clarification and update I can give to you is that I sat here right at this table and I know Mr. Yunits has also and said to you prior to us executing any agreement we were going to bring it forth and have the Assembly weight in on it. I stand behind that statement still.

I can only tell you as of today, we don't have anything that we're going to be looking at that is anywhere near a form that is close to being executed.

We have our meeting next Wednesday. You know, if something gets on the agenda and we get a contract on Monday, you know, I will tell you probably, I'm not going to be too happy about it. And because I want it as I promised to make sure you guys see it the same time I see it so we can all weigh in on it. You guys may not have to sign it, but we did kind of promise you that you'd weigh in on it.

But once again, I cannot clarify enough you're hearing that from me personally, not from the Commissioners.

Speaker BERGSTROM: Just before -- I'll let you go Lilli, but if there is a contract out there, it's a public draft contract. We'll probably have that on the agenda at our next meeting so we can open up a more liberal discussion about it than we can under these circumstances now.

Commissioner CAKOUNES: Absolutely.

Speaker BERGSTROM: We can only, you know, it's not really on the agenda. I mean you could ask questions regarding to what Mr. Cakounes has already said. But you can't -- we're not going to go too much beyond that.

Commissioner CAKOUNES: No. I can't comment on anything because, once again, I haven't opened the final -- the draft that I have given to me right now. It's --

Speaker BERGSTROM: So are you all right with that, Lilli, or do you want to go further?

Ms. GREEN: Yes. There were a couple other --

Speaker BERGSTROM: Yes.

Ms. GREEN: -- just questions I wanted to ask, and I'm hoping that Commissioner Cakounes or Mr. Yunits might be able to give some clarification.

I understand that the media received an announcement that at 1 o'clock the Cape

Light Compact today was making an announcement as far as the Energy Contract into the future into 2017. I don't know if there's --

Mr. LEWIS: Mr. Speaker.

Ms. GREEN: -- any clarification about that --

Mr. LEWIS: Point of order.

Ms. GREEN: -- as far as --

Speaker BERGSTROM: Yes, what do you --

Mr. LEWIS: This is not on the agenda. It has nothing, you know, --

Ms. GREEN: Well --

Speaker BERGSTROM: I'm going to let her finish. Go on. That's my prerogative. If it's not on the agenda and I get called because of the Freedom of Information Act, they can -- I'll give them my phone number; all right?

Commissioner CAKOUNES: Thank you. I will respond to that, if I can, Mr. Speaker? First of all, for the record, I am not the representative of the Commissioners to the Cape Light Compact; Commissioner Lyons is, number one.

Number two, the only thing I can tell you on that because I asked this question specifically today is that the Cape Light Compact is reaching to become 100 percent renewable energy in their sales and that's what the press release was about today.

Commissioner CAKOUNES: Other than that, I know no more information to tell you.

Ms. GREEN: So then there wasn't a contract that was signed and who signed it and is it legal?

Commissioner CAKOUNES: I have no -- we, as the Barnstable County Commissioners, have not seen any contracts, nor do I believe we would even be privy to anything of that kind of magnitude if the Cape Light Compact decides they want to be 100 percent renewable. That's up to them.

Speaker BERGSTROM: You're going to have to ask questions with regard to whatever the Commissioners did or did not do.

Commissioner CAKOUNES: Or know or don't know.

Speaker BERGSTROM: You can't ask questions that are outside -- in other words --

Commissioner CAKOUNES: Don't know.

Ms. GREEN: Can I ask a question about the minutes of the Cape Light Compact which pertain to the Assembly -- and pertain to the Commissioners in the minutes of the meeting?

Speaker BERGSTROM: If it has to do with the Commissioners --

Ms. GREEN: Okay.

Speaker BERGSTROM: Well, I don't know until you ask but --

Ms. GREEN: Okay. Well, if you look at the last month's minutes from the Cape Light Compact, they itemized a new contract execution process. An intro to this agenda item, the Cape Light Compact Administrator states that Bob Troy advised the County Commissioners that, "They need not be signing contracts."

I would like to know because we --I believe my understanding is that the advice is unlawful for the Commissioners to sign the contract, which I think is a pretty important distinction.

Commissioner CAKOUNES: Right.

Ms. GREEN: I don't if Mr. Cakounes has any clarification about that?

Speaker BERGSTROM: Have you been informed by that?

Commissioner CAKOUNES: I have been informed by that exact statement, and I took it because our counsel agreed that we should not be executing contracts until we know what the county's liability is in these contracts.

I have heard some say that the Cape Light Compact has decided to take a vote and have their Administrator sign the contracts. If that is going on, I wouldn't know about it because I don't see the contracts anymore as a Commissioner.

However, I have publicly and I will continue to publicly say that I don't think that that is right. But, again, that's what I'm hoping is getting worked out in these agreements between us and the "us" meaning Barnstable County and the Cape Light Compact.

Ms. GREEN: And there's one more item in the minutes. Thank you for that answer. And there is one more item in the minutes of the Cape Light Compact that says that there's -- in the discussion about the Administrative Services Agreement, the Cape Light Compact Administrator is quoted as saying, "There are County Delegates/Commissioners who want the CLC to leave the County."

I question the accuracy of that statement. I think the goal is to satisfy the County Charter and State Law. Do you have any clarification on that?

Commissioner CAKOUNES: I do not have any clarification to that. The only thing I will add to that as one single Commissioner, nothing would make me more happier than have the Cape Cod -- have Cape Light Compact find another fiscal agent.

Speaker BERGSTROM: Well, we've gone far enough down this road. 'Tis the season to be jolly here.

Ms. GREEN: Okay.

Commissioner CAKOUNES: Mr. Speaker, if I could just revisit two things?

Speaker BERGSTROM: Yes.

Commissioner CAKOUNES: First of all to John -- Assembly member Ohman's point. I'm very sorry I do not have that file with me. I will review it. If it's anything pertinent, I'll bring it up the next time that I'm here. But I didn't -- I just didn't bring it with me.

And I believe it was Commissioner Lewis's thing; I do have the actual language. It's 81.57 percent of the salary of the Chief Justice of the department. So that's what it's actually tied to. So I think those are two things that I left out in the open.

Speaker BERGSTROM: Okay. Ed.

Mr. MCMANUS: Just a comment. I'm very pleased that the Commissioners voted to endorse or form the Hoarding Task Force. I guess a comment on Mr. Cakounes; I know that his pile of stuff and it is quite a pile of stuff, but I don't think it really qualifies as hoarding because he occasionally piles it on a trailer and hauls it off to a scrap yard.

Commissioner CAKOUNES: It kills me though.

Mr. MCMANUS: A true hoarder would never get rid of anything. And, also, from time to time you've picked some stuff up and make something out of it. And most hoarders keep stuff whether -- and never use it again.

Commissioner CAKOUNES: There you go.

Mr. MCMANUS: And the reason I know this is there's been a couple days -- three days last week doing a clean out on a house in our town of a true hoarder who had every piece of mail back to 1956, including junk mail, newspapers, flyers, bills, unpaid

tax -- I mean it was absolutely --

Speaker BERGSTROM: Ed, Ed, as interesting as this is, we're going to the meeting.

Mr. MCMANUS: But the point is to the Commissioner's statement that the -- not endorsing, you know, any -- investing any County funds. A Task Force like this may run across situations like this where you find a situation that presents a clear and present public health hazard that the County is going to have to invest some funds in responding to.

Commissioner CAKOUNES: Well I --

Mr. MCMANUS: You just can't leave things that --

Commissioner CAKOUNES: -- I take issue with that, and I would strongly disagree. The Barnstable County Government is not in no way are we an authority to enforce anything. Will we help the local Board of Health in which that town and that resident happens to reside in? Possibly but we are not going to be spearheading this. And I made that clear when I supported this. We are not of any authority whatsoever to be policing -- I use the term "policing" so.

Speaker BERGSTROM: Okay. I think we're done with you, Leo; hopefully.

Commissioner CAKOUNES: Thanks.

Speaker BERGSTROM: You got through that one.

Commissioner CAKOUNES: I got through that one.

Speaker BERGSTROM: Moving right along.

#### Communications and Updates from County Administrator, Jack Yunits

Speaker BERGSTROM: Yes. The next item on the agenda is communications and updates from County Administrator Jack Yunits regarding finalized Commissioners Budget Schedule.

Administrator YUNITS: First of all, I want to publicly thank Leo for wearing you guys out.

Ms. MCAULIFFE: Not quite.

Administrator YUNITS: I think you've already been forwarded a Proposed Budget Schedule, and I commend Mary on putting it together.

Right now we're at the stage on our side where the department heads are producing their budgets for our review, and we'll be hammering through those in the next few weeks. We'll be prepared on January 4<sup>th</sup> to file a budget or begin the budget debate with the County Commissioners. And our goal is to get it here before you on February the 1<sup>st</sup>. I know that's a little earlier than traditionally has been done, but we heard loud and clear last year that many members of the Assembly felt like they didn't have enough time. And we wanted to try to fix that as quickly as possible.

I want to publicly thank our department heads for the great work they've done in getting us those budgets. Everything has been coordinated because the other point we heard is that the various department budgets was almost a mishmash. Everything now will be on MUNIS. It will be accessible and it will be consistent across the board.

Great work by Mary, Joanne, and the Finance Department, and Laura Brown for getting that done. So that's the status. I know Mary's going to talk a little more now about the quarterlies.

But if you have any questions, we'll be here.

Speaker BERGSTROM: Okay. Mary.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Are we going to wait to ask questions of Mr. Yunits?

Speaker BERGSTROM: At any point you can ask if you want -- I'm sorry I didn't ask, but I just assumed this is a -- I didn't realize you guys were doing different presentations. If you want to ask, go ahead.

Ms. MCAULIFFE: This is with regard to the CLC negotiations. I think many of us recall that the Assembly was going to be part of whatever plan was going to be negotiated, well, privy to, I guess, is a better word.

So I am hopeful that there will not be plans presented to the Assembly after it's signed, that we will be engaged in what the plans are before they happen. Just my comment.

Administrator YUNITS: I think Leo stated that clearly, and I think I -- as I recall, I stated it the last time we talked about the CLC that it was our intent to have you review it and get you -- solicit your feedback on it.

Ms. MCAULIFFE: Okay.

Administrator YUNITS: And I think in the fair representation of Leo and the general consensus of the Commissioners as well.

Ms. MCAULIFFE: Yes.

Administrator YUNITS: I do want to respond to one of the Assembly members sent me about 10 questions yesterday regarding certain issues. Those questions were forwarded to both our counsel and the counsel for CLC. I don't have any answers yet, but I will -- if I get answers, I will forward them along to the Assembly person.

Speaker BERGSTROM: So just to clear this up, Jack, and I know that there's probably a lot of questions but probably not appropriate for this meeting; but you don't anticipate anything being signed by the Commissioners before our next meeting. In other words, when we have our next meeting, it will not already been approved, in other words? I mean does it take an official signing by the Commissioners?

Commissioner CAKOUNES: Yes.

Administrator YUNITS: You know, I can't speak for the other two Commissioners. I know -- I don't think it would be something for me to stand on. But it has always been my intention to get it back before the Assembly for feedback before the next meeting. I don't know when it's going to be done.

As of today, it's still in draft form. It was sent to finance today for review, and we haven't had the chance to even look at it yet so.

Speaker BERGSTROM: So what does it take to finalize it? I mean does it need the signatures of the Commissioners; what does it need?

Administrator YUNITS: Yes, signatures of Commissioners.

Speaker BERGSTROM: Okay. And that could happen next week? Next Wednesday? It could happen the Wednesday after before we have our previous or our next meeting? Well, do me a favor, don't bring it before us if it's already been signed; okay? Because we have other important business on our plate, and we don't need to review things that are already done; okay?

Yes, Jim.

Mr. KILLION: Yes, thank you, Mr. Speaker. So if I understand this correctly, you just told us that the intent was to get it here before it was signed, and now you're

telling us that may not happen?

Administrator YUNITS: I didn't say that.

Mr. KILLION: I thought you just said --

Administrator YUNITS: Excuse me. If it's agreed upon and submitted to the Commissioners, I lose control of it at that point.

Mr. KILLION: Okay. So you say the possibility is --

Administrator YUNITS: Yes.

Mr. KILLION: -- is that it will be signed before it ever gets here. Thank you.

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: Mr. Yunits, can I ask you in handling this review that you sought the advice of someone who is -- of an attorney who is a specialist in utility litigation or ratepayer litigation or anything to do with the County business that CLC is in?

Administrator YUNITS: Is there any litigation?

Deputy Speaker MCCUTCHEON: No. I'm asking if you sought the assistance of an attorney with a specialization in any field. The only lawyer you've got on this is --

Administrator YUNITS: All we're trying to do is make sure that there is no liability on our Commissioners and the Assembly, and that our finance department, our facilities department, our IT department are fairly compensated for the services they'll be providing to CLC during the transition.

Deputy Speaker MCCUTCHEON: Okay.

Administrator YUNITS: Remember, this is only going to be a short-term transition agreement. It's not going to be a long-term management agreement as it was before.

Deputy Speaker MCCUTCHEON: Okay. Mr. Yunits, I just had one question. I just want a yes or no, if you could please, sir. You had sought the advice of counsel that appears here all the time; I forgot his name all of the sudden.

The DELEGATES: Bob Troy.

Administrator YUNITS: Bob Troy.

Deputy Speaker MCCUTCHEON: Mr. Troy, that's right; right? Have you sought the assistance of any counsel who specializes in utility litigation or ratepayer representation?

Administrator YUNITS: No.

Deputy Speaker MCCUTCHEON: Okay. Thank you.

Speaker BERGSTROM: Okay. Yes. Lilli.

Ms. GREEN: Thank you, Mr. Speaker. I understand what you just said; however, I want to ask you for clarification. Will you speak to the Commissioners and ask the Commissioners to not sign something until the Assembly reviews it, which you told the Assembly that you would like to bring it to us and so has Commissioner Cakounes.

Administrator YUNITS: I think Commissioner Cakounes and I are both on record as saying that we think the Assembly should have some input

Ms. GREEN: Thank you.

Speaker BERGSTROM: Okay. Mary, you're up. Wait a minute; we've got Ed here.

Mr. LEWIS: It's so convoluted, it's unbelievable. Everybody should read the legislation that creates the aggregators. Everybody should read the Intermunicipal

Agreement that -- or the Intergovernmental Agreement that the 21 towns and two counties signed and what states on that. Everybody should read all the documents, and they should read the Fiscal Agent Agreement. The Commissioners are the lone, responsible group for the County when it comes to this -- all in the legislation or in the agreement. There's no mention of the Assembly. None. Zero.

And if we have input, that's wonderful, but it's the Commissioners who are responsible for signing it, not us. And we should read that on all the -- they'll hold all of the papers that involve where this -- how this whole -- what their job is and what everybody's job is when it comes to this because it gets really convoluted here. And it's just much too much talked about that isn't fact and isn't knowledge. And it's really upsetting because it's uncomfortable and people are saying things that are absolutely incorrect.

Ms. MCAULIFFE: I will be nice.

Speaker BERGSTROM: Yes, go ahead, Suzanne.

Ms. MCAULIFFE: And this is said with a lot of respect; I've worked with Ed a lot of years. But I also think that coming on the Assembly for the last two years, there's an unawareness of the history and the work that the Assembly has done and has tried to do in the past.

And I think it's a little simplistic to say that we have no say in the matter because I think it's very clear, according to Attorney Troy, that this is not in accordance with the County Charter, and we are dealing with the county employees and that does concern us.

So it's not a witch-hunt. It's not making things out of things that aren't. It concerns a history of trying to work with a group that I think Mr. Lewis has not been a party to. And I think the frustration -- the frustration of the people who have tried to work on this is what's driving a lot of the issue.

Speaker BERGSTROM: Okay. Yes, Attorney Kanaga. What do you have to say?

Mr. KANAGA: Sorry to -- I'm going to object. But I think just for clarity purposes, a part of what has been an issue here at the Assembly has to do with the -- I was going to say hiding, but I guess I won't in the interest of being nice say a neglect to disclose information that was properly and timely requested as a way of saying what has caused a lot of the inquiry and suspicion in this is because documents/financial statements were not readily forthcoming.

And I don't want to review the whole thing. I'm just saying it's not wholly without cause that some of this -- some of the questions were being asked.

Speaker BERGSTROM: Yes, well my only concern is that there are three Commissioners and there are two Commissioners who -- it only takes two Commissioners to approve this, which amounts to millions and millions of dollars.

I know that the Cape Light Compact has no intention of having this body say anything about it. They hate us. And I'm just wondering if we're going to get thrown under the bus by the Commissioners who are going to say -- who are going to agree to their insistence that the Assembly of Delegates has nothing to say about and we'll see. I know but we'll see what happens.

Anyway, Mary.

Communications and Updates from Mary McIsaac and Joanne Nelson

Finance Director MCISAAC: Sir.

Commissioner CAKOUNES: They're really softened up now, Mary.

Speaker BERGSTROM: And what do you have to say about that?

Finance Director MCISAAC: I have no comment. I'm running the numbers.

Good afternoon, everyone. Thank you for having us and Joanne Nelson joins me today. She's the Accountant for the County. And we have sent forward for your review our First Quarter Revenues and Budgeted Expenditures for Fiscal '17.

Just some simple comments for you and then we'd ask you if you have any questions about the numbers.

On the Revenue side, you're going to see us 21.59 percent collected. Basically, in the structure of the piece of paper that you received, it's across the board on subtotals, which is way down to the bottom of the page.

I would point out to you that in the first category for Tax Revenues, I remind you that we only receive our money for those taxes in May and in November. So in November of this year, we received about \$3 million, a little bit more as our first-half payment. So where it's 1.67 collected at the first quarter, we have half our money by the end of December because it comes in by law on November 1.

The Registry of Deeds tax is outperforming its estimates for this year. Even factoring in the additional increase that we were -- that was approved for us.

With respect to Intergovernmental Funding as we explained in previous meetings, that's a reimbursement based on the calculation that's submitted to the state for all the costs of the Trial Court occupancy of the buildings.

We did something a little bit different for Grants Contracts. We gave you a second page that broke down all the grants that actually exist in those departments and are part of the budgetary process. The only comment I make on that is that our grants are mostly reimbursable grants and not entitlement grants for this purpose. And so what you're seeing is while we've had some expenditures reimbursed, a lot of things are quarterly reporting. And so in the first quarter, we've expended and reported and we've not collected it yet. It has come in since then for the most part.

Our Departmental Revenues are reporting as expected, and our Other Funding Sources being the Treasury balance and the Assigned Fund Balance were transferred in accordance with the budget vote.

And so those are really only my comments about Revenues. I don't know if anyone has any questions before we look at Expenditures?

Speaker BERGSTROM: Any questions on Revenues? Yes, Ed.

Mr. LEWIS: Do you have for the same period last year the Registry of Deeds as to what -- in other words -- I know it's X percent of the budget and, you know, but just as to what -- how far ahead it is from last year to this year?

Ms. JOANNE NELSON: We do.

Mr. LEWIS: Oh good. Thank you.

Ms. JOANNE NELSON: Let me find it. So last year at this time we collected about 925,000 for the Excise Tax Revenues, so that's up about \$250,000. And we collected about \$213,000 from the Departmental Registry Revenues. So that's up about \$17,000.

Mr. LEWIS: On the Registry of Deeds Tax.

Finance Director MCISAAC: So this is way up, the deeds tax?

Ms. JOANNE NELSON: Yes. So that is up about \$250,000.

Mr. LEWIS: That revenue was \$3 million and one -- \$3 million in the first actual revenue --

Finance Director MCISAAC: He's talking about this.

Ms. JOANNE NELSON: Oh, oh, I'm sorry.

Mr. LEWIS: That actual revenue.

Ms. JOANNE NELSON: Okay. I'm sorry. I thought you were asking about September. So for the first quarter of FY16, we collected 2.4 million and we're at 3 million now. So that's up about \$625,000. And --

Mr. LEWIS: That was the only number I was looking for.

Ms. JOANNE NELSON: Oh, okay.

Commissioner CAKOUNES: You've got to minus out the increase.

Mr. LEWIS: That's a big increase, far more than our Deeds Tax. My guess no one has not sold their house because we had an increase in the Deeds Tax. They didn't take their house off the market.

Finance Director MCISAAC: Every month is outperforming last year even for factoring in the increase. So the activity is definitely up at the Registry.

Speaker BERGSTROM: Okay.

Finance Director MCISAAC: Any other questions on Revenues?

Speaker BERGSTROM: You can move on to Expenditures.

Finance Director MCISAAC: Thank you. Expenditures are a little bit different story with respect to operating budget totals. If you go three-quarters of the way down the page, you'll see that the percentage that has been expended is 35.2 percent. And I would point out to you that there are two large reasons why that is more than 25 percent. One of the reasons is our Barnstable County Retirement Assessment is due and payable on July 1 in order to obtain a discount over what we would have to pay if we paid on July 1 and January 1. So the assessment is always paid on July 1 and that's millions of dollars out the door.

A component part of that is the 1.3 million which is the Retired Sheriff's Liability portion of our assessment. The rest of the assessment that we pay is allocated over all the departments. So you don't really see it isolated, but that's a factor in the percentage that's been used by each department so far in the first quarter for their budget.

The other fact is that a lot of departments encumber for their expenditures at the beginning of the year. If they have lease agreements or contracts or they have a certain amount of money due to a vendor, when that money's encumbered, it shows in MUNIS as expended even though technically the cash isn't out the door but it's been obligated.

So when we get to December, you'll see something closer to what 50 percent should look like because those factors start to even out along the way as the months go.

We think we're in a good position with respect to our Expenditures. People are handling their budgets, I think, conservatively as much as last year if not more. And we're finding that people are watching their pennies and the spending is predictable.

So we'd take any questions if anyone had questions on our Expenditures so far in the first quarter?

Speaker BERGSTROM: Yes, Ed.

Mr. MCMANUS: On the assessment that goes out, you said a major portion of it

is the pension payment on the Sheriff's that we are still covering. A question on that is I've been led to believe that as other sheriff offices' moved from County to State control with the general liability went with the state but that wasn't the case in Barnstable?

Finance Director MCISAAC: It was not.

Mr. MCMANUS: Okay. And that's something to still work on?

Finance Director MCISAAC: We're working on that, yes.

Mr. MCMANUS: Good.

Speaker BERGSTROM: Ed Lewis.

Mr. LEWIS: Just so I understand this correctly; looking at the Expenditures, the original budget for the Sheriff's Retirement was \$1,334,000 and that's all been -- or is that encumbrances? So that all hasn't been spent?

Finance Director MCISAAC: That's all been paid. It was due and payable on July 1.

Mr. LEWIS: For the entire year?

Finance Director MCISAAC: Yes.

Mr. LEWIS: Okay. So all the pension expenses, all of those have been paid for the entire year?

Finance Director MCISAAC: Yes, sir.

Mr. LEWIS: Okay. Thank you.

Speaker BERGSTROM: Well, so, is that what you've got in Revenues and Expenditures?

Finance Director MCISAAC: That's what we have for you today.

Speaker BERGSTROM: Okay. Thank you, very much.

Finance Director MCISAAC: Thank you.

Speaker BERGSTROM: So the general feeling is that the County's in good financial shape?

Finance Director MCISAAC: Yes.

Speaker BERGSTROM: Nothing even better --

Finance Director MCISAAC: We're moving the ball forward.

Speaker BERGSTROM: Okay.

Finance Director MCISAAC: That's the best I can tell you. And if we don't see you, have happy holidays, everyone.

Speaker BERGSTROM: Yes, same to you.

Finance Director MCISAAC: Thank you.

Speaker BERGSTROM: Now, the next item on our agenda is communications from Public Officials? Any public officials here? No.

Communications from Members of the Public? Any members of the public wish to address us?

### **Assembly Convenes**

Speaker BERGSTROM: Okay. Hearing that, the Assembly will now convene.

### **Report from the Clerk**

Speaker BERGSTROM: And we'll start with a report from the Clerk.

MS. O'CONNELL: Just a couple of things. At the next Assembly meeting, you'll be voting on probably two proposed ordinances, sounds like maybe having a public hearing at the Assembly meeting.

Following the meeting, you will have your holiday gathering over at the Dolphin. Just a reminder about that.

And also in your folders at the next meeting you'll have your mileage logs. So I would appreciate it if at the next meeting make sure you get those signed and turned into me.

And I think that's it. That's all I have.

Speaker BERGSTROM: Okay. Any questions on that?

Mr. OHMAN: I do.

Speaker BERGSTROM: Yes, John.

Mr. OHMAN: Thank you, Mr. Speaker. So if we do have this public hearing and there's no money involved, are we going to have it actually during the Assembly or will this be a government regs situation?

Speaker BERGSTROM: You're the longest-serving member and head of the Finance Committee, you have to tell me; do we need a public hearing on this request?

Mr. OHMAN: Well, I believe we do.

Speaker BERGSTROM: It doesn't --

Mr. OHMAN: It doesn't -- what the Commissioner said that we could probably hold a public hearing at the Committee of the Whole.

Speaker BERGSTROM: We could do that but I'd like to know clear that we have to do that on that. It says -- does it have any money involved?

Mr. OHMAN: There is no money.

Clerk O'CONNELL: No, but according to the Charter, every proposed ordinance has to have a public hearing. But that doesn't mean that you have to have a public hearing outside of the Assembly room.

Speaker BERGSTROM: Right. Okay.

MS. O'CONNELL: You can have a public hearing at the Assembly meeting.

Speaker BERGSTROM: In that case, I will do my best to schedule it during the Assembly. Okay.

Where are we? Okay. Anything else under Clerk's Report?

### Other Business

Speaker BERGSTROM: Okay. Under Other Business, Assembly reorganization protocol; I brought this -- I put this on there because somebody asked me about that they wanted to discuss reorganization. I didn't think it was appropriate to do that until the new members are sworn in.

But I think we should realize that there are certain rules and everybody should be aware of the rules. I didn't have Mr. Troy weigh-in on this, but just point of information is that when the Assembly convenes on the first meeting in January, it will be run by the longest-serving member, the president pro tem which will be John Ohman. And nominations will be made for Speaker, Deputy Speaker, and Clerk.

According to my understanding of Robert's Rules of Order and a precedent, when someone -- all nominations have to be made before a vote is taken. So in other words, if you nominate someone, you know, "I nominate John Smith," the presiding

officer, then John, will say, “Are there any other nominations?” And then all the nominations will be put on the floor and votes will be taken. And each member will then, in turn, vote for whoever they want.

I know in the past in some places they have somebody nominates someone and then you all take a vote. You say yes or no which is kind of difficult.

And the question then comes up is what happens if there are multiple candidates and no one candidate gets eight votes? Now you realize its one person/one vote. It’s not a weighted vote on the reorganization. And my answer to that is I don’t know.

Usually the way these things happen is somebody calls for a recess, you go out into the hallway and you pretend you’re not speaking to each other but you do and then you come back ---

I also think that in matters of internal organization of this body that a lot of the rules about discussing things among ourselves don’t apply. In other words, this only has to do with us. It only has to do with the body itself. It doesn’t have to do with anything outside of it.

So I may be wrong on that, but that’s the way it is. So I just wonder if any of you have any more questions on that. This will be the time to bring them up. Okay.  
Brian.

Mr. O’MALLEY: Mr. Speaker, the state of Maine has just adopted a vocal -- a new way of -- well, it’s not new, but a way of voting that’s basically instant runoff or a ranked choice.

And so I would think that if we faced a situation here where we had multiple candidates, none of whom got the majority vote that what happened and the way it works in the state of Maine is who gets the lowest is knocked out and their votes go to the next person. So that we, basically, see in the sense of runoff, the lowest vote getter then drops out and we take a second round.

Speaker BERGSTROM: Yes, I don’t know if we can do that because we’re dictated by the Charter.

John.

Mr. OHMAN: I think it’s a very good idea. I think you should form an ordinance and then we can do that in the future. But I think we have a protocol that our County Counsel will come up with to determine what we do.

And Julia’s been here longer than I, and I don’t recall ever having this happen for an Assembly. I do recall it happening in 2000 when Commissioner O’Leary ascended to the Senate, and we had to have a one person/one vote and there were multiple candidates.

And I think we dropped the lowest one and we revoted. I think that’s what we did. I don’t know if that was protocol. My memory is a little hazy 16 years ago.

Ms. TAYLOR: I think it’s good if people work things out in advance.

Speaker BERGSTROM: Yes, Deborah.

Ms. TAYLOR: That’s my advice.

Deputy Speaker MCCUTCHEON: I’d like to speak to Julia’s theory that it ought to get worked out in advance. When I came to this Assembly and Ron became the Speaker, there was no discussion of what the Speaker wanted and what was the -- the Speaker was interested in, or what issues the Speaker thought were important to the body or anything. There was no discussion of -- no discussion of what the purpose of -- the Speaker controls much of what the organization hears, and this is no discussion

about it.

That is happening again, and it has happened every time there's been an election. I think that we ought to know what people who want to be Speaker what to do with the position. That's just my opinion.

Speaker BERGSTROM: Well, I mean that can happen on the first meeting in January, but there will be new people in the seats.

Deputy Speaker MCCUTCHEON: I think the new people have to have an opportunity to figure out what people want, what the issues are, what their big rant is.

Speaker BERGSTROM: Okay. John.

Mr. OHMAN: Once again, thank you, Mr. Speaker. I think what happens if someone wants to campaign for this, they can do it outside the body --

Speaker BERGSTROM: Yes.

Mr. OHMAN: -- at any point in time they can call, email, you know, walk, and contact anybody on the Assembly and campaign for themselves. But I've never seen an active campaign during the meeting of this body, and I think that's a good policy.

Speaker BERGSTROM: Yes. Well I just put this on the agenda because I don't want anybody to jump up. You know, I want it to be a clean process. I don't want anybody to jump up and say, "Hey, wait a minute. You're not supposed to do that." So if you have any objections to the current process, speak now or forever hold your peace; okay?

Yes, Brian.

Mr. O'MALLEY: I would rise in support of what Delegate McCutcheon just proposed, which involved really an attempt on our part to define a little bit better what is the role of the Assembly, where are we going, and how do we improve our functioning as the voice of the community, as a representative voice that can serve to channel the community here?

And I think the Speaker plays a very large role in that. I think it would be interesting if not as a debate but certainly that the candidates for Speaker layout some vision of what the Assembly might do to make itself more relevant.

So, I support some sort of a campaign process. And that's not exactly the same as each of the candidates getting on the phone and button holing each one of us. I mean I think there is a place for some public discussion. Maybe it would be at our January meeting right before the vote so that the new members have an opportunity to be exposed to it.

Speaker BERGSTROM: You know, Brian, I understand where you're coming from and also Deborah, and I've been party to a lot of reorganization, at least eight of them or something in Chatham and quite a few here and they're all ugly, especially if there's a contest.

And I, just as a matter of protocol, I think, as John said, it's not considered good form to discuss the reorganization, you know, for people to lobby for positions during public sessions when we're conducting the public's business. Now it doesn't mean you can't do it but that's the way it's been in the past.

Yes, Ed.

Mr. LEWIS: I think the Home Rule Charter is pretty explicit as to what the responsibilities of the Speaker are. The Speaker is no different than the chairman of the commissioners or the chairman of any board of selectmen, or the chairman of the finance committees. They run the meeting. They make the decision what goes on the

agenda. Most speakers -- most chairman that I've known pretty much if someone requests something, they'll put it on the agenda for a discussion.

But the Speaker is sort of the head of the class and makes sure that everybody gets a chance to discuss it and keeps everything moving.

Speaker BERGSTROM: It doesn't always work, Ed.

Mr. LEWIS: It doesn't always work; I understand that. And I would agree with you and with what John has said here. Having campaign speeches so-to-speak at an open meeting sort of puts -- to me, it's not good form. I said, you know, the new members will figure it out just as we figured, you know, all of us when we became members figured it out.

But the nominations will come and if there's more than one for a position then they'll vote. And I think there's much to do about nothing here. I think that in the long run someone will get eight votes and that will be the new Speaker and it will move on from there.

But I would not like to see a campaign. I think its ugly enough with regard to the selectmen and stuff like that. So I think it's been done well in the past, and I think it will be fine.

Speaker BERGSTROM: With that, is there any other business to be brought before -- yes, Suzanne.

Ms. MCAULIFFE: Yes. I've been repeatedly frustrated by the lack of presence of Attorney Troy. And I'm not faulting you; I know it's busy. It's starting to feel a little bit like the County Administrator, Mr. Zelinski, who was never available to us when we needed him.

And I think it may be time and I intend to bring forth the ordinance that we passed 14-07 about setting up a Legal Services Account, not at the next meeting but if I could bring it at the next meeting and then we can vote it in the New Year.

Because I think it's important for us if we don't have access to Mr. Troy to have access to someone who can help us with some of our legal questions.

This initiated because we were doing the Charter and we didn't agree with the County Commissioners on some of the items in the Charter. And we wanted our own counsel because at the time County Counsel was, you know, hired by the Commissioners.

So this could be useful to us if we needed perhaps legal advice and this may kill this vote, but let's say a ratepayer lawyer who can give us some legal help on some of the issues that we're trying to figure out or if Mr. Troy's available that would be ideal, but he has not been available for the last three meetings.

Speaker BERGSTROM: I asked the Treasurer to give us an estimate of our legal -- what our legal expenditures of the last fiscal year when we availed ourselves of Attorney Troy's services. I think it came to like \$17,000-something. That was the figure they gave me.

Ms. MCAULIFFE: Wow.

Speaker BERGSTROM: So just be cognizant of the fact that every time he sits here the meter's running. So we have to be judicious in our use of County Counsel.

That being said, I mean these are important issues. I agree if we can come up with the money, he could sit here every week and certainly give us some advice but it may not -- so that's -- I agree.

If you want to submit that ordinance, I would encourage you to do so. Did I see

a question? Yes, Lilli.

Ms. GREEN: Thank you, Mr. Speaker. I'm hoping that what's been said already in the meeting that there's an update, and the Cape Light Compact will be on the agenda for the next meeting.

Speaker BERGSTROM: Okay. Thank you. I will -- yes, Ed.

Mr. LEWIS: Considering what day today is, I think any government body that meets on December 7<sup>th</sup> should at least have -- I wanted to do it at the beginning but it moved too quickly, that this is a day that really set this country on a different pace many, many years ago, and it's a very important day in our history.

And I know for most younger people, everything revolves around September 11, 2001. But December 7, 1941, was a day that changed the culture of America and it changed our entire thought process.

So I, personally, would like a minute of silence for all those 2,500 men and women who lost their lives on Pearl Harbor that day.

Speaker BERGSTROM: Okay. I can call for that moment of silence.  
(Moment of silence.)

Speaker BERGSTROM: Thank you. And is there --

Ms. MCAULIFFE: Move to adjourn.

Deputy Speaker MCCUTCHEON: Second.

Speaker BERGSTROM: All those in favor? Aye. Opposed?  
(Motion carried.)

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:15 p.m.**

**Submitted by:**

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

List of materials used and submitted at the meeting:

- Business Calendar of 12/7/16
- Unapproved Journal of Proceedings of 11/16/16
- Proposed Ordinance 16-10 submitted by County Commissioners
- Revenue and Expense Report first quarter FY2017