Speaker BERGSTROM: Good afternoon. Welcome to the March 16th, 2016, session of the Cape Cod Regional Government, Assembly of Delegates. First, I’d like to ask if anyone is recording this meeting besides our normal recording studio.

UNIDENTIFIED MALE: (Raised hand.)

Speaker BERGSTROM: Okay. Thank you. I will call this meeting to order, and we 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.)

Roll Call (93.42%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), 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), Brian O’Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth – remote participation), Linda Zuern (9.15% - Bourne).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O’CONNELL: Mr. Speaker, we have a quorum with 93.42 percent of the Delegates present; 6.58 percent absent.

Speaker BERGSTROM: Okay. Thank you. I now need a motion to approve today’s Calendar of Business.

Mr. LEWIS: So moved.
Ms. MCAULIFFE: Second.

Speaker BERGSTROM: All those in favor, say “Aye.” Opposed?
(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the last meeting’s -- the Journal of March 2nd, 2016; any additions or corrections to the Journal?

Hearing none.

Mr. O’MALLEY: I will move approval as distributed.
Mr. HITCHCOCK: Second.

Speaker BERGSTROM: Okay. Moved and seconded. All those in favor? Aye.

Opposed? Okay.

(Journal approved.)
Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Now we have Communications from the Board of Regional Commissioners. I see Commissioner Flynn and Commissioner Cakounes wearing her Irish green.

Commissioner CAKOUNES: Oh, sorry. I was supposed to wear green.
Commissioner FLYNN: You didn’t wear your green.
Commissioner CAKOUNES: No, tomorrow.
Speaker BERGSTROM: Well, we expect it from Flynn but not necessarily from Cakounes.

Commissioner CAKOUNES: Tomorrow.
Speaker BERGSTROM: Welcome.
Commissioner FLYNN: Thank you, very much. Yes, in anticipation of tomorrow, when one is Irish, one wears green. And anybody who isn’t Irish can wear green too. That's okay.

Mr. LEWIS: Everybody's Irish on St. Patrick's Day.
Commissioner FLYNN: Everybody’s Irish on St. Patrick’s Day; you’re right. Well, I thought I would just simply start out with an overview of a very long and intense meeting we had today, which is just great. I thought Jack might be coming -- Jack Yunits.

Commissioner CAKOUNES: I think he’s on his way.
Commissioner FLYNN: He’s on his way.
Commissioner CAKOUNES: I think so.
Commissioner FLYNN: But I’m just going to mention that he is preparing his goals and objectives as the County Administrator and we’re looking forward to those.

And also we are going to be meeting in June. We’re hoping that you will have the budget completed by then, and the Commissioners are going to meet and work on a review of our Strategic Plan and actually, hopefully, make some positive amendments to the plan going forward for next year in which we can then share with you at that time.

Yes, well on behalf of Jack Yunits, our County Administrator, I wanted to let you know that -- as you may know already, DOR really does not have much to do with the County. They don't review County finances. We send them our budget at the end of the year. They really don’t take any action regarding it.

But the Auditor's Office is a great resource for us, and Jack has contacted Suzanne Bump and asked her if she could send an audit team down to the County to take a look at not only our finances but our leases. And as --

Ms. MCAULIFFE: Mr. Speaker, I can’t hear.
Speaker BERGSTROM: Yes, I know. I’m trying to think what I can do about this. Any suggestions?

VOICES: Mute.
Commissioner FLYNN: Go in a room and close the door.
Ms. MCAULIFFE: Most phones have a mute button.
Commissioner CAKOUNES: Tell her to mute it until you get to her thing.
Clerk O'CONNELL: Julia?
Ms. TAYLOR: Yes.
Clerk O'CONNELL: Do you have a mute button on your --
Ms. TAYLOR: I’m looking for that now. Sorry.
Clerk O'CONNELL: All right. Yes, I think we’re all set. Can you still hear us?
Ms. MCAULIFFE: She can’t --
Mr. KANAGA: It’s good.
Speaker BERGSTROM: It’s good. Don’t call us; we’ll call you.
Commissioner FLYNN: Anyway, back to -- so what he is planning to do is expecting a team from the State Auditor's Office to come down and not so much take a look at our finances, although that's part of it, but also to take a look at our leases.
You probably know that the County owns a significant amount of property on the Cape, particularly in Bourne. And we really need to have those leases looked at and see -- and also get some type of an appraisal on the property itself and see whether or not we’re actually utilizing them in the best way possible. So that will be very helpful when they come down and do that audit.
We’ve also been asked numerous times to be a fiscal agent for certain groups, such as the Commission or the Cape Cod Chamber of Commerce, particularly the most recent one, the Cape Light Compact, the CVEC. We've been asked to be the fiscal agent for certain projects that are done by those different groups. And that's okay because we can do that and the County -- I mean anybody could be a fiscal agent. You could ask a town. It has to be a governmental agency. They could ask a town to be their fiscal agent. But in many respects, it makes more sense for the County to do that. So we are looking at that for the -- a grant proposal that they have already submitted to the Office of Housing and Economic Development, the Seaport Economic Council, to advance the Cape Cod blue economy on Cape Cod. You know about that; I'm sure you’ve read about it in the paper. And at some point I’m sure the Chamber with Wendy will come and brief you on what that really means.
On the Elder Services side, this is March and this is Meals on Wheels month. I think it's March 30th this year, if you are interested in helping out in your town, you can call your Meals on Wheels group, whoever they may be or if you collaborate with another town if you want to volunteer and deliver Meals on Wheels on that day. It's really an incredible experience. I've done it a couple of times. And it's very rewarding to go around and meet people who you just wouldn’t believe who are recipients of Meals on Wheels. And just to know that that service is available to people who need it here on the Cape through Elder Services. It's a great experience.
We've had a couple of requests from the Barnstable Fire Department to utilize the grounds of the County complex for most recently a transportation-focused public safety training exercise which they thought at the time might include medevac helicopters, but we think they're probably not included now, and being able to have first responders learn and participate in accordance with the Homeland Security exercise and evaluation process. So that's going to happen on May 14th.
Commissioner CAKOUNES: Possible railroad too.
Commissioner FLYNN: Oh, and using of the railroad. They’ll have a railroad car there, I believe they plan to have, to be able to use as an exercise in these events.
The Cape Cod Art Association has asked to use the grounds for Arts in the Village, which will be on June 25th this summer, and they have also asked to use it for the Harvest Festival for the Arts, which will be in September.
So we’re always happy when we can to be able to offer the County complex services to community groups. And you know the Barnstable -- the West Barnstable Village Association uses this in the summertime for concerts. They use that area up on the hill. So
people in the village who live here have an opportunity to gather together as a village and be able to enjoy different opportunities that the village offers them on our premises.

And then on April the 5th, if you have never done this before, I encourage you to join with us and AmeriCorps in taking a tour of some of the sites around the Cape that AmeriCorps has worked at and provided their expert services to towns and in various ways, mostly on environmental issues related to trees or forests or recreation lands or conservation, wherever it might be, and wherever AmeriCorps has been in your community.

We can't get everywhere but we do have a bus tour starting that day at 8:30. And the bus takes us to certain areas of the Cape where AmeriCorps has performed some of their services. It's from 8:30 to 1:30 and the bus leaves from the Superior Courthouse at 8:30 a.m. on April 5. So you are certainly invited. I know Teresa Martin has been on it before and some of other of you. Also, we've had some people from the League of Women Voters who usually join us on that day. But it's a great day and you can learn a lot about what AmeriCorps does on Cape Cod, to actually see for yourselves what their presence has been.

Even though we receive federal dollars for AmeriCorps, the County also spends around $450,000 a year to support the AmeriCorps program. We have three houses now, as you know. There’s one in Bourne and there’s one in Wellfleet, and then there’s another one, I think it’s in Wellfleet, where the Fire Group -- that’s a new program that AmeriCorps Nationwide has offered is fire training for where AmeriCorps members can train to be able to handle fires, particularly in forest areas, grassland areas. So we have the group of AmeriCorps people who are in that program as well.

And then the Cape Cod Economic Development Council is looking at the License Plate Revenue Fund which 40 percent goes to the Cape Cod EDC for a work plan -- an economic development work plan that they’re engaged with the Cape Cod Commission. We did not vote on this today.

Commissioner CAKOUNES: Yes, we did.
Commissioner FLYNN: We did?
Commissioner CAKOUNES: Yes.
Commissioner FLYNN: Well because -- we did? Okay.
Commissioner CAKOUNES: Yes, the $290,000.
Commissioner FLYNN: That with spending up to $290,000 in license plate funds currently that amount of money does not exist in the license plate fund but it's a possibility that it could. So they have been working for the last seven years with the Commission jointly working on economic development issues. You’ve probably been to some of the economic summits that they’ve had her on the Cape, usually in May.

So, and then I think I mentioned that we’re setting up our half-day time. We haven’t really discussed it yet. We want to wait until June when the budget is finished so that we can have a strategic planning workshop for the Commissioners for next year.

Leo, do you have anything you want to add?

Commissioner CAKOUNES: Yes, I’ll just add one thing. Many of you, maybe, have gotten some phone calls in regards to the rest area situation. On our agenda today was an action for us to send a letter to the state. We did not take action on sending that letter, and, basically, we are -- the Commissioners are of the understanding that we're going to instruct our Administrator to look at it closely and maybe see if some other participants like the Chambers of Commerce, either locally or the Cape Cod Chamber, would like to continue that operation.
So if anybody of your constituents calls you and they’ve heard on the news that we are closing two rest areas, rest assured that, first of all, we do not control two. We only clean one and, basically, the Commissioners have been discussing stopping that procedure. But you should know that in the budget before you there is some money allocated from the License Plate Fund to do that service for this coming summer. So if we start a negotiation now and we get out of it before June, then that money will return back to the License Plate Fund. But we thought it was prudent to leave it there so that we can start this negotiation.

So, rest assured, if anyone calls you, tell them this is not something that we voted today and how to stop as of today or as of any specific time. There was really no action taken today except to look into it further.

Commissioner FLYNN: I could just add to that the rest area’s currently in the town of Barnstable on Route 6. That's where it is. But the town of Yarmouth has always been the one who has taken real interest in it, particularly over the years they’ve provided tourist information for that part -- for the lower part of the Cape from Yarmouth going down. And there’s been no real -- Yarmouth is the town that’s been most interested in keeping it functioning. So we don’t want to take any action until we talk to them, until we talk to the town of Barnstable since they actually own the land.

But as far as the state goes, we could do anything we want. We could keep it, not use it, use it, whatever. But the state does not provide us with any funds for operating it. So the County has been providing those operating funds for all these many years.

Commissioner CAKOUNES: Thank you, Mr. Speaker. The only other thing I’d like to add and I know Commissioner Flynn had already addressed it in her opening statement that our new Administrator has requested that the State Auditor's Office come down and help us.

I just want you to know for the record that the Commissioners -- there was a motion made and the Commissioners do support that effort and have, in fact, through the motion instructed our Administrator to move forward on that. So this is something that he’s not doing without our support. We are 100 percent behind him and that vote was taken today.

Thank you.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Have the Commissioners taken a position on the potential new signs on Route 6 and/or renumbering of exits and is that something that the Commissioners would discuss and get involved in?

Commissioner CAKOUNES: If I may, Mr. Speaker? The Commissioners have not taken any action on that. It has not been before us. It has not been put on our agenda. We have not discussed it at all.

However, you should be aware that a Commissioner does serve on the MPO, the Metropolitan Planning Organization, which is the local part of that that actually controls the money, if you will, and looks at and rates those projects.

I happen to be the Commissioner that sits on that board. I have reported back of some things that have happened but, no, the Commissioners, themselves, have not taken any action. Maybe that’s something we might want to entertain putting on the agenda.

Speaker BERGSTROM: Patrick.

Mr. PRINCI: Thanks for being here and I just have a question about the training that’s being offered on 5/14 for the Barnstable firefighters. Now it’s a great idea because when I had met with my local fire chiefs they had mentioned the Fire Training Academy and
the fact that they don't have facilities that they can use for training purposes based on liability issues and so forth that they once did have.

Now is this an effort to possibly have some of the trainings that you want spread out away from the Fire Training Academy --

Commissioner CAKOUNES: No.

Mr. PRINCI: -- in hopes to phase the Fire Training Academy out?

Commissioner CAKOUNES: No. This has absolutely nothing to do with that.

This is a separate project -- training project under the Homeland Security Act. To my knowledge and my understanding the way it was presented to us today, this specific training is going to be involved in if a catastrophic event happened involving a train so they would be able to practice entering and exiting the train, bringing wounded people off the train, all kinds of different scenarios, if you will, under the Homeland Security Act that would involve a train.

There was, again as Commissioner Flynn mentioned, a request to maybe land a helicopter here to practice medevac but they're not sure if that's going to probably move forward.

So this is just a -- I don't want to say an isolated but it's just a training exercise outside of our Fire Training Academy and what we offer over there. Entirely different.

Speaker BERGSTROM: Yes. Ed and then Ed.

Mr. LEWIS: Go ahead.

Mr. MCMANUS: Age before beauty.

Mr. LEWIS: Thank you, very much. I guess you can go first then.

Thank you for your comments. I'm just questioning when you say you become the fiscal agent for a grant for something with the Chamber of Commerce or the EDC and I'm curious as to what exactly that entails and what the Chamber wants to do, what the grant is for. I always get a little bit weary when government gets involved -- government gets involved with a Chamber in any way, shape, or form.

Commissioner CAKOUNES: Well, I'd like to answer that first of all by prefacing my comments to the fact that the thing that we had on the agenda today which was from the Chamber of Commerce was actually withdrawn by the applicant. So there was no action taken today on this specific request.

However, you are 100 percent right and I have as a, not only as an Assembly member, but certainly since I've been a County Commissioner have been extremely concerned of what the term fiscal agent means. And I think, if I may, Mr. Lewis, I would tell you that this is exactly why we want to have this auditor come down here to make sure that we are properly doing things and, in fact, if we are legally doing things too because we are fiscal agents for a number of different things. The big ones you guys know but there's a lot of small ones too.

Mr. LEWIS: Thank you.

Speaker BERGSTROM: Okay. Ed number two.

Commissioner FLYNN: Oh.

Speaker BERGSTROM: Unless --

Commissioner FLYNN: Well I was going to add to that. We have had discussions with County Counsel about this. And we do have a brief opinion from him in terms of being a fiscal agent does not include having any fiscal responsibility for any of the actions taken. But before we move forward with any other request to do that, we are going to have something in
writing, a policy in writing and possibly a contract in writing that if we are to do this in the future that it’s very clear to both parties what the responsibility of being a fiscal agent is.

And if I could just say one more thing about the Fire Training Academy. We are now -- it's very important to the fire departments on Cape Cod to have a place where their people -- their firefighters can be trained, particularly on the Lower-Cape. They don’t really have the opportunities to go to Southbridge or anywhere else where --

Speaker BERGSTROM: Mary Pat, did you discuss this today?

Commissioner CAKOUNES: No.

Commissioner FLYNN: No.

Speaker BERGSTROM: All right. Well, then --

Commissioner FLYNN: Then don’t say anymore. Oh, I was responding to the question. That’s fine. But we are very involved in this issue and we will probably have something more concrete in the very near future.

Speaker BERGSTROM: I don't mean to be rude, but I have to limit it to what you discussed. So, yes, Ed and then Deborah.

Mr. MCMANUS: Just a question, the AmeriCorps tour, what time does it start?

Commissioner FLYNN: 8:30.

Mr. MCMANUS: And here?

Commissioner FLYNN: Superior Courthouse.

Speaker BERGSTROM: Deborah.

Deputy Speaker MCCUTCHEON: Yes, I have to say I'm glad to hear that there’s going to be somebody from the Auditor's Office looking into things. But I, well, first of all, there were a couple of things that you brought up that I think are of some concern. Mr. Cakounes said that you did not enter into any new contracts to be fiscal agent today; is that right?

Commissioner CAKOUNES: That's correct.

Deputy Speaker MCCUTCHEON: Do you know how many companies or agencies you are fiscal agent for?

Commissioner FLYNN: The only one I could think of would be either Cape Cod Compact -- Cape Light Compact or the CVEC, that's it. I don't think we're --

Commissioner CAKOUNES: Actually, we are.

Commissioner FLYNN: We are?

Commissioner CAKOUNES: Yes.

Commissioner FLYNN: Okay.

Deputy Speaker MCCUTCHEON: You’re not aware of any others?

Commissioner CAKOUNES: Actually, yes, we are fiscal agents for quite a few situations because -- the big ones are Cape Light Compact and CVEC, as Commissioner Flynn has just announced.

But, for instance, if I use, for example, what came before us today, there was a grant opportunity for this particular organization to apply for this grant and they wanted us to be fiscal agents for them on this particular grant and that was removed from the agenda today because they weren't ready to move forward.

But since I've been County Commissioner, I know we’ve voted on at least three of four things very similar to that where they were getting grant monies for a specific purpose and they asked us to be fiscal agents. And the only thing I can tell you is that when I make the motions to do that, I include in them that a contract will be drafted by County Counsel and
that there will be no -- all fiscal expense from the County will be reimbursed to the County
from that grant because the habit in the past has been to do this -- provide this service yet not
be at least reimbursed for our time and efforts in doing it.

I mean, for instance, would you consider us being a fiscal agent for the town of
Harwich when they give us their Human Service money and we take it and then we disperse it
to who they tell us to? I believe we are; we are their fiscal agent.

So we are a fiscal agent for a number of organizations. I don't know it off the top of
my head but it's more than three.

Deputy Speaker MCCUTCHEON: I would think that you’d be very well advised
not to enter into any future arrangements until you know a little clearer about what you're
doing.

First of all, you know there are fiscal agents as a matter of statute and then there’s
the question of practice. But what I'm more concerned about are some practices that I learned
about what we were looking into Cape Light Compact, like the fact that the funds for the
Compact are run through the same checking account as County expenses. That's called co-
mixing your funds and that’s a big no-no. These kinds of things can result in liability --
beyond the ordinary liability that you might be exempt from.

Can you provide us with a list of organizations that you are fiscal agent for, please?
Commissioner CAKOUNES: Sure.
Commissioner FLYNN: We can do that.
Deputy Speaker MCCUTCHEON: Thank you.
Commissioner CAKOUNES: We’d be very happy to do that.
Speaker BERGSTROM: Yes, Jim.
Mr. KILLION: Thank you, Mr. Speaker. Good afternoon, Commissioners
Cakounes and Flynn.

Speaker BERGSTROM: We don’t want to wander too far off of what they -- the
report that they gave us.

Mr. KILLION: Thank you. Just back to the State Auditor, you listed they’re going
to look at leases and fiscal agents. Is there a scope of services that they’re going to provide of
what they’re going to exactly look into? Are they going to start and sort of make their way
through where they see fit to examine?

Commissioner CAKOUNES: My understanding of the process is they have agreed
to come down. They are sending a team, if you will, of individuals. How many I cannot tell
you. They will be meeting with our Administrator and some department heads. They will be
looking at what we’ve requested of them and then they’re going to give us a scope of service
that they are going to provide. And I do have to warn you there will be a cost affiliated to
this.

So the long answer to your question is yes, and when we get that scope, I’m sure
you guys will have to see it because they’ll be funds coming from somewhere to pay for it.

Mr. KILLION: Thank you.
Commissioner FLYNN: Yes. I just found out that the primary purpose is to review
leases and property, not so much budget. It's really more related to that land and the leases
that we have.

Mr. KILLION: When you say primary purpose, who has defined what the primary
purpose is?
Commissioner FLYNN: The County Administrator. This is his plan; this is his
request and we supported it.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: I just want to reiterate though I assure you that being a fiscal agent is going to be included in that. It’s included in the motion. It was included in the description from the Administrator today on why he’s asking them to come down here.

So our duties as fiscal agents are also high on his priority list. And I don't want to speak for the man but maybe you guys should request him in and have an update as it moves forward.

Speaker BERGSTROM: Okay. I have a couple questions for you -- for the Commissioners. First, let's dispose of the rest area. Commissioner Flynn, you said we’ve been doing this for many years. But it seems to me that a few years ago there was some controversy here, somebody took over for somebody else or wanted it. Do you know that we have been funding that for all this time?

Commissioner FLYNN: Well, I do know that in 2008 when I was elected, one of the first meetings I attended was a meeting with the Town of Yarmouth and the Town of Barnstable, representatives from those towns, and one other Commissioner and it was all about the rest area because we do use license plate funds.

Now granted those funds are used for economic development and tourism. So a rest area is considered tourism. So it was not an inappropriate use of the funds. But we wanted to see what the costs were what the use of it is and now we are now faced with the EDC doesn't particularly want to continue to fund it because they have other grants and other uses that they think their license plate money can be better spent. So we’re just taking a look at it. We’ve made no decisions. It’s in the discussion stage.

Speaker BERGSTROM: That's really what I want to point out because I think this has happened before in the past that somebody would be operating that and they would say to us, “We don’t want to operate it anymore; you have to do it.” And if we didn't do it, then they would put the word out, “Well, I’m sorry the rest area’s closing because the County won’t do it,” when in reality it’s somebody else. So it’s the EDC is deciding not to fund the rest area?

Commissioner FLYNN: Yes. They would like not to fund the rest area.

Speaker BERGSTROM: Well why don’t we tell them what we would like.

Commissioner FLYNN: Well, you know, first of all, that’s possible because the Commissioners have the final say so.

Speaker BERGSTROM: I don’t care if we fund it another way.

Commissioner FLYNN: But the state doesn’t really care. The state, as you know, has given up rest areas. They don’t care what we do with a rest area. They're not interested. They're not interested in helping and whatever you want to do with a rest area, you know, is okay with them.

So it’s really up to us to decide how we want to move forward with this rest area. And we’re going to talk to the people who are involved and the towns that are most involved.

Speaker BERGSTROM: I just don't want the County to be said, “Well, the County’s not funding the rest area.” In truth, we are simply, you know, they’re not funding it and they’re saying to us we have to fund it.

But the other question I have --

Commissioner CAKOUNES: Mr. Speaker; Mr. Speaker, I have to correct you because you’re wrong.

Speaker BERGSTROM: Okay.
Commissioner CAKOUNES: Okay. First of all, the EDC was in front of us today and I’m looking for the letter but I don’t have it, but they wrote a very nice letter and they submitted it to us. And I will assure you that you will get a copy of it. Oh, here it is right here.

Everybody has to realize that the EDC recommends to the Commissioners where they should spend that money. They have recommended that we not use license plate money directly for the maintenance of the rest area. That’s what the recommendation is. It’s up to the Commissioners to follow their recommendations or not. We do not have to listen to their recommendation.

Presently there is money in the FY17 budget from the Cape Cod License Plate Fund to pay for the County staff to clean that bathroom.

So, we, the Commissioners, by virtue of voting the budget you have in front of you have gone against the EDC’s recommendation and that’s where we stand today. So I will make sure you get a copy of this letter.

Speaker BERGSTROM: No, no, okay, that sort of contradicts -- I thought this was a controversy.

Commissioner CAKOUNES: Right.

Speaker BERGSTROM: So let’s move on. The other question I’ll quickly follow up on what Jim said is the scope of services for the auditor. I mean, we now have a new treasurer and a chief financial officer and a new executive officer, and, you know, the Assembly over the last few sessions have questioned how the budget was presented in the past, you know, how the reserves were characterized, how the capital budget was put inside the budget.

So the first thing that we would want would be something -- would be a review of past financial practices, rather than say, “Oh, don't worry about that. We’re not going to look at that. We’re only going to look at property and stuff.”

So, I haven't spoken to the members of the Delegate -- the Assembly, but I would think that if we’re going to move forward, we have to know where we’re starting from. And one would think that you would look at the past five years or six years and say, okay, these are the practices that we have in the past and maybe make some corrections and make them come up with the presently accepted standards.

So I’m sure that that controversy will continue as they come down here. And I hope that the members of the Assembly will have a chance to address the auditor and express our concerns about the financial situation in Barnstable County.

Commissioner CAKOUNES: I would suggest, respectfully, Mr. Speaker, that you have the Assembly or yourself put your thoughts on paper and submit them to our Administrator because the Administrator is the one that’s going to be meeting with these auditors their first time and putting together the scope. And, once again, as I mentioned earlier, telling us how much this is going to cost us. That's not to say that we can't do this, you know, a whole bunch of things; I don't know. We just took the first step today. But I would highly suggest that if you have concerns, put them in writing and get them to our administrator as soon as possible.

Speaker BERGSTROM: Okay. Well, I think we’ve put you on the hot seat long enough. If that’s it, thanks a lot. Good luck. Enjoy the Saint’s day tomorrow.

Commissioner CAKOUNES: I do not have this electronically, Mr. Speaker, so I’m going to give it to your Clerk.
Speaker BERGSTROM: Yes.
Commissioner CAKOUNES: I do think she should distribute it. That's the letter from the EDC regarding the rest area.

Speaker BERGSTROM: Okay. I’m now going to ask for communications from Public Officials? Hearing none.

Communications from Members of the Public, and I’ve already informed you that we’re not going to take any communications on the petition by Delegate O’Malley. So is there anything else? Hearing none.

Public Hearing on Proposed Ordinance 16-04

Speaker BERGSTROM: I will now read a notice of a Public Hearing.
“On March 16, 2015, at 4:15 p.m. or thereabouts, the Assembly of Delegates will hold public hearing on Proposed County Ordinance 16-04 to Amend Barnstable County Ordinance 06-16 to revise the timeline of the Assembly of Delegates vote of the County Commissioners proposed fiscal year budget.
The Public Hearing will be held in the Chamber of the Assembly of Delegates,” which is where we are. “Anyone wishing to testify orally will be welcome to do so. Written comments will also be submitted at the hearing. Faxed to the Assembly Office.
The full text of Proposed Ordinance 16–04 has been distributed to the town clerk of each town in Barnstable County. It is also available from the Office of Assembly of Delegates, First District Courthouse, Route 6A, Barnstable, Mass., and online at our website.”
Okay. Jim. Oh, no. Yes, that’s right. Well, do we know what -- I want to introduce --

Mr. KILLION: Would you like me to just introduce the Ordinance, Mr. Speaker?
Speaker BERGSTROM: Just read the Ordinance, Jim, and then we’ll take public comment.

Mr. KILLION: I’d go over and read the entire Ordinance, but, essentially, what this Ordinance does is create a more reasonable path to drafting or approving the budget.
Under the current system we have, there is no opportunity for the executive branch and legislative branch to reconcile differences they may have. This particular Ordinance would only pertain to budgets which have been amended by the Assembly as they’re submitted to the County Commissioners.
So what this Ordinance would allow for is the formation of a Reconciliation Committee should the County Commissioners reject the amended budget. So this Reconciliation Committee, which will consist of four members of the Assembly and one member of the County Commissioners, would then be allowed to go through the amendments and perhaps come up with some sort of a compromise which would then go back to both the Assembly and the Commissioners to be voted on.
If there is no success through this reconciliation committee, the same procedures would still be in place. A two-thirds vote will be needed to override any veto by the Commissioners, or if that threshold had not been met, the original budget would stand.
The primary reason I put this together or I should say rejuvenated it from an old Ordinance which it expired was the reason being that we could actually have a budget in the County which was not even -- not only not voted on but not passed by this Assembly. If we
were to take the Commissioners budget and amend it, it’s now a different budget. And if it's sent to the Commissioners and they simply reject it and it’s not overridden, a budget that we never voted on, never debated, becomes the budget, which does not seem to be competent governance.

Speaker BERGSTROM: All right, Jim. Why don’t we take -- I don’t mean to cut you off but, basically, I need a description for the public of what we’re voting on so I can take public comment if there is any. And then we will -- after we convene, we'll discuss -- the Assembly will discuss this Ordinance themselves.

So is there any public comment on the amendments to Ordinance 16–06? Hearing none. I will now close the Public Hearing. Okay.

(Public Hearing closed.)

Assembly Convenes

Proposed Ordinance 16-04: To Amend Barnstable County Ordinance 06-16 to permanently revise the timeline of the Assembly of Delegates vote of the County Commissioners’ proposed fiscal year budgets.

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

1. The submission of the annual budget shall be not later than the second meeting of the Assembly of Delegates meeting in February.
2. The Standing Committee on Finance shall meet with Chairs of the Standing Committees of the Assembly no later than the first Wednesday in April for discussion and verbal report on their review of the proposed fiscal year budget as of that date.
3. No later than the first Wednesday in May, the Assembly debates and votes on the annual budget as recommended by the Standing Committee on Finance and others. When voting on the annual budget, Robert’s Rules governing parliamentary procedure of the Assembly shall be waived allowing for more than two amendments to the main motion. If a majority of the Delegates vote in favor of an amended budget, the budget is immediately forwarded to the County Commissioners for consideration.
4. No later than one week after the Assembly of Delegates votes in favor of an amended budget, the County Commissioners shall either sign the amended budget or request that a Reconciliation Committee be established.
5. If a Reconciliation Committee is requested, the County Commissioners shall immediately notify the Speaker of the Assembly of Delegates of their request for the Reconciliation Committee and inform the Speaker as to who will represent the Board of County Commissioners on the Committee.
6. The Speaker of the Assembly of Delegates shall forthwith appoint members from the Assembly of Delegates to the Reconciliation Committee. The members of this Committee shall not represent a majority of the Assembly as a whole.
7. The Reconciliation Committee shall consist of three Delegates representing a majority vote on the budget ordinance, one Delegate representing a minority vote on the budget ordinance and one County Commissioner, and consistent with all other Committees, each member has an equal vote.
8. No later than the third week in May, the Reconciliation Committee shall convene in public session to facilitate the differences between the budget ordinance proposed by the County Commissioners and the budget ordinance voted by the Assembly of Delegates. The Reconciliation Committee can make adjustments to the budget ordinance as necessary to recommend a compromise.

9. The Reconciliation Committee shall submit its recommendations in writing to the County Commissioners and the Assembly of Delegates no later than noon on Friday of the third week in May. A majority vote of the Committee is required to recommend changes. The recommendation(s) shall show the signatures and vote of each member of the Committee.

10. If there is a positive recommendation for the amendments to the budget ordinance from the Reconciliation Committee, the Assembly of Delegates shall convene at a special meeting the following week to vote on the recommended amendments. No further amendments to the proposed budget ordinance recommended by the Reconciliation Committee are allowed.

11. If approved by the Assembly of Delegates, the amended budget ordinance as recommended by the Reconciliation Committee is forthwith returned to the County Commissioners for signature.

12. If there is no agreement on the budget ordinance by the Reconciliation Committee or it is not approved by the Assembly of Delegates, the budget ordinance as voted in May shall be the budget ordinance under consideration by the County Commissioners.

13. The Clerk shall forthwith notify the County Commissioners that there was no agreement on the budget ordinance by the Reconciliation Committee or that the amendments recommended by the Reconciliation Committee were not approved by the Assembly of Delegates.

14. The County Commissioners shall forthwith approve the budget ordinance voted by the Assembly of Delegates or veto the budget ordinance. If vetoed, the County Commissioners shall within seven days following the date of the approved copy of the amended ordinance is filed in its office return the measure to the Assembly of Delegates with specific reasons for such disapproval, in writing, attached thereto.

15. If the County Commissioners veto the budget ordinance as amended by the Assembly on or before June 1st, the Assembly of Delegates shall take a vote of its members on the veto by the County Commissioners. If the measure is passed by a vote representing two-thirds of the population of Barnstable County, the amended budget ordinance shall be deemed to be in effect.

16. If the Assembly of Delegates fails to override the County Commissioners 2/3rds vote, the County Commissioners budget, as originally submitted, is deemed to be in effect.

Speaker BERGSTROM: The Assembly will now convene. And we will now begin with Assembly discussion and vote on Proposed Ordinance 16-04 to Amend Ordinance 06-16 Budget Timeline, submitted by Delegate Killion, Sandwich. Okay, Jim, you’re on again.

Mr. KILLION: Okay, Mr. Speaker. If we can get a motion and a second, we can put this on the floor?

Mr. LEWIS: I’ll move Proposed Ordinance No. 16–04.

Ms. MCAULIFFE: Second.

Mr. KILLION: And before we begin the discussion, I have made some minor
modifications/amendments to this from County Counsel's recommendations. So I’d like to put those amendments on the floor.

Ms. KING: Second.

Mr. KILLION: Thank you.

Speaker BERGSTROM: You submitted -- you have submitted those changes to the Clerk?

Mr. KILLION: Correct. And I’ll just go through them very quickly. They are rather minor. The first one, which is simply restating the purpose of this Ordinance. What it is for is to “Establish a timeline for the Assembly of Delegates review and vote on the County Commissioners’ proposed fiscal budgets for all fiscal years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.”

And that opening remark is the reason we’re voting on this today is because the original ordinance, which was passed in 2006, did not have such language and, therefore, expired at the end of that fiscal year.

If we go down to article or Section 6, we have amended that to read, “The membership of the Reconciliation Committee shall not include Delegates from the Assembly of Delegates that represent a majority of the whole population of Barnstable County.”

And Section 15 has just been amended. We removed “its members” and replaced it with “the Assembly of Delegates.”

And then the last Section 16, we just struck “2/3rds vote” and replaced it with “by a vote representing two-thirds of the population of Barnstable County.”

Speaker BERGSTROM: Okay. So we’re now going to take a vote on the amendments that Jim is proposing to the ordinance. Not the ordinance itself but the amendments. So are there any further comments on these amendments?

Hearing none. We’ll take a vote.

Clerk O’CONNELL: Roll call because of Julia.

Speaker BERGSTROM: Okay. All those in favor?

Clerk O’CONNELL: I’m sorry; it’s going to be by roll call because Julia is on the phone.

Speaker BERGSTROM: All right. We’ve have a change of plans here. That’s what I thought.

Ms. MCAULIFFE: She’s supposedly listening but we just can’t hear her.

Speaker BERGSTROM: Well, why don’t we take a voice vote anyway. I’ll request it so that will make it official.

Mr. LEWIS: You have to get Julia to unmute.

Speaker BERGSTROM: Yes, do we know how to unmute her?

Clerk O’CONNELL: I hope she knows that because I can’t do it for her.

Speaker BERGSTROM: That’s right.

Clerk O’CONNELL: So if she can hear me, she can unmute; right?

Ms. MCAULIFFE: Right.

Clerk O’CONNELL: Julia, we’re going to vote now. So you have to unmute.

Roll Call Vote on Amendment to Proposed Ordinance 16-04 submitted by Delegate Killion – Sandwich.

Voting “YES” (57.89%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich),
Marcia King (6.49% - Mashpee), 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), Brian O’Malley (1.36% – Provincetown), Linda Zuern (9.15% - Bourne). Voting “NO” (35.53%): Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, Amendment to Proposed Ordinance 16-04 as passes.

Speaker BERGSTROM: Okay. So now we have the amended version of Ordinance 16-04 to amend Ordinance 06-16.

Ms. MCAULIFFE: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Just a point of information, what was the vote, the percentage on that?

Clerk O’CONNELL: Oh, I’m sorry. It was 57.89 percent “yes”; 35.53 percent “no”; 6.58 percent absent.

Ms. MCAULIFFE: Thank you.

Proposed Ordinance 16-04, as amended, to Amend Barnstable County Ordinance 06-16 to establish the timeline for the Assembly of Delegates’ review and vote on the County Commissioners’ proposed fiscal budgets for all Fiscal Years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

1. The submission of the annual budget shall be not later than the second meeting of the Assembly of Delegates meeting in February.
2. The Standing Committee on Finance shall meet with Chairs of the Standing Committees of the Assembly no later than the first Wednesday in April for discussion and verbal report on their review of the proposed fiscal year budget as of that date.
3. No later than the first Wednesday in May, the Assembly debates and votes on the annual budget as recommended by the Standing Committee on Finance and others. When voting on the annual budget, Robert’s Rules governing parliamentary procedure of the Assembly shall be waived allowing for more than two amendments to the main motion. If a majority of the Delegates vote in favor of an amended budget, the budget is immediately forwarded to the County Commissioners for consideration.
4. No later than one week after the Assembly of Delegates votes in favor of an amended budget, the County Commissioners shall either sign the amended budget or request that a Reconciliation Committee be established.
5. If a Reconciliation Committee is requested, the County Commissioners shall immediately notify the Speaker of the Assembly of Delegates of their request for the Reconciliation Committee and inform the Speaker as to who will represent the Board of County Commissioners on the Committee.
6. The Speaker of the Assembly of Delegates shall forthwith appoint members from the Assembly of Delegates to the Reconciliation Committee. The membership of the Reconciliation Committee shall not include Delegates from the Assembly of Delegates that represent a majority of the whole population of Barnstable County.

7. The Reconciliation Committee shall consist of three Delegates representing a majority vote on the budget ordinance, one Delegate representing a minority vote on the budget ordinance and one County Commissioner, and consistent with all other Committees, each member has an equal vote.

8. No later than the third week in May, the Reconciliation Committee shall convene in public session to facilitate the differences between the budget ordinance proposed by the County Commissioners and the budget ordinance voted by the Assembly of Delegates. The Reconciliation Committee can make adjustments to the budget ordinance as necessary to recommend a compromise.

9. The Reconciliation Committee shall submit its recommendations in writing to the County Commissioners and the Assembly of Delegates no later than noon on Friday of the third week in May. A majority vote of the Committee is required to recommend changes. The recommendation(s) shall show the signatures and vote of each member of the Committee.

10. If there is a positive recommendation for the amendments to the budget ordinance from the Reconciliation Committee, the Assembly of Delegates shall convene at a special meeting the following week to vote on the recommended amendments. No further amendments to the proposed budget ordinance recommended by the Reconciliation Committee are allowed.

11. If approved by the Assembly of Delegates, the amended budget ordinance as recommended by the Reconciliation Committee is forthwith returned to the County Commissioners for signature.

12. If there is no agreement on the budget ordinance by the Reconciliation Committee or it is not approved by the Assembly of Delegates, the budget ordinance as voted in May shall be the budget ordinance under consideration by the County Commissioners.

13. The Clerk shall forthwith notify the County Commissioners that there was no agreement on the budget ordinance by the Reconciliation Committee or that the amendments recommended by the Reconciliation Committee were not approved by the Assembly of Delegates.

14. The County Commissioners shall forthwith approve the budget ordinance voted by the Assembly of Delegates or veto the budget ordinance. If vetoed, the County Commissioners shall within seven days following the date of the approved copy of the amended ordinance is filed in its office return the measure to the Assembly of Delegates with specific reasons for such disapproval, in writing, attached thereto.

15. If the County Commissioners veto the budget ordinance as amended by the Assembly on or before June 1st, the Assembly of Delegates shall take a vote of the Assembly of Delegates on the veto by the County Commissioners. If the measure is passed by a vote representing two-thirds of the population of Barnstable County, the amended budget ordinance shall be deemed to be in effect.
16. If the Assembly of Delegates fails to override the County Commissioners by a vote representing two-thirds of the population of Barnstable County, the County Commissioners budget, as originally submitted, is deemed to be in effect.

Speaker BERGSTROM: So now we have a discussion on the main motion on the ordinance. Anybody not understand this or have any -- okay. Well then why don’t we take a vote.

Roll Call Vote on Proposed Ordinance 16-04, as amended, to Amend Ordinance 06-16 Budget Timeline, submitted by Delegate Killion – Sandwich.

Voting “YES” (92.15%): Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), 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), Brian O'Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).

Voting “NO” (1.27%): Ned Hitchcock (1.27% - Wellfleet).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O’CONNELL: Mr. Speaker, Propose Ordinance 16–04 as amended passes with 92.15 percent of the Delegates voting “yes”; 1.27 voting “no”; 6.58 percent absent, now known as Ordinance 16-03.

Speaker BERGSTROM: Thank you. Well now move on to the Assembly discussion and vote on Proposed Amendment to the County Charter, “Barnstable County Bill of Rights” submitted by Delegate O’Malley.

This is a continuation of --

Mr. LEWIS: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. LEWIS: Janice said it’s now known as Ordinance 16-03 and I’m wondering why it wasn’t 16-04.

Ms. MCAULIFFE: Because we haven’t voted --

Clerk O’CONNELL: Because numerically that is the next Ordinance number to be assigned, and it doesn't always track exactly the same as Proposed Ordinance numbers.

Ms. MCAULIFFE: So this is the third one that has become official.

Clerk O’CONNELL: Right. You had an Ordinance presented that was withdrawn, Proposed Ordinance…

Mr. LEWIS: Got it.

Clerk O’CONNELL: Okay.

Speaker BERGSTROM: Anyway, Assembly discussion and vote on Proposed Amendment to the County Charter, “Barnstable County Bill of Rights.” This is a continuation of an agenda item that was tabled at our last meeting.

Delegate O’Malley has already given you a description of exactly what is proposed. And we’ll have to put that on -- we’ll have to put that on the floor again, I think. We put it on
the floor the last time but we have to put it on the floor again.

Proposed Amendment to County Charter submitted by Delegate O’Malley - Provincetown

Barnstable County hereby ordains this Proposed Amendment to the Barnstable County Home Rule Charter; to be inserted immediately following the Charter Preamble.

Barnstable County “Bill of Rights”

WHEREAS
Historically, the Federal government has asserted regulatory jurisdiction over the states well beyond the clearly defined limitations of our Constitution, and often against state interests. Correspondingly, regulatory agencies of the state may have jurisdiction over the decisions of the towns. As currently expressed through the existing process, the fundamental rights of the community are not always met.
In order that neither Federal nor state government abuse its power to the detriment of regional self-governance in matters of regional significance, the community must have legal standing.
Now therefore, whereas it is the intent of We the People of Barnstable County, Cape Cod, in order to protect and defend economic, environmental and social justice in our communities, and to secure our natural rights as asserted by the Constitution of the Commonwealth of Massachusetts, do hereby Define these same natural rights within this County:

Article 1 - Right to Self-Governance:
- As all political power is vested in and derived from the people, and as all government of right originates from the people, the people have an inherent and inalienable right to local self-governance, including each Town and Barnstable County.
- That right shall include, without limitation, the power to enact local laws protecting health, safety, and welfare by establishing the fundamental rights of natural persons, their communities, and nature, and by securing those rights using prohibitions and other means.
- Such local laws shall not restrict fundamental rights of natural persons, their communities, or nature secured by the Constitution of the Commonwealth of Massachusetts, the United States constitution, or international law; and
- Such local laws shall not weaken protections for natural persons, their communities, or nature provided by state, federal, or international law.
- All provisions of this section are self-executing and severable.

Article 2 - We the People as Sovereign:
- Barnstable County Government shall be the regional governing authority responsible to, and governed by, the Voters of the county.
- The rights delineated herein shall be enjoyed by every natural person in Barnstable County.

Article 3 - Right of Interdependent Natural Communities:
It is the right of the human community, on behalf of the biosphere in which we live locally (as well as globally) and upon which our health and well being is dependent, to control and limit the toxins, pollutants, fertilizers, and radiation that threaten us. We must provide an unpolluted, clean, non-toxic, and sustainable environment and economy for our contemporary community and for future generations of Barnstable County’s special and fragile biosystems; oceans, bays, marshes, woodlands, surface waters, aquifers and skies, as well as the plants, animals and people which live within their webs.

Article 4 - Right to clean drinking water:
- We the People possess a fundamental and inalienable right to the sustainable access, use, consumption and preservation of water from the natural water cycles of our sole-source aquifer.

Article 5 - Right to a sustainable local food system:
As all Residents possess a fundamental and inalienable right to consume locally produced non-
toxic food, therefore;
- All Residents possess the right to grow, raise, produce and sell or distribute, foods generated from sustainable farming practices, free of contamination from pesticides and genetically modified organisms; and to collect, harvest and distribute all resulting seeds.

Article 6 - Right to develop renewable energy resources, as determined by each Town, with a goal of increasing regional energy self-sufficiency

Mr. O’MALLEY: So, right. The question here is it was laid on the table to a time certain. So I would move that we reopen discussion, take it off the table, whatever your pleasure.

Mr. KANAGA: Second.
Speaker BERGSTROM: Okay. It’s been moved and seconded. So I'll take that as the fact that it’s now -- the Proposed Ordinance is now on the floor. Okay.

Yes, Brian.

Mr. O’MALLEY: Mr. Speaker, I rise to propose a two-word amendment to I move to amend the “Barnstable County Bill of Rights” Amendment to County Charter, as follows; by deleting, under Article 3, “The Right of Interdependent Natural Communities.”

In the second sentence the words, “We must provide” and replacing with the words, “We will pursue,” so that that sentence as amended will begin, “We will pursue an unpolluted, clean, non-toxic, and sustainable environment and economy for our contemporary community and future generations.”

That’s the amendment.

Proposed Amendment to County Charter, as amended by Delegate O’Malley - Provincetown

Barnstable County hereby ordains this Proposed Amendment to the Barnstable County Home Rule Charter; to be inserted immediately following the Charter Preamble.
Barnstable County “Bill of Rights”

WHEREAS
Historically, the Federal government has asserted regulatory jurisdiction over the states well beyond the clearly defined limitations of our Constitution, and often against state interests. Correspondingly, regulatory agencies of the state may have jurisdiction over the decisions of the towns. As currently expressed through the existing process, the fundamental rights of the community are not always met.
In order that neither Federal nor state government abuse its power to the detriment of regional self-governance in matters of regional significance, the community must have legal standing.
Now therefore, whereas it is the intent of We the People of Barnstable County, Cape Cod, in order to protect and defend economic, environmental and social justice in our communities, and to secure our natural rights as asserted by the Constitution of the Commonwealth of Massachusetts, do hereby Define these same natural rights within this County:

Article 1 - Right to Self-Governance:
- As all political power is vested in and derived from the people, and as all government of right originates from the people, the people have an inherent and inalienable right to local self-governance, including each Town and Barnstable County.
- That right shall include, without limitation, the power to enact local laws protecting health, safety, and welfare by establishing the fundamental rights of natural persons, their communities, and nature, and by securing those rights using prohibitions and other means.
-Such local laws shall not restrict fundamental rights of natural persons, their communities, or nature secured by the Constitution of the Commonwealth of Massachusetts, the United States constitution, or international law; and

-Such local laws shall not weaken protections for natural persons, their communities, or nature provided by state, federal, or international law.

-All provisions of this section are self-executing and severable.

**Article 2 - We the People as Sovereign:**

-Barnstable County Government shall be the regional governing authority responsible to, and governed by, the Voters of the county.

-The rights delineated herein shall be enjoyed by every natural person in Barnstable County.

**Article 3 - Right of Interdependent Natural Communities:**

It is the right of the human community, on behalf of the biosphere in which we live locally (as well as globally) and upon which our health and well being is dependent, to control and limit the toxins, pollutants, fertilizers, and radiation that threaten us. We will pursue an unpolluted, clean, non-toxic, and sustainable environment and economy for our contemporary community and for future generations of Barnstable County's special and fragile biosystems: oceans, bays, marshes, woodlands, surface waters, aquifers and skies, as well as the plants, animals and people which live within their webs.

**Article 4 - Right to clean drinking water:**

-We the People possess a fundamental and inalienable right to the sustainable access, use, consumption and preservation of water from the natural water cycles of our sole-source aquifer.

**Article 5 - Right to a sustainable local food system:**

-As all Residents possess a fundamental and inalienable right to consume locally produced non-toxic food, therefore;

-All Residents possess the right to grow, raise, produce and sell or distribute, foods generated from sustainable farming practices, free of contamination from pesticides and genetically modified organisms; and to collect, harvest and distribute all resulting seeds.

**Article 6 - Right to develop renewable energy resources,** as determined by each Town, with a goal of increasing regional energy self-sufficiency

Speaker BERGSTROM: Okay. I’ll need a second on that.

Mr. KANAGA: Second.

Speaker BERGSTROM: Okay. It’s been moved and seconded. Is there any discussion on the amendment?

Yes, Brian.

Mr. O’MALLEY: Mr. Speaker, this is simply, once again, an effort to eliminate any real legal constraints here. It is not intended that this create -- that this create imperatives for the County, and the word “must” as originally chosen there appears to carry a significant legal significance. And it was determined that rather than creating a mandate, what we are looking for is a sense of purpose and direction. So that’s -- it’s simple.

Speaker BERGSTROM: Okay. That’s the discussion. We’ll take a vote on the amended -- the amendment to the petition or the amendment to the Ordinance.

Clerk O’CONNELL: This is a Proposed Amendment to the Charter.

Speaker BERGSTROM: This is a proposed amend -- this is an Amendment to the Proposed Amendment.

Clerk O’CONNELL: Okay. So it's just a vote on the Amendment.

Speaker BERGSTROM: Right.
Clerk O'CONNELL: Thank you.
Speaker BERGSTROM: The two-word amendment and foreword.

Roll Call Vote on amendment to Proposed Amendment to County Charter titled Barnstable County “Bill of Rights” submitted by Delegate O’Malley – Sandwich.
Voting “YES” (93.42%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Teresa Martin (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).
Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O’CONNELL: Mr. Speaker, the amendment proposed to the Proposed Amendment to the County Charter titled Barnstable County “Bill of Rights” passes by 93.42 percent voting “yes”; 6.58 percent absent.
(Amendment to Proposed Amendment passed.)

Speaker BERGSTROM: Okay. So now we have the Ordinance -- the Proposed Amendment as proposed by Delegate O’Malley on the floor for further discussion. And we’ve got a hand up there. I can’t see who it is. Brian.

Mr. O’MALLEY: Fellow Delegates, the time has come today after years of dialogue writing and revising for us to discuss and to determine the future of this citizen initiative, the Proposed Barnstable County Bill of Rights Home Rule Charter Amendment. You’ve heard from diverse Cape prospectives at our March 2nd public hearing. Almost to an individual, you heard agreement about the goals of this effort, the protection of the rich, natural environment that upon which we are all so dependent.
And, as I said during our very brief discussion after, these goals are almost certainly shared by all of us serving on this body. For that reason, I ask you then to unite in consensus approval.
However, I do recognize that there were voices of concern raised, particularly at the potential for unforeseen implications of this proposed amendment.
We heard first a concern that this would add to the layers of bureaucracy which do seem to burden us all. But, in fact, the only layer this adds is legal protection. The asserted legal standing would give us the right to protect but we, this body, would need to approve any action that might be derived from any of these rights. For these are not rules and regulations; they represent more a statement of our collective intent to protect our precious environment and our own health and there are no means of enforcement for that very reason. No police powers are involved. These continue to reside as they do now with each town.
Concern was also expressed that we quote “give rights” that we apply for ourselves the power to take them away. We do not have statutory authority to give rights, but we do have every authority under our Charter to declare them. That is legislation by Resolution, Ordinance, and Charter amendment which we are elected to accomplish.
County Counsel has found no legal obstacles to this amendment moving forward to consideration. The rights articulated in this amendment should already be protecting all of us
and our natural community. But they have often been preempted by profit-driven
corporations and their in-pocket regulators at higher levels of government. We seek to assert
these rights for our own protection by incorporating them in our Home Rule Charter.

With respect to any concern for limiting rights, Article 1 of the Bill of Rights is
explicitly proscriptive. It asserts our Home Rule right to enact self-protective local laws but
prohibits any restriction of the fundamental rights of or weakening of the protections for
quote, “Natural persons, their communities, or nature,” those specified protections already
detailed in state, federal, and international law.

The end product we vote on today has been extensively vetted over its years in the
making to assure that it neither encumbers us nor limits any existing rights. I do think a
careful reading of this entire work should assuage any concerns about hidden implications.

In parallel, a very substantive issue looms for us in this Assembly Chamber, the
very future of our regional government. These are not independent concerns. We will, in
coming sessions, be having discussions on the structure of the County and a need on the future
of this Assembly.

I do believe this body serves an important purpose as the linkage between our
hometowns and the sea of County government. We, legislators, have the great potential to
play an active role in preparing for future challenges: environmental, social, economic and
others that we may face. To serve that role will call on us all to see how well-considered
legislation can positively shape our future.

The Delegate from Provincetown asks the Assembly to unite behind this great
collective community effort and to demonstrate its absolute relevance for Cape Cod by
sending this Bill of Rights amendment to the legislature and from there to the voters for their
voice next November.

And I thank you for your protracted consideration of this effort.

Speaker BERGSTROM: Thank you. Linda, do you have some comments?

Ms. ZUERN: Yes. First of all, I agree with Commissioner Cakounes that this is
not within our authority to even consider a Bill of Rights on the welfare of health and safety.
It's supposed to be under the jurisdictions of the towns.

I wrote down notes of people who spoke at the last meeting and they mentioned the
herbicides. When I was a Selectman in Bourne, we dealt with that issue as a Board of
Selectmen. We came to an agreement with NSTAR. We, as far as I know, are allowed to cut,
using our DPW staff, around sensitive areas. So that can be worked out at a local level.

I'm also against genetically engineered food, and I actually brought up a Resolution
to our Town Meeting when I was a Selectman in Bourne. I had found other ways to support
organic farming. I don't think we need to have a Bill of Rights to do that.

I was also on a board dealing with polluted water and plumes that were affecting
our well water. We dealt with the federal government and the local level. We did not need a
Bill of Rights to do that. We have the EPA; we have the DEP; we have Constitutional rights
at the state level, at the federal level. I don't think that we need to have another Bill of Rights
at the County level. It's not within our Charter to even pursue something like this.

And the only way that anything can be enforced is through the courts. So anytime
we have another Bill of Rights like this, you have people that are going to take people to
court.

When they're talking about clean water, there isn't such a thing as pure clean water
around the Cape anymore. All the water we have has some kind of contaminant in it. It's
drinkable water but it's not pure.

So, anybody who wants to take the County to court because they don't have pure drinking water they could do that. I think we’re just opening ourselves up to more lawsuits.

And the terms that are used within the Bill of Rights, such as sustainable, are very subjective. To one person, sustainable might mean one thing; to somebody else, it means something totally different. So it's not clear. I would suggest that we not pass this.

Speaker BERGSTROM: Okay. Any other comments? Yes, Teresa.

Ms. MARTIN: I just want to say two things. I think that regional government can have a leadership role in having a vision for a region. I don’t think this mandates anything. I think it sets a voice.

But more important, I think that we’re not the ultimate ones who decide that, and I think allowing this to go forth to the voters is the most important thing and that's why I support it because I think if it came from a citizen’s initiative that all citizens as a whole should have a right to chime in on it, and the way to do that is to move it on to the next stage.

Speaker BERGSTROM: Okay. Yes, Suzanne.

Ms. MCAULIFFE: Yes, this Bill of Rights was presented to the Town of Yarmouth and they rejected it because of the fears of the litigiousness issues that they only way to enforce a Bill of Rights is to actually go to court.

I think there’s a bit of a disconnect, with all due respect to the Delegate from Provincetown; the input that I heard from the speakers and the input I’ve gotten from residents in Yarmouth who support it all have been very strong and very specific on the need to have a legal standing and something with teeth and something that will -- let’s see, what is the quote, “It is a mechanism to challenge.”

So I think that it's not quite just a feel good, great concept kind of document. I think that there is an agenda to use this to go for whatever your specific issue is. And I'm concerned about putting, just as Yarmouth was concerned about putting itself in a financial position of having to fund a legal battle, I don’t want -- I’m very concerned about putting the County in the middle of a litigiousness situation because that means funds that everyone knows we don't have.

And I have, believe me, experience with school education funding that went on for a decade and was well over $100,000. So it's not something that the County can afford to take on at this point.

The other thing I wanted to remind people of is this may have been years in the working with a very hard-working, very conscious, very smart group of people, but it's only been a few weeks in the working with the County and with us. And my concern we spent three years negotiating -- the towns negotiating through the Cape Cod Commission on pesticide use just so that we would know the ramifications and everybody was on board and everybody understood what was going on. And they finally came to some consensus but that was three years of long, hard work.

I feel that we don't really understand the unintended consequences of this and I’m someone who likes to do my homework first. I don't want this to be out in the public where there’s education or propaganda or information or misinformation without the County putting forward what should be its best possible effort. And I don't think we have the information to know what is the best possible effort.

So for those reasons, I can't support the Bill of Rights. Thank you.

Speaker BERGSTROM: Chris.
Mr. KANAGA: I felt like I should say something just from the standpoint that I’m probably the only person in the room who’s actually sued the County on trying to enforce the Bill of Rights of the United States and in the Commonwealth of Massachusetts. So there may be others; I don’t know.

But I do appreciate the work of Dr. O’Malley and commend everyone who has been working on this and I’m going to vote for it. I think it is the right thing to send it off to the voters.

So, thank you.

Speaker BERGSTROM: Thank you. Pat.

Mr. PRINCI: I’ll be supporting this effort. I think it is important. It’s important to not only Barnstable County residents to have a say in their Bill of Rights, but, also, it’s important for residents of Hyannis to have clean drinking water.

Speaker BERGSTROM: Okay. I have a confession to make. I’ve lived on the Cape for 40 years and I have never spent one minute concerning myself that I was going to be overcome by a nuclear accident, and I’ve never hesitated to drink the water and I’m pretty healthy at my age.

However, that being said, maybe that’s just me; I know that votes have been taken in just about every town on Cape Cod, for instance, opposing the spraying by NSTAR and those votes have overwhelmingly disapproved of the spraying.

I also know that votes have been taken on closing Pilgrim and the citizens of Cape Cod have voted to close that and, apparently, they’ve been successful. So you can’t ignore the will of the people and you can’t not give them a voice in their opinions and their concern for their environment.

So, I’m going to support this and, you know, if it creates a legal hassle, I don’t know. I think it tends to give us just a little more stature when we oppose organizations or companies or anything that might damage our environment. So I’m going to support it.

So, Ed.

Mr. LEWIS: Yes, I stated two weeks ago that I was going to support it and I’m still going to support it. One of the things that I feel is necessary is this is going to the ballot box and gives the public the opportunity to vote yay or nay in the ballot box, which is totally different than when it goes to Town Meeting which can be dominated by a small group of people who usually are against something. And we have that form of government throughout, with the exception of Barnstable, throughout Cape Cod. And I’ve seen too often in Brewster and I’ve heard about in other towns where small groups of people can vote down laws that should be passed or projects that should go through based on a lot of different things because only about 10 percent or maybe even less than that turn up for Town Meeting, but the ballot box is a better opportunity for the public to have their say.

So I’m not going to look into something and look for problems and say, well, it could be litigious/it could not be litigious. I happen to feel that this is the right thing for us to do. I said it two weeks ago and I still believe it.

Speaker BERGSTROM: Yes, Linda.

Ms. ZUERN: I think Dr. O’Malley said that at the beginning this was done because of NSTAR and the spraying. So it started off because of that problem. And I wouldn’t have any -- I would be in favor of just tackling that particular problem and coming up with something that the County could vote on. But I think it just got too big and just, I don’t know, out of control as far as I’m concerned.
So, if something comes back to us and it’s just on the spraying, I would be all in favor of supporting that.

Speaker BERGSTROM: Okay. All right. We’ll take a vote. Yes, sorry, Ned.

Mr. HITCHCOCK: At first I was very much in favor and support of this thing as it was originally written. I began to read it more closely and I found real reasons to be very skeptical of it.

I’m extremely concerned still about the possibility of unintended consequences. I think particularly of single issue partisans of particular points of view who, as we all know, in a variety of ways and a variety of places campaign assiduously to get their point of view across whether they represent anything like a majority or even a substantial minority of the population. So that remains.

I continue to have problems with the questions regarding -- problems and questions regarding definitions what they really mean by that. I think what Suzanne’s talking about is particularly irrelevant. We need to talk about it and think about it more fully.

I wanted to ask Dr. O’Malley to withdraw it so that could happen, but I didn’t get to that and he didn’t look like he was ready to withdraw it, so I do need to speak up.

At the same time, given the fact that most of the poison pills have been extracted: the former Article 3, the former Article 8, the must that we just voted on, the line in -- the sixth one about the water about being withdrawn for sale and so forth and so on. Most of the poison pills have been extracted, I think. Frankly, I’d like more time. But as it stands right now rather than voting present, I’ll probably support it.

Thank you.

Speaker BERGSTROM: I’d just like to say that there is language in the Charter in Section 1-4 which says, “Nothing in this Charter shall be construed to impair, diminish or infringe upon the powers or duties of cities and towns under the General Laws.” So there is protection in there.

I mean there’s ambivalence in every Charter and you can read it the way you want, and I don’t think passing this Ordinance is going to change that because the lawyers will get a hold of it, no offense, but -- and they’ll figure things out.

So if there’s no other comment, I will take a vote.

Roll Call Vote on Proposed Amendment to County Charter, as amended, titled Barnstable County “Bill of Rights” submitted by Delegate O’Malley – Sandwich.

Voting “YES” (57.18%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), Edward Lewis (4.55% - Brewster), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting “NO” (36.24%): James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Linda Zuern (9.15% - Bourne).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O’CONNELL: Mr. Speaker, Proposed Amendment to the County Charter, as amended, titled Barnstable County “Bill of Rights” does not pass because it requires 66 percent in order to do so. The vote is 57.18 percent voting “yes”; 36.24 percent voting “no”; 6.58 percent absent, so it does not pass.
Speaker BERGSTROM: Okay. I’d just like to say that John Ohman is not here but his vote would not have changed the outcome. I don’t know how he would have voted, but if he had voted in the affirmative, it still wouldn’t pass so.

Report from the Clerk

Speaker BERGSTROM: So, anyway, moving right along. We have report from the Clerk.

Clerk O’CONNELL: Just a brief report this afternoon. Mileage logs will be in your folders at the next meeting because we still have one more week of committee meetings happening here at the Assembly.

And with that being said, on the 23rd, next Wednesday, it will be Health and Human Services at 1:30. I think there will be another committee meeting possibly Telecommunications following that but that one has nothing to do with the budget. The only remaining budget review is the Health and Human Services at 1:30.

And then on the 30th, just sort of finalized today, there will be a Public Hearing for the deeds tax increase. It appears that it will be at 2 o’clock. The notice will be going out.

And then at the next Assembly meeting before the Assembly meets on the 6th of April, the Finance Committee will be meeting with all the chairs and they’ll be bringing in their recommendations from the budget review.

And that’s all I have today.

Speaker BERGSTROM: Yes, I’d just like to say Janice and I have had a discussion on scheduling, and as it stands now, I’d like to have a Public Hearing on the Proposed Petitions to Amend the County Charter during the first meeting in April. So we’ll have the Public Hearing. We’ll take public comment, but I’m assuming we’re not going to vote on it then until the second meeting in April. So that’s as it stands now. And I know that’s much-anticipated, so there it is. Anything else?

Ms. MCAULIFFE: Other business.

Other Business

Speaker BERGSTROM: Other business, yes. That’s what I was going to say. Is there any -- yes, first Ed and then Jim.

Mr. LEWIS: Just the first question, you said you want to vote on the budget and you’re going to have a public hearing as well as have the Assembly discuss the budget on the first meeting and then vote at the second meeting?

Speaker BERGSTROM: The budget will have a public hearing before the Finance Committee on the 30th. Okay.

Mr. LEWIS: I thought that was the --

Speaker BERGSTROM: The deeds tax will have a public hearing.

Clerk O’CONNELL: Do you want me to go over it?

Speaker BERGSTROM: Yes, go ahead.

Clerk O’CONNELL: The Public Hearing of the deeds tax will be the 30th of March.

Mr. LEWIS: Right.
Cape Cod Regional Government – Assembly of Delegates


Clerk O’CONNELL: That is not a regular Assembly meeting day.

Mr. LEWIS: Right.

Clerk O’CONNELL: The 6th of April before the Assembly meets, there will be a meeting by Finance of all the chairs of the various committees. And I think what Ron is indicating is, optimistically, because the agenda has not been set yet, at the Assembly meeting, similar to what happened today with Jim’s proposed ordinance, you’ll have a public hearing for the petitions, etcetera, that are before you to change the Charter. And the public will weigh-in at the 6th and then you’ll vote on that on the 20th. I think that’s what you said.

Speaker BERGSTROM: That’s correct. So the notice for the Public Hearing has to be set out considerably in advance so we’re going to be --

Clerk O’CONNELL: Right. Now just to add one additional item, the 20th of April, which is the day hopefully at the Assembly meeting that you’ll be voting on these petitions for proposed Charter changes; before the Assembly meets, there will be a Public Hearing that day for the entire budget -- not the deeds tax; that’s the 30th of March.

So the 20th of April before the Assembly meets will be Finance will hold a Public Hearing, as they typically do, on the entire budget. Both, the meeting of the chairs and the public hearing, are set by ordinance.

Mr. LEWIS: I just want to finish up because -- the discussion that the full Assembly will have on the budget, because if I read the Charter correctly, the full Assembly passes the budget, not the Finance Committee.

Speaker BERGSTROM: Right.

Mr. LEWIS: And, therefore, what I’m hearing now is there’s a Public Hearing by the Finance Committee, then the Finance Committee and the Assembly is given about 20 minutes to decide about the budget or to vote --

Ms. KING: Yes.

Speaker BERGSTROM: No, we’re not --

Mr. LEWIS: That may not be your thought process but that’s the way it’s laid out. And I would say that we need a full meeting to discuss the budget because at least from my point of view, and I’m sure others, that they had lots of different thoughts they want to raise that they couldn’t raise before because they weren’t on a specific committee that their chair is --

Speaker BERGSTROM: We’re not going to have the budget hearing on the same day that the Finance Committee has the public hearing.

Mr. LEWIS: Okay. So that will be the first meeting in May then?

Speaker BERGSTROM: Right. That will be the first meeting in May.

Mr. LEWIS: Okay. Thank you.

Speaker BERGSTROM: That has to be by Ordinance.

Mr. LEWIS: Now are you in any other business?

Speaker BERGSTROM: Yes, we’re in other business.

Mr. LEWIS: Okay.

Speaker BERGSTROM: Again, Ed, do you have any other business?

Mr. LEWIS: Any other business; I don’t know how many of you read the piece in the newspaper that the former Congressman/Representative Turkington had written, and I thought it was extremely well written.

We have a brand-new County Administrator. We have somewhat brand-new
County Finance Director, and I would ask that both Delegate Princi and Delegate -- the Delegate from Truro if they would reconsider their petitions right now and give the new County Administrator and the new Finance Director the opportunity to lead this County in the direction that they see fit before we go forward with petitions to change the entire structure of the County -- the County government because I think that the problem -- some of the problems that we have had over the past year or two or even longer is a lack of certain kind of direction and a lack of certain kind of leadership. And before we go down the path of trying to change it and have two opposite petitions, I would ask that maybe those could be removed or withdrawn until we have an opportunity to see how well our new leadership can perform their duties.

Thank you.

Speaker BERGSTROM: All right. You can ask but we can't really have a general discussion on that because it's outside the framework of other business.

Is there any other other business to be brought -- yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. I'd like to echo the sentiments of the Delegate from -- next to me, which I never thought I would before regarding the Proposed Amendments.

But the purpose of this is we discussed earlier about the audit coming forth and I think it would be helpful to have the County Administrator come as soon as possible to sort of lay out what the scope of that would be, and I do believe the Assembly should be involved in what that scope amounts to.

Speaker BERGSTROM: All right. I'll make some arrangements. I can't really tell you right off the top of my head what we're going to do but we'll have him; I can guarantee that.

Yes, Deborah.

Deputy Speaker MCCUTCHEON: Mr. Speaker, if I may? I'll take under advisement your statement but in the effort of trying to keep up with the Speaker and the Clerk, this is the third try at this. There's --

Speaker BERGSTROM: Don't forget the County Counsel.

Deputy Speaker MCCUTCHEON: The County Counsel, well, I disagree with him, and I think that would be obvious; wouldn't it?

Speaker BERGSTROM: I'm talking about confusion now. You have to include him.

Deputy Speaker MCCUTCHEON: In my .09 percent, however, I have put in a referendum question for the public to vote on whether there should be a change in County government, an Ordinance -- well, a petition that was withdrawn, an Ordinance that's still there, and now we have another petition. They all say the same thing. This is what computers give us. I just want you to understand that I did not personally cut down all those trees; I just helped.

Speaker BERGSTROM: I only need one more motion.

Ms. MCAULIFFE: Motion 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 5:15 p.m.
Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates

List of materials used at the meeting:
- Unapproved 3-2-16 Journal of Proceedings
- Letter submitted by Commissioner Cakounes from Cape Cod Economic Development Council
- Public Hearing Notice for Proposed Ordinance 16-04
- Proposed Ordinance 16-04
- Amendment to Proposed Ordinance 16-04 submitted by Delegate Killion
- Proposed Amendment to County Charter titled Barnstable County “Bill of Rights”
- Amendment to Proposed Amendment to County Charter titled Barnstable County “Bill of Rights” submitted by Delegate O’Malley
- Petition to Amend County Charter submitted by Delegate McCutcheon