

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
CHARTER REVIEW COMMITTEE**

Minutes April 23, 2014

Call to Order/Attendance:

Chairman BERGSTROM: I'd like to call this meeting of the Charter Review Committee of Barnstable County to order. And we will begin -- we have a total attendance of -- all 7 members present [Ronald Bergstrom, Suzanne McAuliffe, Ann Canedy, Bill Doherty, Linell Grundman, Austin Knight, and Julia Taylor].

Meeting Minutes 2/19/14 for Approval:

So we will begin the meeting with approval of the draft of the February 19th meeting minutes. Have you guys had a chance to look at that?

Ms. MCAULIFFE: Yes, move approval.

Ms. GRUNDMAN: Second.

Chairman BERGSTROM: Okay. Moved and seconded. All those in favor say "Aye." Opposed?
(Minutes passed.)

New Business: Further Discussion on Changes to the Charter

Chairman BERGSTROM: Okay. New business. Further discussion on changes to the Charter.

We have two requests from the Assembly, which I should dispose of right on top of the meeting. One is the question of recall, which I know I've brought before this Committee before, but I don't know, did we take a vote on that; do you remember?

Ms. MCAULIFFE: I think we had a discussion but I don't recall if we ever took a vote. And I think we talked about -- if it was going to be four-year terms, it would be a different discussion than if it were a two-year term.

Chairman BERGSTROM: Well the Commissioners have a four-year term. In the preliminary discussions I had with Mike, and he's here to tell you, that you can take two approaches. You could say "No" or you can put in recall provisions that at least create a high enough bar that they won't be used opportunistically whenever somebody takes a vote you don't like. Bill.

Commissioner DOHERTY: Well, first of all, it's always been my opinion that since the Assembly members are elected in a municipality that they were covered as far as recall provisions by the same thing that covered the other municipal authorities.

So, apparently, if they're not, then you must have a rule that covers both the Commissioners and the Assembly. And if you do that, there is a real problem in terms of how you define the reasons for, let's say to justify a recall.

I would suspect, I don't know, but I would suspect that Attorney Curran might support this that if you narrowly frame the reasons for a recall, then a person who was caused to be --

Mr. CURRAN: A target.

Commissioner DOHERTY: -- recalled would then go to the courts and say it didn't meet the requirements of the statute. If you made it too broad, every time you had a difference of opinion with three people in the audience, they'd put in a recall petition.

Chairman BERGSTROM: Yes. Let me -- Mike, is there any provision in the Massachusetts Constitution that you can't serve in public office if you like commit a felony or something like that?

Mr. CURRAN: (Nodding.)

Chairman BERGSTROM: No. So that brings up a point. What happens if somebody gets arrested for some horrible offense --

Ms. MCAULIFFE: There will be Legislators --

Chairman BERGSTROM: -- some horrible thing that they did, and they're saying, "Well I'm not going to resign or anything." So the only recall provision I would support is one that would be -- would say that anyone who is -- you couldn't serve in office if you committed a felony, but then I might run up against the Constitution; is that unconstitutional?

Mr. CURRAN: Well, yes, it has to relate directly to the office.

Chairman BERGSTROM: Yes, that's what I thought.

Mr. CURRAN: The first Charter Commission that I was involved with under Home Rule in the town of Burlington, and Elliot Richardson was the Attorney General at the time, and he sat in at the meeting where we talked about what the provisions of the Burlington Charter and whether or not they were in conformity with the Home Rule statute and amendment.

They had a provision that related to loss of office for conduct -- what was the exact phrase -- morally corrupt, morally reprehensible, something of that term. The exact words escape me at the moment.

But Elliott's position on it was what if you had a Selectman whose hobby was walking down the street in a trench coat and every time a little lady came by he'd open up the coat? That would be morally --

Commissioner DOHERTY: Reprehensible.

Mr. CURRAN: -- morally reprehensible. But how does it relate to his conduct of office? He might be the best Selectmen you ever had and at no relationship to the office.

Chairman BERGSTROM: I --

Mr. CURRAN: So he ruled it out. We couldn't have the provision in the Charter.

Chairman BERGSTROM: I agree with you and recently within the last six months or so, there was a State Legislator who was accused of wife beating or something, domestic abuse, and he was hounded out of office but it had really nothing to do with his service to the community.

Ms. TAYLOR: Well, he wasn't hounded out of office. He was convicted.

Chairman BERGSTROM: Right.

Mr. KNIGHT: Right.

Ms. TAYLOR: And he was not subject to recall. He was evicted by the Legislature.

Mr. CURRAN: That was in Plymouth, I think.

Chairman BERGSTROM: Yes, I don't know who he was but --

Ms. TAYLOR: No, I was thinking the State Legislature is what --

Chairman BERGSTROM: See, I don't know. We can't evict anybody except for absences. Actually, I don't think we can evict for absences either. We can inform the, for instance, in the case of the Assembly, we can inform the municipality from which they're elected that they're not -- that they've missed four meetings or something. And then that municipality can then take steps to --

Mr. CURRAN: You could adopt a Resolution of Censure, perhaps.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: Right. I have said before --

Chairman BERGSTROM: You're not interested in any of this.

Ms. TAYLOR: Well, I think that given that we have three Commissioners at the moment, the emergency nature of one being in trouble is less. And I don't think that when you only have a two-year term that recall is necessary. So I don't see the need to add this to the Charter.

Chairman BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: I think with the two-year terms, you would not be able to fit a recall in because most recall language says you have to be in office a year and you can't be within certain number of months from your next election. So that would be a very tight window.

With the County Commissioners, because they're elected County-wide, that would almost be an impossible standard to meet. Let's say, for instance, Yarmouth language is 10 percent of the voters sign the petition. You had to get 10 percent of the County voters County-wide that would be so onerous that I'm not even sure that it's logical to put that language in if it's going to be insurmountable.

So I would agree with Julia that perhaps at this point we don't address the recall language.

Chairman BERGSTROM: Linell.

Ms. GRUNDMAN: I just wonder if the recall provisions that are in our town Charters and other Charters, maybe the concern that's coming from the community about not having one is that they serve more or less as a deterrent for those elected to irresponsible behavior.

And is there any compromise in the kind of language that we could use to satisfy the potential need for that kind of deterrent, President, what is the new -- relatively new Charter but not go to the lengths of kind of this impossibility.

However, the impossibility that you speak to about the mechanics of it that in itself is a deterrent to the crazies that just want to throw people out because they disagree with them.

Chairman BERGSTROM: But as it stands right now, a County Commissioner commits a felony -- I mean there was some guy, I don't know, he served in one of the towns and he was indicted for fraud or something but he sits on the Finance Committee or something and he stays on, "The hell with you, you know, I'll stay on and what can you do about it." Well, I mean, maybe an elected.

But I'm not a big fan of recall. I think it's abused more often than not. However, we are in a situation that if a County Commissioner was indicted or convicted of something really serious, you couldn't get rid of them. He or she could stay there. And whether or not public pressure would be enough to get this person out is one thing.

But, I mean, that's something -- I mean the only exception I can think of is that somebody commits a grievous crime, there would be no way of removing them.

Yes, Ann.

Ms. CANEDY: I agree with the general feeling about recall and the very real possibility that it can be abused. In the town of Barnstable we do have a recall provision. In my view it has been abused. It's been used as, you know, "I don't agree with that vote you took, that one vote you took and, therefore, I'm not waiting for the next election to get rid of

you.” And that is what elections are for. If you don’t like how somebody votes consistently, you can vote them out.

But on the other hand, I do see what Linell’s saying about deterrent and that’s very real, and I also see what our Chairman is saying.

And if there was a very real criminal issue or a reprehensible moral issue of that threshold, could there be a way that the body itself censors and ejects rather than a recall. Because if somebody crossed that line, the body itself could do as they do in the State Legislature, with U.S. Legislature, censor that person and eject them from the body.

Chairman BERGSTROM: Yes, how about a person’s inability to serve. In other words, if I got caught knocking over a convenience store and I got sentenced to six months in jail, I wouldn’t be able to serve as a County Commissioner. Is there a provision in the Charter that says if someone is, for one reason or another, unable to complete their term?

Mr. CURRAN: I don’t know of any. The recent situation with the House of Representatives where the Representative was convicted of sexual abuse, I believe he was convicted, found guilty.

Chairman BERGSTROM: Yes.

Mr. CURRAN: And the Legislature held a hearing on it and I guess they requested him to resign. I don’t think they ejected him.

MR. KNIGHT: They voted.

Ms. TAYLOR: Yes, they voted. He had to leave. They voted him out.

Mr. CURRAN: They did vote to eject. They did have the power to eject him.

Ms. TAYLOR: He definitely did not go voluntarily.

MR. KNIGHT: They sure did.

Chairman BERGSTROM: Well, --

Mr. KNIGHT: My question to you, Mr. Chairman --

Chairman BERGSTROM: Bill, did you want to say something, Bill?

Commissioner DOHERTY: I defer to Ann. She was ahead of me.

Ms. CANEDY: Oh sorry. I just wanted to point of the gentleman from New York who had that little incident with his camera and he was sending inappropriate emails around, he did not willingly resign. He was more or less pushed out by his party.

But I think if it had gone on, he would have been censored -- censured and rejected from the body too. But that’s a situation where someone did not want to resign and was not convicted of anything.

Chairman BERGSTROM: Yes, Linell.

Ms. GRUNDMAN: Austin’s going to go first and then me because he’s got a question.

Chairman BERGSTROM: Okay. Austin.

MR. KNIGHT: My question is what body would be doing this? Would it be the Assembly? I mean who supersedes the Commissioners? Generally it’s the people. So that’s my question to you if something’s going to happen --

Chairman BERGSTROM: That’s something we would have to decide. If we put in a provision where -- I don’t know if we could put in a provision where this body, the Assembly of Delegates, would censure a member and reject them. I think that that would be, you know, that would be just a bridge too far to go.

MR. KNIGHT: Right.

Chairman BERGSTROM: So, right now, we're talking about traditional recall is of the voters who elect someone could then petition to go back to the ballot and recall them.

And in the case of an Assembly Delegate, that would only be the members of the town in which they served, which would be an enormous just hassle.

My feeling is, to be honest with you, is that there's abuses in either -- the abuse that I described as someone committing a very serious crime but lingering in office, how often does that happen as opposed to the abuses of a recall where two State Senators in Colorado got recalled because they voted for gun restrictions. I mean they basically took a vote on an issue and they were recalled because that vote ran against some groups.

So I think -- I still think it's to be avoided even though -- Yes, Linell.

Ms. GRUNDMAN: I do understand what you're trying to say. I have two comments. One relates to what options do we have? Can we create something in the Charter that doesn't or that I would say leans far away from the ability to abuse it.

Chairman BERGSTROM: Yes.

Ms. GRUNDMAN: And maybe that goes towards the censuring. And are we -- and we identified -- is our concern about the Commissioners and the Assembly equal? Are we looking at one body or the other?

So maybe I have three things to say. Lastly, what I think is something I'm not sure we can decide this today, because one thing we need to think about is kind of where people are in their capacity to trust government.

And if there is some way that we can provide an outlet in the Charter that looks like we're concerned about protecting the citizens from somebody that maybe should not be leading. And those four-year terms I think are the issue.

Chairman BERGSTROM: I don't think the Assembly two-year terms --

Ms. GRUNDMAN: I don't think the two-year terms are an issue. I would --

Chairman BERGSTROM: And it's more complicated for the Charter because it's only a matter that goes town by town.

Ms. GRUNDMAN: Right. But is it important while we're doing this work with the Charter to create something that sends a message that, you know, we're concerned about, you know, the leadership piece. Because I think that that's where the trust piece relates to what we're doing.

And I think we need to take into consideration we have an opportunity to build some trust potentially. You know, I think we need to have a fuller discussion, but I think potentially there is an opportunity they'll trust.

Chairman BERGSTROM: Bill.

Commissioner DOHERTY: In all of this discussion, as important as it is to recognize the ability of people to remove individuals who have exercised a grievous conduct, I have not seen any groundswell of a majority of the people that say that this is a matter that is very important, very important to the point where I look out at our audience right here and I do not see the public in here demanding that we pursue this.

I have heard of a persistent individual who is pursuing it, and I have heard from a State Representative who was responding to that persistent individual that we look at it. Okay. We've looked at it. Let's get rid of it.

Chairman BERGSTROM: Yes. Well it was also requested by a member of the Assembly, and I felt that we should talk about it here.

Ann.

Ms. GRUNDMAN: Good point.

Ms. CANEDY: Notwithstanding what was just said, you know, I know that there is that, but I have heard within the town of Barnstable, regarding our own Charter, a concern about this matter that's broader.

And going back to what Linell said. I think there should be some mechanism that if someone commits an egregious act and refuses to leave that there is a mechanism that you can divulge the body of that individual.

And I'm wondering why you feel that it is going too far to have that body be the one that does the rejection. It is an insult to the body when you have a person that has such disregard for the people and for the body that that person creates an egregious --

Chairman BERGSTROM: To the extent it's just that recall is, to me, recall has to go to the ballot. As far as the ability of this body to eject members, that's something else too.

Bill.

Ms. CANEDY: Well that's what I'm asking about.

Commissioner DOHERTY: One other point that has not been brought up. My observation is that people accused of felonious behavior have their day in court after you finish with continuances and all the rest of it, they do not come immediately to court for judgment.

And to take a position that if somebody's accused of felonious behavior without having due process exercised, I think that you are very -- you're on very tenuous grounds. Our Constitution does not allow that. You are innocent until proven guilty. And once you're proven guilty, I think you have grounds by which you would proceed to, let's say, for removal.

I'd also suggest that one of the things that happens if you are convicted of a felonious - of a felony, you go to jail. And if you're in jail, you can't serve.

Chairman BERGSTROM: Ann.

Ms. CANEDY: Not necessarily. There is a situation now occurring in another town that the person has pleaded guilty and is still serving in a public capacity. And not to single out any one person, but that is a situation where justice was rather rapid and that person, what their status would be on the board is unknown, and not to say that that board should eject them.

But that's a situation where, you know, somebody was -- plead guilty, was found guilty fairly quickly in the process. There is some groundswell for removal of that person but no real mechanism to remove that person.

So, I'm just suggesting, and it would be very rare, I can't think of a situation County-wide that this has occurred, but there should be some mechanism where, you know, you can censor or remove someone from office who refuses to be removed.

Chairman BERGSTROM: Julia.

Ms. TAYLOR: Well, could I suggest that we generally are more concerned about the four-year term; right?

Chairman BERGSTROM: Yes.

Ms. TAYLOR: Why don't we ask Mike to come up with the least-easy-to-happen process that he thinks would be legal. And then it wouldn't -- it would be more of a safeguard for the worse kind of situation, and then we can vote on it up or down.

Chairman BERGSTROM: Well, actually, we had this discussion before you got in here where I was discussing with him the conduct of the meeting. And it turns out, and I'll let him explain it, that first of all, a recall concerns the term of office. So it would have to go to the Legislature and the ballot. That's not going to happen right now.

Okay. The other thing is that, and I'll let him tell you, is that there are ways of making it more onerous.

Mr. CURRAN: Well, yes, we have a time problem because anything to do with the composition, mode of election, and term of office of people under the Charter has to go to the Special Act of the Legislature. So real timeline there. And there are dates that have to be met.

The Assembly of Delegates would have to vote on a proposal 150 days before the state election if it is going to go on the ballot.

It has to be enacted actually before -- Anyway, Janice, what did we say? June 4 would be the date it would have to be voted on?

Ms. O'CONNELL: Yes. It's got to be 150 days or more prior to the November election and that brings it up to June 6, effectively the last date that the Assembly could take any action would be June 4, because that's a scheduled meeting for the Assembly. And that's on items that can be on the ballot.

Mr. CURRAN: But then there were other scheduling dates. So it would be very tight. But, basically, the way to get the control of it is to have a high number of signatures in a short period of time. And where a district as big as 15 towns, we'd want to have distribution throughout the County, so they don't all come from Hyannis or Barnstable, but you've got to have --

So I could put something together like that, of course, when you'd be prepared to vote on it. That would be the overall sense of it.

Chairman BERGSTROM: I want to just say something before we go any further is that we talked about the future of this body, and we talked about having two more meetings, this being one of them.

So what I'd like to do is have a report to the Assembly from the Committee that we could vote on at the next meeting. We don't have to do this but this is how I envisioned it. You know, basically saying, "We've completed our work. Here's our recommendations, if any, and going forward.

One of the things that have been brought up is that, and Mike's suggestion and I think it's a good one, is to have a new Charter Committee appointed. It has to be -- we have to have one every five years anyway -- at least every five years.

Now it could be said that this one trumped that one, but what do you think about this -- not this Committee, but a Committee going forward and looking at your possible Charter changes because as Mike just alluded to, we ran up against serious time constraints. Are you guys listening to me? Hello? Bill.

Ms. CANEDY: You don't like this Committee?

Chairman BERGSTROM: Well, I mean, Suzanne brought this up and we've discussed it. I discussed briefly with Mike is that it's unique that we are deciding on our own fate. In other words, Suzanne, myself, and Julia are deciding our own fate here and also Bill.

You know, most Charter Commissions are independent and that option is open to the people of Barnstable County. They could run, you know, people could run for this Committee, a Committee. In other words, you can write-in on the ballot and get elected as a

Committee member and then turn around and make recommendations to go on a subsequent ballot.

Ms. TAYLOR: (Nodding.)

Chairman BERGSTROM: I know Julia's shaking her head. That's what I did when I first read it but that's the alternative right now.

Yes, Linell.

Ms. GRUNDMAN: Well, I'm just going to be blunt. There really doesn't seem to be any political will for change. And the most disappointing about this whole endeavor from my perspective is that there was significant history. You had the Charter Review Committee coming out of the Assembly a few years ago. Then you had the Charter Commission that came up with substantive changes, and then us, and I was very pleased that we went beyond. We didn't choose one or the other. We didn't pander to one or the other; we went beyond.

But if an honest group of people can't sway the votes beyond political notion, then the timing is not right. There's more opportunity and some of us were at a recent meeting at the Cape Cod Selectmen and Councilmen Association where a gentleman presented -- I think he's talked to you, Ron --

Chairman BERGSTROM: Yes.

Ms. GRUNDMAN: -- an outside group is writing their own Charter changes, because, frankly, citizens have as much opportunity to initiate Charter changes as any committee.

The Committees, and I'm coming at this rather objectively, I'm not on the Assembly of Delegates; I'm not a County Commissioner; I'm not, you know, it was shocking to find out how many people thought this Committee was stacked. You know these things are just the same people and, you know, we're the power people like, okay, that was news to me. So I came into this an honest broker.

So I really think there's no political will within the governance structure that currently exists and the bodies that inhabit that structure to have a serious change about Charter changes.

Chairman BERGSTROM: So how do we go beyond this structure? In other words, --

Ms. GRUNDMAN: I think you wait until there's some political will, or, sadly, I'd never thought I'd be -- I never thought it's going to come from somewhere else but I never thought I'd become so cynical, but, you know, being in local government has certainly changed that. That the cynicism that I think is striking is there's going to have to be a huge scandal and people will have to see why we need to change it.

Chairman BERGSTROM: Well, just before -- I'll get to Suzanne, but just my own defense here. Remember, the County Commissioners appointed a body to review the governance structure of County government.

Now that put up a big red flag to me because I knew that under the existing Charter any significant changes in the governance structure had to go through the Assembly. So I brought that up. I kind of looked at them and said, "What are you doing?" And they said, "Oh, it's all very innocent." So --

Commissioner DOHERTY: No, no, wait a minute.

Chairman BERGSTROM: Let me finish, Bill. But regardless of whether the process we used or not, there were 25 people who were independent of -- I mean both Julia and I were on it, but the rest of them were all independent of County government. They were business

leaders. They were civic leaders. They were people who were members of nonprofits and so on. And they came up with these recommendations of the Special Commission on County Governance. So we had essentially an outside group that made the recommendations. But then once they did that, we're still up against the Charter requirement that it go through the Assembly. That's the issue.

Ms. MCAULIFFE: And that's my point. I think that, you know, if you've retaken your Conflict of Interest test that we have to take every two years, it hits you between the eyes that we had -- our Charter is in violation of State law right now because we are not -- we should not be in a position of making decisions that directly impact us. And it says that over and over and over again.

Ms. TAYLOR: Not --

Ms. MCAULIFFE: But I'm just saying just because if this Charter were being written now, it may be written differently in terms of the Assembly's ability to vote itself in or out of existence.

So I think that maybe an option would be to write a letter to the State Ethics, get a ruling on the legality of the Charter provision, and then maybe we can go to an outside group that would take it directly to the voters and wouldn't have to go through the Assembly.

Chairman BERGSTROM: Well, I'm going to disagree with you on the legality of it, but because I think that the ethics has to do with your personal financial well-being. I mean as far as --

Ms. MCAULIFFE: But there's nothing more personal than your health insurance; I'm sorry.

Ms. CANEDY: Yes.

Ms. TAYLOR: But I just don't think that's --

Chairman BERGSTROM: For years, the State Legislature raised their own salaries, and they were pressured into not doing that but it wasn't a Constitutional issue. It was basically a public pressure.

Ms. MCAULIFFE: Well, I'm just saying State Ethics Law, since it's been changed in 2009 or whatever it was, has become onerous. I mean they are very, very strict about things and it extends to family. It extends to anything over \$50. It extends -- you can't do anything -- you can't hold two jobs within the same governmental body. You can't do anything. And one of the things you can't do is vote on things that have a direct financial impact on you period.

Ms. TAYLOR: I just don't think it applies to this, Suzanne.

Chairman BERGSTROM: No, I don't think it applies.

Ms. TAYLOR: But --

Ms. MCAULIFFE: Well, then let's get a legal opinion.

Chairman BERGSTROM: Well, how about -- we've got a legal opinion right here. That's what he gets --

Mr. CURRAN: Well, I tend to agree with, off the top of my head, with Julia. I'm going to give you a legal opinion, but it's usually a rule of necessity. The only way a Legislative body -- is have the Legislative body vote on things.

The Massachusetts House votes on their own salaries, all their own benefits. A few years ago, and a few years at my age it's only a few years ago, the Massachusetts did vote to cut its size from 240 members to, what was it, from 240 to 120 as it is now. But the

Legislature did that. It voted against its own interests. That's kind of what you asked this Assembly to do. They didn't have the same view of things.

Ms. MCAULIFFE: Well, my last pitch is, I did speak to someone in State Ethics. They said it's not black-and-white. I would be a very interesting legal discussion to explore.

Mr. CURRAN: Well, I think --

Chairman BERGSTROM: I'm not against --

Ms. MCAULIFFE: I backed away from it.

Chairman BERGSTROM: In other words, regardless of whether it's legal or not, I think the people would support an outside group. That's how it's down in every other town. So it's not even a question of whether we have to do it. I think it's desirable that we maybe should pass this onto a group outside of County government, which means we'd have to get -- either get rid of the provision in our Charter that says it has to go through. And the only fall back we have now is that provision of electing electors -- electing committee members and so on. I mean --

Ms. TAYLOR: But we have -- this Charter Commission -- Committee I think does fulfill the five-year issue.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: So I think there's five years before something would have to be done by the Assembly. But I think we did make a good-faith effort. The body was not stacked, as Suzanne and I were happy to vote in a way that was not preserving our status in the Assembly. And I don't think Ron's vote was based on doing that even though he didn't agree.

So I don't think -- I think we've done what we can do. I think there are some people, and rightly so, concerned about governance, but it's hardly a groundswell of opinion, and nothing is going to get passed at the ballot or at the State House that does not have a majority consensus.

And so we've made a slight effort. It never got any traction with the voters. So I say let another group who wishes to get involved and more power to them. I'd be happy to support them and work with them. But I think we've made our attempt and we've done that.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: So I -- and I don't care about the recall personally. So I'm against proceeding with that. If it comes up, we can vote on it. I don't -- so that's my position at the moment.

Chairman BERGSTROM: Okay. Ann.

Ms. CANEDY: I agree that this Committee has not been stacked. And, actually, I think any other committee should have some representation from the Assembly and the Commissioners on it because you brought both of you, all of you, that perspective to the table which I think is important. And also have a feeling of what can -- of what you can persuade your fellow Assembly members and Commissioners to support.

So, actually, I think this Committee, if there's more work to be done, should continue to work. I'm not sure why you want to pass it off to someone else.

Chairman BERGSTROM: Well, I'm just trying to avoid the idea that this somehow -- and I have to say in my own defense, I appointed every member of this Committee and I know that I contacted you personally whether you want to serve or not, but I never discussed any of this with you before. I never asked how you felt or what your opinion was or anything like that.

So I just appointed you because I thought it was a good geographic representation and you also have experience in government, which I think is important, because someone else coming in totally from the outside, although they may have good intentions, it would take them a while to understand exactly how government operates before they start on the changes, and I think that's important.

Yes, Linell.

Ms. GRUNDMAN: This is my last pitch. I think that what is striking to me is how dedicated the people in County government are to County government, how it has evolved in the 25 years since the original Charter, and that obviously coincides with the rapid growth, which is a huge factor for many communities, certainly mine in Sandwich. A big part of what I had to catch up in terms of my own research as a Selectman.

But I do think that at this time there are severe trust issues within the structure of County government, and there are trust issues everywhere.

And maybe rather than looking at what changes are kind of getting into that power play thing that seems to me to be a real problem with this discussion. You know, what is the County that we need to make those decisions for the future which are eminent?

And I serve on four County committees and I love it because I do think regionally. And I think that that's where the County has strong impact on our lives. Not that they're a governance body but in that discussion about the eminent issues for our future.

But it may be a better use of time to invest in training and discussion within the structure of County government about best practice in government, being best practice in communication, best practice in procedure, and best practice in protocol.

One of the things that was really surprising to me when we started this work was the fact that essentially a policy statement came from the Commissioners, the County Commissioners about what they wanted, and a policy statement had already been somewhat created by some people in the Assembly of Delegates about what they wanted, and then a policy statement from the outside group about what they wanted.

So it really has been somewhat of a power struggle. And maybe what we're missing in this discussion is the fact that the discussion is far more important at this point than decisions about the actual outcome.

Chairman BERGSTROM: I totally agree with you and that's where I'm hoping we can go with this, the understanding relationship. But I'll give you an example. It's just kind of a joke but both the guys here next to me were there. But we passed a Resolution not long ago about asking the IG to investigate CVEC and CLC. Okay. So even though it was a sense of the Assembly, the Commissioners claimed, against my belief anyway, that they could veto that Resolution. All right.

So time -- now the clock ticks ahead. They decide to have a Resolution. I don't know what you voted on Bill, some Resolution to support something, didn't bring it to us. In other words, you just sent it off.

So the question is who speaks for County Governance? You say, you know, you can claim that the Commissioners speak for the County government, but I mean they don't run things by us. The worst part, if we speak as a body, we have to run it by them. So I think there should be a more formalized way that the County speaks with one voice.

Commissioner DOHERTY: Ron, my recollection is you sent the letter off under your own signature.

Chairman BERGSTROM: Right.

Commissioner DOHERTY: And you did not have the sense of the Assembly. So it sort of, to me, --

Chairman BERGSTROM: No, no, we voted --

Ms. MCAULIFFE: No. It was a vote of the Assembly.

Chairman BERGSTROM: It was a vote of the Assembly.

Commissioner DOHERTY: Then why didn't you send something up from the Assembly if you felt that strongly about it?

Chairman BERGSTROM: I did. I said that it was simply that the Assembly --

Commissioner DOHERTY: And what was the answer you got?

Chairman BERGSTROM: What was the answer I got?

Commissioner DOHERTY: Yes.

Chairman BERGSTROM: They don't answer when you request something.

Commissioner DOHERTY: Oh.

Chairman BERGSTROM: They don't -- they actually --

Commissioner DOHERTY: Why should we be any different?

Chairman BERGSTROM: What's that?

Commissioner DOHERTY: Why should we be any different?

Chairman BERGSTROM: I'm not going to get into it, Bill. But it's to say that you send off these Resolutions and so on and basically mentioned it later on.

So, anyway. Ann.

Ms. CANEDY: I think I said at the first meeting we had, the County has a good Charter as I read it. Nobody follows it. The Assembly doesn't follow it; the Commissioners don't follow it. That's the problem.

And if there was some way that each body could look within itself and follow your Charter, County government would improve 100 percent more.

Chairman BERGSTROM: Just a little light bulb's gone off in my head. I think we should have a joint meeting with the Commissioners, and I think we should discuss the Charter point by point and see where we get agreement and disagreement because --

Ms. MCAULIFFE: Yes.

Ms. GRUNDMAN: Excellent.

Commissioner DOHERTY: The Assembly or the Charter Review Commission?

Chairman BERGSTROM: I'm thinking the Assembly and read the existing Charter verbatim, go point by point, and, you know, a lot of it is not going to really relate to the relationship between the two bodies, but some of the powers of the Assembly are delineated. The powers of the Commissioners --

Commissioner DOHERTY: I think that has a lot of merit because I think in that discussion the things that I have always maintained, if you put all the people in the same room at the same time, you come out with something that essentially looks at the differences and sees where the points of agreement are.

Chairman BERGSTROM: And part of then, we discussed this, part of it is the fault of the Assembly. I don't give us all that much credit. I mean we could pass a lot more Resolutions and Ordinances about things we want to do, but it's the nature of our office and how we're part-time employees so we tend not to do that.

I mean that's one of the reasons why we had that review of County government is because we thought it was the nature of how we're elected that sort of discouraged people.

For instance, just to bring up a small example Linell brought up before is when I was in -- when I was a Selectmen in Chatham, I'm sure the experience was the same in Yarmouth, if there was a capital improvement, a large expense put on there like borrowing, let's say, exclusion, it would be put on the Warrant, you know, and Town Meeting would vote up or down on it.

Now the current Charter gives the Assembly the power to approve all borrowing. However, the borrowing is in the budget. In other words, the borrowing and the finance charges, whatever you call it, the carrying costs already go through the budget. So if you didn't like them building a new building over there, you'd have to go in there and figure out where it was.

So I mean this is something that we could change by Ordinance because it gives us the authority to do that. We could tell at least how we want the budget. In other words, restructure. We haven't done that.

Ms. MCAULIFFE: But it's already in there. We're supposed to get a separate capital --

Chairman BERGSTROM: We do get a capital --

Ms. MCAULIFFE: No, but I mean it's a separate vote on the capital and we just don't do it.

So that's why I think your idea is great. I think 14 years of practice have kind of people just used to operating the way they operate. Maybe it is time to sit down and say, "Okay. Gee, this is what it says; are we going to do that or not? Are we going to have a separate budget vote? Are we going to send everything we vote on to you? Are you going to send everything you vote on to us?"

Because I think right now it's a power struggle. There's parallel. People get angry at each other. They get --

Chairman BERGSTROM: Well --

Ms. MCAULIFFE: No. No, I think there has been some -- you say distrust. I would say -- I would take it as dysfunction.

But I think that's very good. And Mike made this point -- Mike Curran made this point by email right after our last meeting; why don't you just follow the current Charter. Try that. And we don't.

Chairman BERGSTROM: Yes, Linell.

Ms. GRUNDMAN: I think that is a great idea. I think that's what needs to happen right now. That joint meeting and it's not going to be one meeting but the work done by the two -- by the Assembly and the County Commissioners to go through the Charter step-by-step and really look at how it's being implemented, what changes there's agreement on, if any.

But I think that's a really good step. I would almost go so far as to make a motion that this body's work is done and that our recommendation is that meeting.

Chairman BERGSTROM: Well, we have to report back to the Assembly because we're basically a standing Committee -- not a Standing Committee but --

Mr. KNIGHT: That would be the recommendation from the Committee, actually.

Chairman BERGSTROM: Yes.

Mr. KNIGHT: I also would also recommend that an individual not either on the

Commission or on the Assembly be the facilitator. And I'll tell you why because neither one has -- they won't have an interest in whatever the conversation is and it can't push whatever. So an individual separate from the two bodies should facilitate that discussion because I think it will make it on both parts maybe a little easier to deal with.

Chairman BERGSTROM: Yes, I --

MR. KNIGHT: And I think -- let me finish.

Chairman BERGSTROM: Yes.

Mr. KNIGHT: One of the things I think is a problem, and this *Boston Globe*, not to plug a paper, about 2, 2-1/2 months ago had an article and it was on the weekend. And they talked about town governments and regional governments and everything at whole.

And the mistrust is more so received nationally and that is being plagued in the communities now because the communities have no power of what happens nationally.

And even if you look at the Assembly, whatever, we don't have any real direction to what's happening but we see the chaos and the confusion of the simple do nothing-ness at times.

And so people want to have that power where they feel they're doing something. So they make these challenges to local governments and to your committee and others because they want to see something happen.

And I think part of the confusion is is the duties. And I don't think both parties, and no reflection on the Commissioners and no reflection on the Assembly; I think there is confusion about what going on sometimes.

And so we're trying to reinvent a wheel here with some changes and the wheel seems to be rolling along. But at the very beginning I wondered, okay, to me, it's about scope and what do we want. What are we trying to do here? We're now hearing the discussion about recall/no recall; where do we go? And I think the great idea came up the two bodies have to have a discussion themselves. In which then together they can make a decision of what body after them will come together to help reunite some of those ideas and bring it in so there's a consensus.

So it's working forward not just stuck in the middle as it seems this happens to be at times. And that's no offense to anyone. It's just, you know, we're dealing with people that probably just don't have the understanding. To me, it's about education to the towns too because the town doesn't, for the most part, doesn't really know what the Assembly's doing or --

What concerns me now is the minimal standards that can change the whole dynamics of a regional impact and that on the Cape Cod Commission. I serve as Commissioner for those who don't know it, and such minimal standards can bring into a town without all the information or knowledge of what really is going on. And I think that's part of the problem here is a lot of people just don't really have the true knowledge of what's going on. And part of the mission of the Assembly and part of the mission of the Commissioners is really get back out to the public and educate.

And it starts with educating yourself and make sure you're all on the same conversation. Whether you agree with each other or not, be on the same conversation when it comes to the Charter when it comes to the documents because that really -- that clear message once that's to understand is there is a message that will help everyone feel more comfortable about what's really going on and what's not going on.

And I do believe an Executive, a Strong Executive Director could've helped with that message because I do believe that when Paul came on as -- the Director of the Cape Cod Commission and refocused the energy in the Commissions and went to the towns and really brought integrity back to a process, that's what happened.

Commissioner DOHERTY: Absolutely.

MR. KNIGHT: And I do believe the same thing can happen here in the future. This just wasn't the time. But what was identified at the time is the real problem. The real problem is you all got to get together and you all got to talk and you got to work it out and then we can go forward from that point.

Otherwise, you both got a line in the sand and neither one's got a bucket.

Ms. GRUNDMAN: Well said.

Chairman BERGSTROM: All right. Bill.

Commissioner DOHERTY: I hear this part about the education and having some experience in seventh grade as one of the things you find is that unless you test, you don't have any way of knowing whether or not people understand.

I would be for giving a comprehensive examination to everybody that serves in County government about the Charter to see whether or not they'd pass it or not because I think that's the first step to determine whether or not people are following the Charter is if they know what the Charter says.

So I would be all for that. If I were running again for County Commissioner, I would suggest that everybody that runs pass a test on whether or not they understand the Charter.

Now one of the reasons I ran for Assembly to begin with is I read the Charter because I was crossway with the Cape Cod Commission and saw that in the Charter you have the ability to control the budget of the Cape Cod Commission.

Now why wouldn't you want if you had some concerns about how they operated, why would you want to go the place where the money was controlled? Of course, I go coopted because once I read what they did and was involved as a voting member of the Cape Cod Commission for several years, you saw that there was more good than bad and that's the responsibility in my opinion of every elected official that they do the due diligence, that they do understand what governance they're operating under, and I would suggest that if we had this criteria that says, "Okay. This is the bar. Pass this test and then we know what you're doing."

Chairman BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: I, respectfully, disagree, Bill. I think a lot of people are very aware of what is in the Charter. It's just they're going by past practice or the way things have evolved.

I read the Charter and yet there are times, as I serve on the Assembly, that we're not doing within the Charter. So just because I know what's in it doesn't mean that I'm doing it.

So I just think that it's more an issue of how we function right now. And I think that's why it would be crucial to have the Assembly and the County Commissioners sit down and go through it section by section and just say, "Okay. This is what it says."

Commissioner DOHERTY: I absolutely do not -- I do not disagree with you. I think that's a terrific idea because it's one that actually puts everybody in the same place at the same time so that at least at that particular moment that we have some sense of this is what we had agreed to. We can build a monument through everything else that happens afterwards

based upon that kind of a meeting.

Chairman BERGSTROM: Yeah, but, you know, Bill, as I was discussing this in the office with both Janice and Mike -- both Suzanne and Julia heard me give this little speech before, but whenever the budget comes up, I mention to the Assembly, I said, "Look, we pass the budget. If you don't like anything in there, you can pull it out. If you want something -- If you want the Assembly to do something, you know, have a great idea that we can go out -- propose it, and if it gets two-thirds a vote, you know, we'll pass it." Who knows, the Commissioners might approve it. It might only need 50 percent of the vote. And I think I've gotten like six Ordinances in five years, and they've all come from Leo.

So the problem is there has to be -- it's not because the people in the Assembly are disinterested. It must have something to do with just the way the business --. We have had, to be honest with you, for all this talk about dissension; the Assembly has had a very good relationship with the Commissioners in a sense that we passed the budget without almost any changes year after year.

Commissioner DOHERTY: Yes.

Chairman BERGSTROM: And I tend not -- I believe the Speaker's job is basically not to submit Ordinances and Resolutions, and I don't do it. So that's my excuse, you know, for what it's worth.

But I mean you can go down the list of the responsibilities of the Assembly. For instance, it says in there that we have the right to abolish any department in County governance. It's written in the Charter. I mean we're not about to do that, but I mean there's so many things that could be done.

And I think in the sense of the spirit of cooperation over the many years, we have deferred to the Commissioners in many of the responsibilities that the Assembly could take up. And I think not that that's been a bad thing, but I think the time has come to sit down and to understand the relationship between the two bodies as they currently exist. And they're going to continue to exist until changes are made, so that, you know, it has to be -- I'm a stickler for process. I'm not too good at it but I mean everybody has to know where they stand.

Commissioner DOHERTY: Well, I think Austin's suggestion of a facilitated meeting say among the total group is a very useful one. And I think having said that, that might be the most important thing we could do as a Charter Review Committee to say that we've come to this impasse of we need to have that benchmark, if you will, of where everybody is. And at that point, we might be able to give guidance to any successor committee as to what we expect out of them.

Chairman BERGSTROM: Julia.

Ms. TAYLOR: Yes, I agree with what people are saying. And I'd also be very -- my approach to changing the Assembly was not because I thought it was a total failure impediment to good government, but because I just prefer having equal representation. I just think it's kind of weird not to so.

My interest in changing the Commissioners to a single Executive was also not really a criticism of them per se, but my theoretical belief that a single Executive would be -- have some significant advantages. Since it's the most common, there's a reason for it.

But putting that aside and without a change, I think it's worth having this discussion. And I also think I would very much like a report from the Commissioners on how they see

change in their operation now that they've hired a temporary one-year real Executive who's not the same as Mark Zielinski doing the -- now doing the finance. How is that playing out? Do they see some changes in what they're doing and how -- you know, I think if we could get a report on that, that would be really interesting, and also what they see when they decide to go forward which I assume they are with advertising a permanent position as an Administrator; what are they going to be looking for based on this year's experience and how did they -- I think we could get a lot of information that would be very valuable for me.

Commissioner DOHERTY: I think that would be very -- I think that would be a very useful exercise. And one of the things that I notice right away is that today we had an Open House. This month is County Government Month. And for the first time in several years, we've actually had an organized Open House. We've had -- people have shown up for it. And I think, you know, it's been all the kind of thing that we wanted to see, and I think that's only one example of having somebody focus entirely on doing the Executive job.

So there's been a lot of benefit to it, and as far as an overall report, I see my Chair out there and I would suggest that that might be something we would look at and I think you would agree to.

Chairman BERGSTROM: Well that brings us to the second half of the questions that the Assembly brought up which was the Executive. Moving on from the recall, there are two things. The recall and the Executive, and Julia are absolutely right. She grabbed at what I was going to say which is now we're going to have an Executive on there who's going to be representing the County.

Now, traditionally, when towns moved from the previous three Selectmen sitting in their office scratching their heads to having a manager, they gave -- the Home Rule Charters gave that manager certain authority of hiring and firing. Even department heads in Chatham, the Town Manager hires all the department heads and the Selectmen only have a veto power in a sense.

So, I mean my concern here is how is this, just as Julia said, how is this going to go forward, but also what do we put -- what is in the Charter now that addresses that and what changes might be necessary. Bill says, and he's right, that the Commissioners are the Executive authority and that's implied that they do all the hiring and firing. I don't know if it's specified as the duties of the Commissioners that they hire and fire department heads. I can't imagine hiring and firing everybody. I mean the guy that sweeps the stairs is -- he's hired. So at some point the Executive takes over and the Commissioners --

Ms. TAYLOR: The Administrator.

Chairman BERGSTROM: -- the Administrator, sorry. I know Mike constantly corrects me on that; the Administrator. So I mean if we're going to follow the lead of most civic organizations, we're going to hire an Administrator who had real authority and people under him are going to answer to him. Otherwise, it becomes, to me, it becomes very difficult for an Administrator to work in.

So it was easy for Mark because he was Treasurer and the Administrator but how are we going to do this?

Ms. MCAULIFFE: And the other issue too, and I wasn't involved in the strategic planning, so I don't know what I'm -- I'm just throwing this out there. It will be interesting to see how the strategic plan is accepted by the County Commissioners also fits in with the Charter.

Commissioner DOHERTY: Well you --

Ms. MCAULIFFE: No, I'm just saying, just as part of our discussion, that might be something going forward if we're discussing things with the Commissioners and then, you know, whatever your long-term, long-range plan was, it may or may not jog with what's currently in the Charter. So that might be something then that we could discuss at that time too. You know if there's a Charter change we need to make because this is what you determined is current or future thinking? Or is this -- I just see that we're kind of operating in a lot of different places and the Charter is just kind of a dead document right now.

Commissioner DOHERTY: When Carole Ridley -- I thought when Carole Ridley presented the Strategic Plan that that was one suggestion that that might be how the Strategic Plan was integrated into the present Charter as far as operation.

At least I had hoped that the effort that went into developing the Strategic Plan did take into account what goals were consistent with what the Charter was saying. And to a certain degree, I think we were successful.

Chairman BERGSTROM: Well, you know, Bill, when we -- when I first became a Selectman, oh God, that was 15 years ago, we had a change in Town Manager. And so we put out an RPO or whatever you put out and Bill Hinchey popped up. He's now Town Manager of Yarmouth.

But in discussing with him later on his hiring process, the first thing that he did is he looked at the Charter. He looked at what the powers of the Town Manager would be because that made a decision as to whether he wanted to work under the environment.

Commissioner DOHERTY: Yes.

Chairman BERGSTROM: You know, and I think that we can talk about the Strategic Plan and we can discuss what the Commissioners vision of the Administrator is, but an Administrator coming in is going to want to know. He's going to want to know that something's -- and giving him certain authority and not giving him certain authority. I know you're on the same page as me, but how do you do that? How do you go there?

Commissioner DOHERTY: Any culture, any corporate culture, any organization culture, you know, has someone that identified.

And in the interview process I think that that's where you sort of flush out whether or not this is a culture that you can integrate yourself in successfully and whether or not in your opinion you could succeed. And that's what you present, you know, when you're going through the interview process.

There's also the part where there's the perception on the part of the people that are hiring you, which may not line up with what the culture is but it's a wish on the part of the people that are hiring that you're looking for somebody that meets what we perceive to be both the present and a future need.

And presently, and I'm sure that the report that we would put together on Michael Brillhart will identify the fact that we did identify someone who understood what our present and what our future needs were.

And, so far, based upon my observation of someone in that kind of a position, he's understood it and he's applied it. And I think that we all have benefited, and not just the County Commissioners, but I think the whole County governance has benefited from, let's say, the contributions that were made.

Chairman BERGSTROM: Yes. Linell, did you want to discuss something?

Ms. GRUNDMAN: I just wanted to ask a question. So you are bringing from the Assembly the topic of the Executive. What exactly do they want from us?

Chairman BERGSTROM: They never voted.

Ms. GRUNDMAN: Oh, okay.

Chairman BERGSTROM: We never voted up or down on the second recommendation.

Ms. GRUNDMAN: All right.

Chairman BERGSTROM: That was tabled.

Ms. GRUNDMAN: Okay.

Chairman BERGSTROM: Now what I want to know from the Committee, and this obvious question is even though there were two separate recommendations, one sort of leaned on the other because, you know, with the two bodies still in existence, an elected Administrator, we'd assume would be a third wheel as opposed to a --

Ms. TAYLOR: It meant eliminating the three Commissioners and replacing them.

Ms. GRUNDMAN: Right.

Ms. TAYLOR: They would not exist.

Ms. GRUNDMAN: Yes, it's almost a moot point at this --

Chairman BERGSTROM: I agree, Linell.

Ms. GRUNDMAN: Even though I think the discussion is an important one, and just listening to this recent round, there really doesn't seem to be any, again, use the word "political will." But in terms of like the proposition, it really is a moot point because it was the second part on our recommendation to create a County Council, so to speak.

But let me just speak one thing about the Executive. I think one thing about the Executive position whether it's hired or elected; I personally was very comfortable voting for an elected position. I don't have any, you know, all the paranoia about what if somebody bad gets elected. Well, that's what elections are all about.

Chairman BERGSTROM: It happens all the time.

Ms. GRUNDMAN: It happens all the time. But I think what is very, very clear, and this comes from my perspective being on the Cape Cod Water Protection Collaborative and so involved with, you know, several regional issues, homelessness and substance abuse and water is that all of the -- not all, but many of the resources that we need to address those issues as a region need to come from the state and the federal government.

And, whereas, that Executive, that Strong Executive person becomes the voice and the face of the County and making those meetings and those presentations and working on behalf of the County to bring very important resources to us, those kinds of things can't be accomplished with people coming to the Assembly of Delegates or coming to the County Commissioners. Those things are accomplished by the County going out and bringing back.

So I still feel strongly that we missed the boat on that, but I don't think that it lines up with an independent recommendation because it really was in line with our recommendation to create a more efficient governance structure based on, which is unfortunate that more Assembly people weren't here, a lively and meaningful discussion here based on hearing from the community, our own discussion, the critical issues that we face as a County and what governance structure will help us work through those issues.

Chairman BERGSTROM: I guess what I'm trying to bring up here is the fact that the Charter delineates responsibilities of Commissioners, the Assembly, and the Administrator.

All right. So, essentially, the Charter determines what all these three people do.

Ms. GRUNDMAN: Sure.

Speaker BERGSTROM: So we were -- Bill, and Bill suggests that, hey, they'll be an understanding when you come in. But, you know, the problem is I know, once again, in talking to Bill Hinchey, he said he's probably 20 to 25 years into his profession he said, "Oh yeah, I've worked for this town, and the Chairman of the Board of Selectmen sat behind me every day."

So, really, someone coming in I think is going to want to know exactly, someone especially with experience in municipal and civic governments are going to want to know where they stand, and that is a Charter issue. I think it's a Charter issue.

Ms. TAYLOR: But it's not one that we're going to deal with.

Ms. GRUNDMAN: No. I don't think so.

Chairman BERGSTROM: Well, I don't know. I'll defer to Mike on this, but I mean its one thing to say that the County Commissioners are the Executives, no one is disputing that. But as far as you get into the organization as to who does what, is that considered a change in the term of office or responsibilities of the --

Mr. CURRAN: No, I don't think it's governed by that. No, you could fool with the duties or adjust the duties. Saying someone is the Executive really is talking to the matter of policy.

And Bill, in speaking about policy, said that County Commissioners do that primarily through adopting the budget. Where you put your money, that's where your policy is. You show whether something's important or not so important by how much money you provide for it.

But the whole expression of policy, and I think I've mentioned in the past, the Code of Ethics of the International City Managers Association, which County, municipal managers belong to, it makes a big point out of that.

And the first ethical charge in that is for the Administrator to understand the difference of carrying out management responsibilities and executive policymaking functions. And that the managers should always give deference to the elected officials when it comes to policy making matters. I'll try to remember to make a copy of that and send it around you because I've always thought that's an important difference that they make that people don't make for them; do you know what I mean?

People don't attribute that absence from policymaking on the part of managers, whether a municipality or at the County level, they are not supposed to be involved in policy.

Again, the ethical guidelines say they can make suggestions to members of -- to elected people but they shouldn't be making policy themselves.

Chairman BERGSTROM: Yes, I'm also concerned because the Charter, the way the Home Rule Charters are set up now, there's -- the employees are insulated against the political -- in other words, if Boards of Selectmen change and you're the fire chief, you know, you answer to the town manager. So the Selectmen can't really fire you, you know. I mean they can make life difficult.

On the other hand, it also works both ways. So I'm just wondering -- I'm going to ask Mary Pat, since this isn't Assembly rules, anybody can say anything they want.

What do you think, Mary Pat? You think that now you've have a -- what we're discussing is you've got an Administrator; you've already redefined the jobs of the

Administrator as far as whether they sign contracts and stuff. What do you think about the actual duties that are hiring -- who answer to who? I mean have you thought about that?

Commissioner FLYNN: Oh yes.

Chairman BERGSTROM: And do you think it should be written into -- written down into an Ordinance or in the Charter as to what responsibilities the Administrator has?

Commissioner FLYNN: Well, when you really think about how the government functions, you have an Executive body and you have a Legislative body and that's what you need.

So when we -- so the Executive body, for our purposes, are the County Commissioners, and the Legislative body is the Assembly of Delegates. And within that structure we have a County Administrator, a manager, whatever. What the Charter does is very clear that the Executive functions are with the Commissioners. We can Delegate some of those functions and we have. We have delegated considerable -- we used to have -- it took us 45 minutes every week to sign documents. Now it takes us about 10 minutes because we had delegated to the County Administrator a lot of those functions.

But then when you talk about a County Executive, you can only have one -- I think you can only have one Executive. So if you have a County Executive, then you have a Legislative body. And if that County Executive is going to be one person say elected, then that's all you have. You don't have Commissioners because you don't need three levels of government. You only need two.

Ms. TAYLOR: We know that.

Commissioner FLYNN: So you have to look at the combination, and if the combination is an Executive and you want that to be a County Executive, you have to have your Legislative body and how do those two match? How can they best function together? How can the Executive --

Ms. TAYLOR: That was our proposal. We had a proposal and --

Commissioner FLYNN: I know. So that's one. And then if you have -- if you don't have -- if you just have a County Administrator or manager, then you have Commissioners. So somewhere along the line you have to end up with two bodies. And whatever you call them, whether you call them an Assembly, whether you call them the Delegates, whether you call them Council persons or whatever you call them, they're a Legislative body. And then whatever your Executive is, that's what it has to be.

So I'm really open because I think that -- I think that we have to find the best structure that works for us. And because we truly are a regional government and we are becoming more and more a regional government every day.

Now since we have had Michael Brillhart here, he's -- we can't call him a County Executive because we delegate a lot of functions to him. And I, as the Chairman, meet with him every other week at least. And we go over policies. We go over planning, a lot of planning in terms of regional government, a lot related to the budget. I mean we're talking about space needs. We have the courthouse and the Trial Court would like to take over the whole building if they could, so we have issues with space needs. We have issues with the jail. What are we going to do there?

We also are looking at the budget. If we want to know -- we need to have a sustainable form of revenue and we don't. Our revenue is really based on home sales when you think about it. The deeds excise tax. We can't predict three years from now what that's

going to be and so we don't know.

So we're trying to find a way to create that because we can't go off and do things like build or rebuild structures or do something with the jail unless we know that we're going to have the monetary equivalent to get that done.

So we're looking at a lot of planning. We're looking at the budget. We're looking at all the services that we provide as a County, including the Extension Service. And how much do we do for free and how much are we actually charging? And that's really important. And when we have grants, we get a lot of grants. Do we take a percentage of those grants for administrative purposes so that the County has some revenues? We're looking in great detail in terms of our budget and what that really means to us, not only now but in the future because if we're going to be a regional government, we can't do it for free so we have to fund.

Chairman BERGSTROM: Yes.

Commissioner FLYNN: So we're going through a lot. We're going through the space needs. We're going through the budget in terms of sustainability. I'm going through the whole list today of -- and opportunities, particularly finishing up this OpenCape -- CapeNet thing. Where is this going and right now it's in a little standstill for some reason.

Chairman BERGSTROM: Well let me ask you something, Mary Pat.

Commissioner FLYNN: Yes.

Chairman BERGSTROM: I understand where you're coming from and you're right in what you're saying but look at it -- this is where we are. We're looking at what should be written into the rules.

Commissioner FLYNN: Oh right.

Chairman BERGSTROM: In other words, as opposed to best practices, what needs to be put in writing and adopted either in a form of Charter changes or Administrative Code and so on.

I mean for instance you say that under the current organization the Commissioners remain the Executives so that the responsibilities of the Administrator, if you want to call him, would be Delegated by you. In other words, you say you do this rather than have it written into the Charter that they hire and fire and stuff like that. So that's something that we have to consider.

Because in most Charters, the responsibilities and the powers of the Administrator are basically written into the Charter. Another thing is --

Commissioner FLYNN: That's true.

Chairman BERGSTROM: -- that, for instance, let's say you talk about the vagaries of the financing. A lot of towns, I know my town will put, if you have unreliable revenues, you'll have a Rainy Day Fund. You'll be able to dip in in bad times and you'll give an excess. Now that's adopted as a policy, but could it be written into -- in other words, either it's in the Charter or whether it's an Administrative Code that the County will at all times keep, you know, \$2 million in.

So I'm trying to get -- I'm wondering what kind of guidance we should give so the people that come after us that they know what's going on.

Commissioner FLYNN: Well that's a policy issue right now. We have established that as the policy but we have more than one Stabilization Fund. And one is for capital projects and one is for future projects. We are not spending the revenues that we are getting now. We, fortunately, in the last couple of years our revenues have been higher than our

budget costs, and we're not spending those; we're saving them. And we're trying to build up those reserves because we don't know what the future is.

And the thing is we have to find some sustainable source of revenue other than what we have now; otherwise, it's not going to work.

Chairman BERGSTROM: Yeah.

Commissioner FLYNN: And the regional network could be a part of that. Once we get that up and running. But I think -- I think what you need to look at is what kind of a government do you think this County should be. Should it be a strong County Executive who is elected with a legislative body, whatever that body is? Should it be a County Executive not elected and a Legislative body because you don't need Commissioners that --

Ms. MCAULIFFE: We've done this.

Ms. TAYLOR: We've done this, Pat.

Commissioner FLYNN: That just doesn't work.

Ms. TAYLOR: We've done that. We understand that.

Chairman BERGSTROM: I'm just saying is that --

Commissioner FLYNN: You have already done that.

Ms. TAYLOR: It's done. It's finished.

Chairman BERGSTROM: I'm trying to get away from all these policies that -- and getting into things. For instance, we could pass -- the Assembly could pass an Ordinance that says the Assembly -- the County will at all times keep X number of dollars in the budget. But, I mean, you're saying we'll we're doing that already as a matter of policy. But the fact is, you and I come and go. There's got to be some kind of --

Ms. TAYLOR: Right. We voted it in the budget and you're never going to have a permanent savings.

Commissioner FLYNN: No, you can't.

Ms. TAYLOR: You're always going to spend some of your savings at varies times. And you can't, you know, --

Chairman BERGSTROM: Well, you could -- yes.

Commissioner FLYNN: I just don't think that truly you can determine that in a Charter of what the financial models are ought to be.

Ms. TAYLOR: No, of course not.

Commissioner FLYNN: I think you have to leave those up to who the Executives are. I mean I am totally open to change. I am not wedded to the County Commissioner form of government at all. What I'm wedded to is what really works and is what works for all the people.

So, what we have now works but it could certainly work a lot better.

Ms. TAYLOR: Well, I think that we -- I think that I, personally, would not go ahead and try to have a vote with the Assembly on the change to an Executive, single elected Executive. I would say we could drop that at his time because I don't think it will pass, and I don't think there's enough people who are willing to work for it in -- if it were a relatively close vote, I don't think there's enough people who would be willing to push for it.

So I think we've done our -- we've made our report. We've done our job there. And I think we're done.

Commissioner FLYNN: I love the idea of having a joint meeting and getting started with that. I think that's a good idea.

Mr. KNIGHT: I think that's going to be --

Commissioner FLYNN: I truly welcome that. I think whatever happens from here on out could well be the outcome of a joint meeting and us working together to see what works best and then go from there.

Chairman BERGSTROM: You know I envision that joint meeting taking a copy of the Charter in front of -- and going line by line. A lot of it you can skim right through it; it's not going to be relevant.

Commissioner FLYNN: Right.

Chairman BERGSTROM: But then it's going to come to the powers of the Assembly, the powers of so on and so on, procedures and so on. It's not a question of do we want to change it because a lot of it we can't change. It's do we have a common understanding of what these things mean and how the people relate.

Commissioner FLYNN: And we have a facilitator.

Chairman BERGSTROM: And I'll be gone and you'll be gone by the time this is in place but at least the people, you know, because we've been in existence now since 1989 as Mike can tell you since he wrote the original Charter, and it's been, you know, we don't have anybody breathing over our shoulder. We've been doing things a certain way. I think it's gotten away from the original intent.

Commissioner FLYNN: And if we can get some common ground here, then we have something to move forward with. Then we have a much greater impact on the community if we come to the community with a plan that we can all accept.

Chairman BERGSTROM: What do you think about the continuation of a Charter Review Committee?

MR. KNIGHT: I think that's after the meeting.

Commissioner FLYNN: After the meeting. I think we can decide how we move forward with that whether we have a little joint working group that is going to move forward on our Charter issues; it doesn't even have to be even called the Charter Review Committee.

MR. KNIGHT: Mr. Chairman.

Chairman BERGSTROM: Yep.

Mr. KNIGHT: I'm going to make a motion that our recommendation is two groups get together with a facilitator, go through the Charter, and to that point if there's a committee needed to make recommendations for the future, so be. But at this point, the two groups get together and go through the Charter with a facilitator.

Ms. MCAULIFFE: Second.

Chairman BERGSTROM: Okay. All those in favor say "Aye".

(Motion passed.)

Chairman BERGSTROM: The only thing I can say right now is the timeframe that Mike brought out to you, we're going to have an Ordinance, I assume, brought before the Assembly that's going to try to beat the timeframe to go to the ballot.

Ms. MCAULIFFE: For what?

Mr. KNIGHT: I don't think we're ready for anything to go to the ballot.

Chairman BERGSTROM: No, no, this is not a Charter. This is -- yes, this is actually the Charter amend but it's outside of our authority.

So I'm asking is there anything that you know that you would change in the existing Charter that doesn't regard the term of office or powers and duties of the Administrator and so

on that you think we could -- that would necessitate going to the ballot. I haven't heard anything.

Ms. TAYLOR: I do not.

Ms. GRUNDMAN: No.

Chairman BERGSTROM: So June 4 will come and go and we're not going to come up with anything?

Ms. GRUNDMAN: We're not ready.

Ms. MCAULIFFE: And I don't want to get -- I don't want to get -- I don't want to jump in on Ann, but this would require some thinking. And I think that maybe this could be part of a discussion between the two groups.

As an Assembly member, I would not want to vote on "Right to a sustainable local food system" without understanding what that means.

Chairman BERGSTROM: Oh, you're talking about that --

Ms. MCAULIFFE: Yes.

Chairman BERGSTROM: -- well I don't want to get into that.

Ms. MCAULIFFE: No, no, no. I'm just saying this is something that you were talking about the timeline and that's why I brought this up. They are on a timeline push. They wanted to vote on this. They wanted to get it to the Legislature to amend the Charter, and I think that's --

Chairman BERGSTROM: Well I'm just looking at a report to the Assembly that's going to say that we made recommendations on governance; they weren't accepted. That would have had to go to the Legislature and to the ballot.

Now the deadline is approached for anything else that has to go, and it's the -- and there's going to be no recommendations coming from this Committee that I know of to change any of the language in the Charter that would have to be changed.

Ms. MCAULIFFE: No, I would actually move that we recommend --

Mr. KNIGHT: Just keep it simple.

Ms. MCAULIFFE: -- we recommend that we defer on all action until after the joint meeting.

Mr. KNIGHT: That's right.

Chairman BERGSTROM: All right. So we present a package then. If there are going to be Charter changes, they would be submitted in 2016 ballot, whether they have to go through the Legislature or not.

Ms. MCAULIFFE: Yes.

MR. KNIGHT: Well I think the recommendation is to get together, add a facilitator, and after that point if a group is needed then they form the group.

Ms. TAYLOR: Right.

Ms. CANEDY: That's right.

Chairman BERGSTROM: I think this is -- in the tradition of Legislative bodies everywhere, you simply boot them in.

Ms. TAYLOR: No, that is not true. We came up with a recommendation for a Charter change that was very significant.

Ms. CANEDY: Yes.

Ms. TAYLOR: It was not accepted. It was a close vote but it was not accepted. So that's done.

Now we're going to take a different approach which is to work with the existing groups, the Commissioners and the Assembly to see whether we can, in a coordinated way, come up with some ways to make government work better.

But at the moment, we're not anticipating that those will include any Charter changes that need to go to the voters.

Chairman BERGSTROM: Now Mike brought up an interesting suggestion, and I want to pass it on to you, is that the alternative to having us decide our own terms of office and our powers and duties would be going through the process of electing a committee -- the ballot, people getting signatures and electing the ballot.

We could have a -- it's conceivable, and I'll run this by you, I don't know if I'll get any support for it, but it's conceivable that we can have a Charter Review -- after this meeting, we could have a Charter Review Committee, which would do its work but would also in parallel be able to make recommendations to an elected committee.

Ms. TAYLOR: If some groups of people, citizens are fired up and want to do something, wonderful. I haven't seen that but I would love it if they were. But I say we've done what we were supposed to do.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: And I don't feel that we do need to make recommendations to any citizens group. If they get themselves into a legal position as a Charter Commission, great. I don't, obviously, they're going to want information from various elected officials, but I don't think we need to have a new Charter group that then gives them advice.

Chairman BERGSTROM: Okay. Linell.

Ms. GRUNDMAN: I agree with what Julia is saying, but I would just be a little bit more precise about it. I think that what this group has voted on is a recommendation to have this joint meeting because I think that in the joint meeting you will discover what the next step is.

Because I think that in the joint meeting there's also going to be an opportunity to discuss where there are differences of opinions about roles and responsibility or inefficiencies in communication styles, etcetera.

But to be quite frank, I don't think at this point until that joint meeting occurs and I absolutely agree that it needs to be facilitated by somebody outside both those bodies, that the next step is even imaginable. Because I think in posing a Charter Review Committee, and you mentioned this earlier, that the authority to do that comes from the Assembly of Delegates. To change that authority, it's a Charter change.

But the discussion needs to occur about where is that -- is it a good idea that the authority comes from them and there needs to be consensus whether the authority comes from just the Assembly of Delegates or not, there needs to be a consensus with the Commissioners and the Assembly of Delegates about how to move forward. Because the Charter changes and everything happening is part of the evolution of this County government. That's where the consensus has to come. And the only consensus that matters is between the County Commissioners and the Assembly of Delegates.

Chairman BERGSTROM: Well, let me just quickly tell you, where I've been thinking about this, is that it's one thing to say that we shouldn't be empowered to change our own Charter, but what's the alternative? If I or you or the Assembly appoints people in a sense where gaming the system doing that. If we decide to be totally elected in some other fashion,

then the Legislature's not going to do that because they already have that process in place. So your options are limited.

Ms. TAYLOR: The voters have a right to do it.

Chairman BERGSTROM: Yes, they do.

Ms. TAYLOR: When they do it, they'll do it.

Ms. GRUNDMAN: I want to bring us back to something everybody agreed on and that is -- try the Charter the way it's written. The dysfunction of the Charter is not in the Charter necessarily at this point in time.

And I think that's why we're at a standstill for any Charter changes being voted in. This discussion needs to be about from the people and the government, a discussion about what's working, what's not working, what can we improve and how do we work together better.

So I think even discussing Charter changes and I was pretty bold about that initially, it's not working. Discussing Charter changes is not the problem. The problem is creating the working mechanism within what exists in the Charter, through the facilitation of the Charter, and the implementation of the Charter in a daily evolving government structure.

Chairman BERGSTROM: Ann.

Ms. CANEDY: Well, amen to that. For something completely off-topic, if you don't mind?

Chairman BERGSTROM: No, go right ahead.

Ms. CANEDY: There is a Barnstable County Bill of Rights suggested amendment to the Charter floating around. Somebody, I think Linell, mentioned it.

Ms. GRUNDMAN: Yes.

Ms. MCAULIFFE: It's in our packet.

Ms. CANEDY: Yes, I did send it to somebody -- to Janice. Do we want to look at that, comment on that as a Committee? It is coming from --

Chairman BERGSTROM: You know, to be honest with you, Janice and I have talked about this from a procedural standpoint because you talk about the timeframe, it's a nightmare. The legality of it -- I mean I'm not going to have us look at something that's --

Ms. CANEDY: Maybe not legal.

Chairman BERGSTROM: -- not legal. I mean it's one thing that -- the minor detail for this federal and state government up there that regulates these things and they may not like us passing Ordinances that you say that "No drones can go over Chatham" or something like that.

Ms. CANEDY: Yes, I thought it was an interesting document.

Chairman BERGSTROM: It's get pretty -- Now, the people who submitted this, I talked to Dr. O'Malley, he seems to feel he's on firm legal ground. I'll leave that up to our County Counsel.

But I -- it's possible we could have a vote on it on June 4.

Ms. TAYLOR: No! No.

Ms. CANEDY: Well I think there's some relevant pieces of it that we might want to suggest --

Ms. MCAULIFFE: Just look at the last sentence and then commit your government to that statement.

Ms. CANEDY: Well that's what I'm saying. I'm not sure --

Ms. MCAULIFFE: “Any aggrieved person may enforce this Bill of Rights through an action brought into court of competent jurisdiction and be entitled to cover all cost of litigation including without limitation expert and attorney’s fees.” Now --

Ms. CANEDY: Well, I know there’s a line forming already.

Well that’s what I’m saying. And I think maybe do we want to acknowledge this at all or do we want to suggest that perhaps we agree with the document or disagree with the document?

Ms. TAYLOR: No.

Chairman BERGSTROM: Personally, I think it’s outside of what we’ve been looking at.

Ms. CANEDY: Okay.

Ms. TAYLOR: Too late.

Chairman BERGSTROM: Bill’s been quiet over there.

Commissioner DOHERTY: Why have we forgotten that we had Articles of Confederation that did not work, and this is a revision, in my opinion, back to that. We have a federal Constitution. The federal Constitution is very clear on what the Bill of Rights are. This is not the level of government that suggests that we can succeed because we don’t like what’s going on in Massachusetts.

Chairman BERGSTROM: So I take it that you’re opposed to that, Bill?

Commissioner DOHERTY: You think?

Ms. CANEDY: I think that we’re not in favor.

Chairman BERGSTROM: Yes, we may not even be able to schedule this so I don’t want to get too far into it.

Ms. TAYLOR: It’s too late to bring it up.

Chairman BERGSTROM: But let me just say I am going to -- we’re going to submit something to the Assembly; okay. We’re going to vote. We’re going to have one more meeting and we’re going to vote on that submission. **One of the things is going to be that we do not have a recommendation or anything to go on the ballot in 2014.**

Ms. CANEDY: Right.

Chairman BERGSTROM: **The other recommendation, if I understand, is going to be that we strongly support a joint meeting between the Commissioners and the Assembly and with a facilitator to go over the Charter.** See, I don’t want to deteriorate it until I -- a big gentle discussion about government. I want to delineate and go over the Charter point by point and see if there’s any potential disagreements and --

Commissioner DOHERTY: And agreements.

Mr. KNIGHT: Why can’t we do that today? I mean those two points are --

Ms. TAYLOR: Yes, those are the two points.

Chairman BERGSTROM: Okay. Yes.

Mr. KNIGHT: -- we’ve already made a motion on one of them so it already passed.

Ms. TAYLOR: Yes.

Chairman BERGSTROM: **The other thing is I’m going to -- in that report, I’m going to reference the alternative that citizens have going through the electoral process.**

Ms. MCAULIFFE: Right.

Chairman BERGSTROM: Not to say we’re for it or against it. I’m just saying it’s the alternative. And any Charter review is a Legislative process.

Ms. MCAULIFFE: Right.

Ms. TAYLOR: So then we have the three points.

Ms. MCAULIFFE: Right.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: Do we agree on those three points?

Chairman BERGSTROM: Well, the problem -- the only problem is that, generally speaking, and it's a procedural issue is when you get a sense and you vote on something, you create a document. That document should be approved word for word.

Ms. GRUNDMAN: Yes.

Chairman BERGSTROM: Yes, I can't -- I don't feel the power to write up a document and say without that final document --

Ms. TAYLOR: Well, why don't we plan to have a meeting briefly before, just before the regular Assembly meeting.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: Which will be the 2nd of May; what is it, Janice? The 1st of May?

Clerk O'CONNELL: It's a week from today.

Ms. TAYLOR: Huh?

Clerk O'CONNELL: If it's the 2nd, it's a week from today.

Ms. MCAULIFFE: The next meeting is a week from today.

Ms. TAYLOR: Okay. That's my point.

Ms. GRUNDMAN: That's plenty of time.

Ms. TAYLOR: Yes, that's plenty of time.

Chairman BERGSTROM: Why don't we have it for the 16th; that would be easier.

Clerk O'CONNELL: The 21st is the next meeting I think after the 7th.

Ms. GRUNDMAN: The 21st of May?

Clerk O'CONNELL: Yes.

Chairman BERGSTROM: I want to give -- we're going to have to have some time to do this.

Ms. GRUNDMAN: I won't be in town the 21st of May.

Commissioner DOHERTY: I'll be in Alaska on the 21st.

Ms. GRUNDMAN: I'll be out of town.

Ms. TAYLOR: Let's make sure we could have a quorum on the 21st.

Ms. GRUNDMAN: I can't be in town -- I'm not here on the 21st of May.

MR. KNIGHT: So my question is the meeting before that is not possible, the 14th?

Ms. GRUNDMAN: All you're doing is writing a document.

Chairman BERGSTROM: It's possible we could meet before that.

Ms. TAYLOR: Its four sentences.

Chairman BERGSTROM: Right.

Mr. KNIGHT: Right, that's what I'm saying. I don't think we have to wait until -- if there's a meeting before that whether it's the same day of them or not.

Ms. TAYLOR: It's next Tuesday. I mean next Wednesday.

Commissioner DOHERTY: May I make a suggestion that we empower the Chair to write that up and just submit it because I think there was a consensus of what --

Ms. GRUNDMAN: We went through that before, Bill.

Ms. MCAULIFFE: And they didn't like that.

Ms. GRUNDMAN: I think Ron's right. Can I just say one thing? I think you're right about that.

Ms. TAYLOR: We just have to meet 15 minutes before the meeting.

Chairman BERGSTROM: Right.

Ms. GRUNDMAN: I also think that it's important that we notice this citizen initiative, but I absolutely agree with Julia that we have nothing to do with it. We've made our recommendations.

And I also think that it's important that -- no, that's all right. I also think it's important that it be acknowledged in a respectful way. They have a right to do this.

And I think that the right way to handle it is to acknowledge it and for this group we would have nothing to do with it because our work is done.

Chairman BERGSTROM: Well in the existing Charter where it says "Charter changes," it starts out with this Charter can be changed but in accordance with the Acts of, whatever, 19 -- so and so forth. So it's in there but I think we should put it --

Mr. KNIGHT: But, again, also in your response to them, Mr. Chairman, tell them that we've now asked both groups to get together with a facilitator and this is the process which can also help them move forward.

Chairman BERGSTROM: All right.

Ms. TAYLOR: The next meeting of the Assembly is not next Wednesday.

Chairman BERGSTROM: No, it isn't.

Ms. TAYLOR: It's the 7th. And we have plenty of time to get ready.

Ms. GRUNDMAN: I'm not in town on the 7th.

Ms. TAYLOR: Okay. Well, you're not -- either way.

Ms. GRUNDMAN: Yes, it doesn't matter.

Chairman BERGSTROM: Before we wrap these things up, Mike has been working diligently for months here, and I want him to give us his take on this whole thing. Tell us where we went wrong, tell us where we should go within limits and what are you thinking?

Ms. GRUNDMAN: Yes, save time.

Mr. CURRAN: Well, I think you've made an excellent decision to have the joint meeting of the Assembly and the Commissioners. There's no other way to get the issues on the table and get some resolution of them by doing exactly what you said, to sit and go over item by item, line by line, if necessary and get a consensus. Work out the differences if you can.

It may be just a matter of interpretation and agreeing what the interpretation will be, the provisions in the future.

So I think that's an excellent step to go forward and we'll bring this to a conclusion. And maybe then developing some changes, all of which you'll see when you have that session. So, I really applaud that decision.

You know, as to where you went wrong, I mean it's always difficult to get people with different points of view coming from different places to agree on issues. Lyndon Johnson used to say, "If two people can agree all the time on all the issues, that's clear evidence one person is doing all the thinking." Clearly, that's not what happened here.

A lot of different group points. There was a great effort to try to come together on them on the two major issues and the makeup of the Legislative and Executive branches.

And, unfortunately, the people who were the decision-makers for you on those did not

agree, not a sufficient number of them so you weren't able to go on to the next step.

Decisions are difficult. When you don't have control of them, somebody else is going to determine whether you go to Step 1 or 2 or 3 or how far along it goes.

I did think that looking to the time this committee was organized in June/July of the odd-numbered year, you ended up with insufficient times to properly study and promote the recommendations you made.

So I do think that going forward and, again, after that joint meeting, you'll know better what kind of changes may be necessary. But that you ought to start sooner, at least in January of the odd-numbered year. So you have at least six months to get -- you started in June and the representative -- the Legislative representative that you were dealing with wanted to have the material no later than the Christmas period is what she said.

Chairman BERGSTROM: Right.

Mr. CURRAN: You had less than six months to do all of your work and reach for things that were going on the ballot, your conclusions. So I think you ought to start at least in January so you have a year or 10 months anyway to do things.

Ms. GRUNDMAN: Good point.

Mr. CURRAN: It might not be untoward to have the appointment made sometime in the even-numbered years so that you have the full two-year period.

You know, certainly the frequency of meetings was a difficulty here. I know that the great distances that Austin has to travel to get to meetings. So it's not like a committee or town is having a Charter study committee when people are only coming a matter of a few miles. But here, and this last winter we had with the weather, we lost a couple of months.

So, all in all, I think you did a great job but you tried to do too much in too little time.

MR. KNIGHT: I think a suggestion, Mr. Curran, that you made about starting on an even year before the time that is required is very -- that may be one of the things that can come up in the future because I think that's a suggestion that will work because, like you say, when you have such a short calendar to do so much, you don't have time to build consensus with anyone. All you have is a report that's coming out and the people have already got their opinions.

Ms. GRUNDMAN: That's right.

Chairman BERGSTROM: You know, the problem I have, and I could see it happening in the future though, is simultaneous to our discussions, the Assembly had its ear to the ground and is listening and saying, "Well, why are you discussing that? We don't want to go there." You know, you should -- in other words, the people who are ultimately going to get the report under the existing Charter and make a decision are the ones who are basically in the background, you know.

Ms. MCAULIFFE: Right.

Ms. GRUNDMAN: Exactly.

Chairman BERGSTROM: I mean they didn't manipulate us but, basically, they were leaning over us deciding whether they liked where we were going or not. I think that some degree of independence has to be -- I agree with Suzanne and this Charter Commission should it be empowered? It has to have some degree of independence. They have to have some juice behind them, other than making a recommendation directly to the Assembly. How we accomplish that, I don't know.

Mr. KNIGHT: Well that's a change in itself.

Ms. MCAULIFFE: Maybe. Maybe we recommend Charter Commissions go straight to the voters.

Ms. MCAULIFFE: Well, I have to assume -- I don't think it was a terrible thing to have them be the people that make the decision. I think in this particular instance their minds were made up beforehand and they didn't particularly come to meetings and that's fine.

But they had already, in fact, voted what they thought the change should be which was to -- So, you know, that wouldn't always be the case with every Assembly. I don't think it's -

Chairman BERGSTROM: Well, all right. If you guys think that --

Ms. TAYLOR: But we were in a difficult position and that they had already voted in favor of preserving the weighted vote and in favor of having five Commissioners. So going to 11 Delegates and one elected official, that wasn't really --

Ms. GRUNDMAN: I have one other observation and that is that before we ever made any recommendations, long before we made any recommendations, we had the towns lining up. And I don't know that there's anything we can do about that other than, you know, maybe create in our initial process some formality to say please wait until we make our recommendations before you weigh in because that really contributed to the power struggle. The town's making recommendations about whether they wanted changes before they ever heard the changes. It just lacks all commonsense.

Chairman BERGSTROM: One piece of business --

Commissioner DOHERTY: I have to make a distinction. It was not the towns.

Ms. TAYLOR: It was the Selectmen.

Ms. GRUNDMAN: Selectmen.

Commissioner DOHERTY: It was the Selectmen. It was the Boards of Selectmen that weighed in.

Ms. TAYLOR: Right, of some towns.

Commissioner DOHERTY: We have yet to hear from the towns. We've yet to hear from the people as to what they want or don't want.

Chairman BERGSTROM: One piece of business I have to bring up before we leave. I got it from Leo and he's right is that we, in looking at governance, we rejected the option of having five Commissioners.

Ms. TAYLOR: Correct.

Chairman BERGSTROM: Is that still the feeling of the --

Ms. GRUNDMAN: Absolutely.

Ms. TAYLOR: Absolutely.

Ms. MCAULIFFE: It's still my feeling.

Chairman BERGSTROM: Okay. So that's -- we are not going to readdress that?

Ms. MCAULIFFE: Nope. Let the Assembly take that up if it wants to.

Chairman BERGSTROM: So we only need one more motion here.

Ms. MCAULIFFE: Move to adjourn.

Commissioner DOHERTY: To adjourn.

Next Meeting:

Ms. TAYLOR: **But will meet on the 7th.**

Ms. GRUNDMAN: Second.

Ms. MCAULIFFE: And that's your last meeting. Remember you said you had two meetings left.

Ms. TAYLOR: Right.

Chairman BERGSTROM: I know Julia said there are two meetings --

Ms. TAYLOR: I'm sorry to be such a crosspatch.

Chairman BERGSTROM: All those in favor of adjourning, please say "Aye."

Opposed.

Whereupon, it was moved, seconded, and voted to adjourn the Charter Review Committee Meeting at 4:40 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates