

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

APPROVED Journal of Proceedings - April 6, 2016

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, April 6th, 2016, session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to call this meeting to order. It is being recorded in addition to our normal recording by the press.

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

(Moment of silence.)

Speaker BERGSTROM: Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (100.00%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Teresa Martin (2.30% -Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% - Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).

Absent (0%)

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

Speaker BERGSTROM: We'll ruin our reputation here.

We now need a motion to approve today's Calendar of Business.

Mr. OHMAN: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay.

(Calendar approved.)

Speaker BERGSTROM: How about -- you should have received a copy of the Journal of March 16th, 2016. Are there any additions or corrections to the Journal?

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

Speaker BERGSTROM: Yes.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor? Aye.

Mr. OHMAN: Abstained.

Speaker BERGSTROM: Opposed? I don't know who --
(Journal approved.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Well, now we come to Communications from the Board of Regional Commissioners. We have a Commissioner here; Commissioner Cakounes.

Commissioner CAKOUNES: Thank you, Mr. Speaker and Assembly. We had two meetings since we last met with you. We had a meeting on March 30. At that meeting, we approved your Ordinance of 16-03, which amended the Barnstable County Ordinance 16 -- I'm sorry, 06-16. Sorry. We approved 06-16 which amended 16-03. That's the one that laid out the timeline for reconsideration if we did not agree on a budget. So that is approved and that is now law.

We also approved a Proposed Ordinance 16- to be numbered, which I have a copy of it here to hand in. This is a proposed ordinance which is going to be transferring from our Legal Services Account -- one account which is our Legal Service Reserve to the Budget Legal Service account in the amount of \$50,000, and this is for the purposes of legal services related to the Fire Academy. So I will hand that in when I get up.

Let's see. We had a report on the rest areas from our new County Administrator. The only thing I will say to that is that we made it clear at the meeting that we, the Commissioners, have voted the money in the budget for FY17, and it's our intentions to make sure that those rest areas stay open. And we are now going to enter into some kind of negotiation with the state and interested parties for not this coming summer but certainly next summer. And, naturally, you have that budget in front of you so that is in your hands.

We had a status on the License Plate Account from our Finance Director. Basically, in a nutshell, what she had given us is the amount in that account as of today, and because the Commissioners had granted some awards out of that account and because that account did not have a sufficient amount of money in it, she just wanted to let us know that those funds would not be appropriated, those grants will not be given, obviously, until that fund comes up to that value.

And when the license plate happens is we get -- I think it's every three months, I'm not sure, but we get a check as the plates come in and go through the process. So we don't anticipate that we're not going to meet the level that we have -- monies that we've granted out, but, you know, for those out there that do like this program, it has been bringing in less money each year in the last -- at least five years, significantly. Probably just a reflection on the economic status of people today. It does cost a little bit more money to have a Cape & Islands license plate than a regular one.

We had a report on the state of the audit also by Mary McIsaac, our Finance Director, and, subsequently, and I think you've all read it in the paper, the auditors did come down and went through the first phase of what we're asking them to do.

I asked today at our meeting the status of that audit and we're going to be -- it appears that our Administrator is going to be looking at sections and moving

forward. The first one is the state of the leases and our rental -- rentees, if you will. And then the next, I'm hoping, personally, that it will be the Intermunicipal Agreements. But everything will be on the table but rather than inundating not only the state but our department heads with all of this at once, it really has been something that I believe our Administrator is going to lay out in sections and go after certain things and clear those up and then move on to the next thing. There's a lot of work to be done.

We also had a very quick update on the Fire Training Academy and even as early as today's meeting, also, I'll kind of incorporate the two, but, today, we were actually told that the Fire Training Academy property was used for a -- purposes of a video in regards to hoarding and not only what our rescuers have to entail when they go into a home and they're faced with someone that's a hoarder, but also the fire suppression people what they have to concern themselves with as far as not only getting, again, injured individuals out if it's a rescue attempt.

Certainly if it's a fire attempt, they need to know about any type of volatile chemicals that might be around. So that I will get back to you, hopefully through Janice or through the Speaker, to let you know when that is going to be aired. I'm not positive what channel it was on. I heard that it was -- I'm drawing a blank -- anyhow, it was a major channel that came down from Boston anyhow that taped all this.

Administrator YUNITS: Fox News.

Commissioner CAKOUNES: Fox News. Thank you. Other business, we did have a discussion and actually a vote to look at the cell tower which is here on the property and instructed our Administrator to enter into a discussion with the sheriff and the state in regards to some revenue that has been coming in from the cell tower. So there's nothing to report on that other than to just let you know that it is just one other thing that is on our agenda for our Administrator to do and now he has the support and the direction of the Commissioners have asked him to go that way.

We did execute a grant from the DEP for \$950,000. The majority of that money will be going to the Cape Cod Commission. It's all related to the 208 Water Quality Plan. We also had to establish a -- I'm sorry -- we, the Commissioners, we had to establish an account to receive that but that's later on in the agenda.

We also did approve that the County Commissioner -- I'm sorry -- that the County Administrator would have the authority to sign the relative grant and distribution of such as it comes in because some of these monies have to be spent before June 30, 2016, and, we, the Commissioners, did not want to hold up the process or hold up the Cape Cod Commission in the work that they're doing having the other stuff brought forward and put in front of us for our execution. So we gave the Administrator that authority just specific to that grant.

Today, we did have a meeting. Sorry. A relatively short meeting, not an awful lot went on today. We did approve a travel report policy which means out-of-state specifically. When a department head goes out and does an out-of-state seminar or, for some reason, does out-of-state travel, we're asking them now to come back to the Commissioners and report what they learned, what they've gotten, what kind of seminar they attended.

So, today, we actually had an update from the IT Department. He provided us with a report on a travel that he just went to and he also gave us a very brief update

on the IT.

We had a request from the American Cancer Society to use the grounds on Saturday, October 22, and Sunday, October 23 for the Making Strides Against Breast Cancer Walk and that was approved by the Commissioners.

And we did take today a vote to authorize the Administrator to hire special legal counsel in regards to actions relative to the real estate transactions. As you probably read in the paper or have heard from somewhere or another, the auditors did suggest that we hire special legal counsel in order to look at and make sure that the process that we've gone through these leases are legal and correct and probably will be coming back and advising not only the Administration but the Commissioners on how to move forward.

There was other -- some various contracts and things that we signed today and, basically, that's it. That's the two meetings that you guys missed or that we've had since we were here last.

Speaker BERGSTROM: Patrick, do you have some questions on that?

Mr. PRINCI: Yes, I do. Commissioner Cakounes, as far as the audit that's currently just at Phase I completed, how many more phases are there going to be and when do you think that audit may be completed and when there might be some findings on that?

Commissioner CAKOUNES: It's kind of an interesting question and I will tell you that I kind of asked that today at today's meeting. I think it's too early to really put a conclusion date on it, and this is my personal opinion, from what I got back from when I asked the question to our Administrator.

I think what we're going to probably do, and this is what was expressed to us, is we're going to go through the areas that we want to look at; again, leases, municipal agreements, things like that. But it sounded to me that our Administrator wants to have kind of, really, an ongoing relationship with the state in making sure that even in the future when we start these new programs and we create these intergovernmental relationships that they -- and I don't want to speak for him, but it sounded like he was going to run them by the state anyhow to make sure that they're done properly, something that we've never done in the past, and I certainly was very encouraged when I heard that.

But as far as the actual audit goes, you know, I'd be amidst to put a timeframe on it. There's just a lot going on.

Speaker BERGSTROM: Okay. Yes, Jim and then Brian.

Mr. KILLION: Thank you, Mr. Speaker. Good afternoon, Commissioner Cakounes. You've just referenced leases that were going to be reviewed by a special counsel. Are these leases typically prepared by County Counsel over the years; is that how it's been done?

Commissioner CAKOUNES: To my knowledge and to the information that's been given us today, majority of the leases and lease agreements, I should say, because they're actually really not even legal leases were not run by County Counsel prior to their execution by the Commissioners.

And, even more kind of disturbing, the majority of them were not run by the Assembly of Delegates for their approval. So it's the general -- my general belief and consensus, and I can only speak for myself, that all leases of real estate and real

property should have come in front of the Assembly to be okayed.

So these are the questions that will be answered by special legal counsel though. But to my knowledge and direct answer to your question, I am not of knowledge of our current County Counsel having had these leases run in front of him prior to their execution.

Mr. KILLION: So was it assumed then that these essentially drafted by the Commissioners themselves or the lessee?

Commissioner CAKOUNES: You know what happens when you assume.

Mr. KILLION: Okay. So you don't know.

Commissioner CAKOUNES: The only thing that I could assume, having been here a while, I would assume that maybe we --

Mr. KILLION: We just don't know at this point.

Commissioner CAKOUNES: We just don't know at this point.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: Brian, did you have a question?

Mr. O'MALLEY: I did. You said -- you indicated that money has been put aside for special legal counsel regarding the Fire Training Academy. For reserves -- transferring from the reserve account to the active account, is there anything that we can learn? Is there anything that's open to be talked about about the status of this problem at this point?

Commissioner CAKOUNES: No.

Mr. O'MALLEY: No?

Commissioner CAKOUNES: It would not be in the beneficial interest for me to disclose anything at this time.

Mr. O'MALLEY: That's understood.

Commissioner CAKOUNES: All I will tell you is that the Commissioners are requesting \$50,000 from our Reserve account, which the last time I remember had 500,000 in it but it might be down, to be transferred into our FY16 budget so that we can use it. But I really don't want to comment any more than that.

Mr. O'MALLEY: Thank you.

Speaker BERGSTROM: Leo, the auditors are charging us a fee for their services; am I correct? The state is?

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: Yes, okay. Do you know what account that's coming out of?

Commissioner CAKOUNES: The last time we talked about that at a Commissioners' meeting, the auditors were going to come down and look at the scope of work that was necessary that we were requesting them of and they were going to get back to us with a dollar value. I do not have a specific dollar value to tell you just now.

Speaker BERGSTROM: So it's not a flat fee that they charge?

Commissioner CAKOUNES: No. No.

Speaker BERGSTROM: So they'll basically give us the bad news when they get down here.

Commissioner CAKOUNES: And I think what will happen, and, again, this

is what I kind of got of today's question as the Delegate Princi asked me when I specifically put it towards our Administrator, you know, where are we on this audit?

Speaker BERGSTROM: Yes.

Commissioner CAKOUNES: And I think it's really going to be a -- I don't want to say a long-term, but I think it's going to be an ongoing process right now for at least the next few months. And we will be getting bills as they do work for us.

Speaker BERGSTROM: Well, I mean, I don't know how you define it. I mean, whether you could define it under the definition of legal services. I'm just curious as to what account it's going to come under?

Commissioner CAKOUNES: I will be very happy to ask that question and get back to you. Or, if you would like, I will relinquish the mic to --

Speaker BERGSTROM: Just putting a bug in your ear to let us know.

Commissioner CAKOUNES: Yes, I'm equally concerned of where we're going to be getting the funds to pay for it, but I'm sure that it probably will fall under the specifications of the legal reserve accounts that we're asking you to transfer money on now.

Speaker BERGSTROM: So that's why I'm asking is it should --

Commissioner CAKOUNES: That's a personal opinion though.

Speaker BERGSTROM: Fine. Anything else? Yes, Ed.

Mr. LEWIS: Just a follow-up on Mr. Killion's question. And with regard to these leases now, you stated that you believe that these leases were not run by the legal counsel at that time, nor were, in some instances, they were never run by the Assembly.

Is there a possibility that because they weren't run by the Assembly and because -- and no legal counsel looked at these leases or arrangements or documents that it's possible that none of these or a portion of these are not legal?

Commissioner CAKOUNES: I can only give you my personal opinion on that, and I will tell you that I do not believe that because they were not run by legal counsel has any grounds whatsoever. Any two parties entering an agreement, it's the due diligence up to them to decide if they want to have legal counsel review it or not.

However, my reading, and I will say that again, my reading of the Charter specifically states that the Assembly needs to approve the leases prior to their execution.

Mr. LEWIS: Gotcha.

Commissioner CAKOUNES: And I even said today at our meeting, and I read my position on this is that I feel that it is pretty much undisputed so far because no one has called me out on it and said that I'm wrong. So that I feel that these current leases that we have, except for a few, and there are a few that you have voted on.

To my understanding your Clerk and County Counsel are in the midst right now of going through a codification of all stuff that the Assembly has done and some leases have been brought before you, but the majority of them have not. And it's my understanding that those that have not are certainly voidable.

Speaker BERGSTROM: All right. Well it doesn't make sense to speculate on something that we're actually going to hire an attorney to give us advice on.

Commissioner CAKOUNES: That's correct.

Speaker BERGSTROM: So I think we should wait until we get that advice. Well, all right. Thank you.

Commissioner CAKOUNES: Okay.

Communications from Public Officials

Speaker BERGSTROM: Any communications from Public Officials?

Commissioner CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes.

Commissioner CAKOUNES: While I'm sitting here.

Speaker BERGSTROM: While you're sitting there --

Commissioner CAKOUNES: I waited for this particular part of your agenda because I did not want it to be construed with a report from the County Commissioners.

It's been brought to my attention that on March 30th of 2016, the Standing Committee on Finance had a Public Hearing, and I was unable to make that Public Hearing. And it was brought to my attention after the Public Hearing that a couple of comments were made and they were made on my behalf.

And I'm here today to clarify and put on the record my standing as a Commissioner of Barnstable County.

On page 3 of the proposed minutes of the journal, the Chair of the County Commissioners said and I quote, "I think the Commissioners agree, and I speak for them on this matter that it is a small increase and it will only affect the property." And this is all just, to remind you, this was a Public Hearing on tax deeds increase.

So, first of all, Commissioner Flynn, who is our chair, does not speak for the three Commissioners. Okay. I did not vote for the tax increase nor will I vote for the tax increase.

And also, subsequently, on the same day on page 4 of your minutes, it says our Administrator, who I will give him a little leeway because I do not believe that he was our Administrator when the Commissioners voted the budget, but he also said, and I quote, "We have the full support of our three Commissioners to do so, and we need to do this," and he's referring, again, to the tax increase.

And I just want to clarify the record that as a Commissioner I did not support the budget in front of you because of the tax increase and I will not support the budget when it comes back to me as a Commissioner if, in fact, it still has that deeds tax increase in it.

Speaker BERGSTROM: Leo, did you approve those -- did those minutes come up? Do you routinely approve the minutes of the last meeting when you have a Commissioners' Meeting? In other words, those are --

Commissioner CAKOUNES: I'm very sorry. I was quoting from draft minutes from your Finance Committee meeting, not from our Commissioners' meeting.

Speaker BERGSTROM: So those comments were never included in the Commissioners' meeting?

Commissioner CAKOUNES: No. That's why I wanted to come here. This was a meeting that was held by -- I thought I clarified that -- the Public Hearing from

the Standing Committee on Finance and it was held on Proposed Ordinance 16-05, March 30th of 2016, last week.

Speaker BERGSTROM: All right.

Commissioner CAKOUNES: And I was unable to make that meeting. I just want to clarify my position on that for everybody.

Speaker BERGSTROM: All right. I can go back -- since we've not convened, I can go back to the Board of Regional Commissioners' agenda since I see you've been joined by one of your colleagues who may want to -- do you have anything to add to or subtract from what Leo was saying?

Commissioner LYONS: No. I appreciate Leo wanting to clarify his position, but it was a vote of the board. And once there is a vote of the board in the affirmative, it reflects the board and then it's the board has endorsed.

So it's sort of after the fact. He made that very clear when we were taking that vote. But I do want to remind people that when there is a vote of the board, it is a board.

Speaker BERGSTROM: Okay. Thank you.

Commissioner LYONS: Thank you.

Speaker BERGSTROM: Brian.

Mr. O'MALLEY: This is a question for the Commissioners.

Commissioner LYONS: Oh. Yes.

Mr. O'MALLEY: Oh, we're on public statements. I can't ask this; I'm sorry.

Speaker BERGSTROM: Why don't we leave that --

Mr. O'MALLEY: Let it go.

Speaker BERGSTROM: -- we're better off letting sleeping dogs lie here.

Okay. I think we should move on to Communications from Public Officials. Okay. Hearing none.

Speaker BERGSTROM: Now I have both Item 10 and 11 are Communications from the Public, but you'll notice that Item 11 is communications from the public regarding the proposed changes to County Charter. So I'm going to ask now is there any members of the public wish to speak on something besides the Charter changes? Okay. Hearing none.

Communications from Members of the Public Regarding Proposed Charter Changes

Speaker BERGSTROM: We will now go on to communications from members of the public regarding proposed changes to County Charter as submitted by Delegates McCutcheon -- I've got the list -- McCutcheon and Princi, the Assembly of Delegates.

I have a sign-up sheet here, so we'll start with the people who have signed up. One is -- the first name on the list is Mr. Elliott Carr.

Mr. ELLIOTT CARR: Thank you. I have a brief statement which I'll hand out. I'll read some of it but not all of it.

I came to Cape Cod 32 years ago and then retired 9 years ago. In that time, in addition to a full-time job, I served on 12 different committees and boards on Cape Cod. It was often a joke that I've been to more meetings than anyone else on Cape

Cod and nobody ever disagreed.

Approximately 20 years ago at the request of Susan Nickerson of APCC, I also helped found the Cape Cod Business Roundtable as a forum to put environmental and business leaders in the same room to discuss issues after several years of intense fights over creation of the Cape Cod Land Banks, creation of the Cape Cod Commission, and other issues generating conflicting views between portions of the environmental and business communities.

Ironically, the Roundtable grew to over 30 members with a wide variety of backgrounds before everyone realized it had become too large for effective give-and-take. With the results, the Roundtable membership has been reduced to 10 or less.

I have never served and sat on a committee on which all members were not equal, including many statewide meetings in every former county in Massachusetts on my prior job. I considered this voting power bizarre.

Over history, I also chaired two Barnstable County task forces trying to alleviate controversy concerning the Cape Cod Commission after it was created to renew and oversee large development projects on Cape Cod better than the towns had then; thereby, moving substantial controversy from the towns to the County. In the process, the Commission was placed in charge of many planning and resource issues resulting in a second County organization with a large professional staff.

Barnstable County in some ways reflects the chaos of democracy. Seven years ago when change last came under review, the BRT researched five other coastal counties selected for their similarity and they're listed on the statement, "All Along the Water."

All five counties had a strong full-time Administrator, none had two -- I'm going to use the referred-phrase "legislative bodies" overseeing the administrators, and none of the review boards had 15 members; all had 5 to 7 operating smoothly and happily county-wide.

At the risk of overreaching, I suggest this is true with almost all counties in the United States, your government structure is perhaps the most complex. Barnstable County's government has been unique and somewhat bizarre since its inception which ironically occurred about the time other Massachusetts regions were abandoning county form of governance.

It has been further complicated by the precedence of the Cape Cod Commission. With apologies to Ed Lewis, who I do not -- who I know and respect, I do not recall a single issue which required Brewster's own member of this body, nor believe many Brewster citizens would even recall who represents them particularly during the long tenure of Ed's predecessor.

If I want to emphasize one statement, and I'm getting near the end, I trust the members from other towns. You have headed in the right direction by hiring a professional Administrator, and I urge you to continue by simplifying and streamlining your oversight structure.

Thank you.

Speaker BERGSTROM: Okay. Next on the list is Judy Thomas from Chatham.

Ms. JUDY THOMAS: Good afternoon, ladies and gentlemen. I am Judy Thomas from Chatham, speaking from the League of Women Voters. The League

has a long history of support of regional government but has had no specific position on its structure until 2012.

In 2012, with the recommendations of the Special Commission in hand, the League undertook its own study of those recommendations as they did relate to structure and adopted a position. It's significant to note that at that time 70 percent of our attendees at those consensus meetings came from the Outer or Lower-Cape.

The League's 2012 position calls for a reduced-size government in which the Board of Commissioners is eliminated and there would be a reduced-size legislative body. We were nonspecific as to that reduced sized.

This afternoon, I want to commend and the League wants to commend and appreciate the work of two members of the Assembly in offering restructuring proposals. They have demonstrated an openness to change in the light of the passage of time and the emergence of certain difficulties.

I wish to speak to the reduced-sized legislative body. First of all, the greatest advantage that we see is that regional reps would foster the concept of regionalization. That is seeing the Cape as an area where there are many problems and issues which are shared by several or most towns and that are best approached on a regional basis.

Second, a regional representative would be able to help the folk to think regionally, to see their connectedness to other towns and, thus, the advantages of regional cooperation. Parochialism, a negative most (Indiscernible) exists, would gradually be reduced as residents of their region as well as their -- think of themselves as residents of their region as well as their town. This type of identity I think already exists a bit when we say, "I live on the Lower-Cape or I live on the Upper-Cape."

Third, efficiency would be increased as resistance to regional solutions would be diminished. Residents would be less inclined to ask, "What's in this for my town?"

Fourth, a smaller policymaking body by concentrating power in the hands of fewer persons would also increase efficiency. The body would still be large enough to allow for subcommittees to work.

Fifth, the regional legislative position would create more interest in the position itself and, thus, could lead to more contested elections. The great undisputed value of contested elections is that they help to educate citizens to the issues, the value and role of government and gives citizens a choice. They are a crucial aspect to a healthy democracy. More people, we believe, would actually know that we have a regional government and have an appreciation for the many services our regional government provides.

We believe, sixth, the most common concern expressed can regional reps effectively present the concerns of the town and the district can be answered affirmatively. The evidence is in the excellent manner in which our Cape delegation to Beacon Hill represents both the district and their towns which it consists from anywhere from another district -- anywhere from two towns to parts or all of eight towns' concerns.

Seventh, a single rep would present a unified voice as opposed to several voices in an area.

Eighth, there would be some financial advantages. Opportunities for

economies of scale would exist and be more easily taken advantage of. The cost of government officials would be reduced as there would only be a five-member body of representatives as compared to the present 18 officials under the current Charter or 15 Delegates under the McCutcheon plan.

The Princi plan eliminates the current health benefits but does increase compensation. The increased salary would help offset the cost of health insurance for those dependent on it.

Nine, the Lower and Outer-Cape might actually gain voting clout by a regional rep because while most votes in the Assembly are unanimous; when they are not, the Lower and Outer-Cape do not necessarily vote as a block.

Tenth, by voting on the regional representation, the gold standard of one person/one vote is in practice. We'll have more to say about that.

And, eleven, finally, we believe the towns deserve more of a vote that counts, that would be 20 percent, rather than relying on the lobbying power and effectiveness of individual members of the Assembly.

And, again, I want to thank Mr. Princi and Ms. McCutcheon for their openness to change and for what those changes might offer the region.

And thank you, all, very much for listening to me.

Speaker BERGSTROM: Thank you. Larry Cole.

Mr. LARRY COLE: Thank you, Mr. Speaker/members of the Assembly. For identification purposes, I am currently a member of the BRT but Elliott speaks for it and I don't. I was a member of the Special Commission on governance. I'm not speaking for them either. In fact, there are some members of that commission who are in the room that would correct me if I tried to speak for that body.

I'm also a former member of the Cape Cod Commission, the Metropolitan Planning Organization. I was an alternate representative from Harwich at the first few years of the Cape Light Compact, and I have been and currently am the director from Harwich to CVEC.

And I mention that only because if you add the Cape Cod Regional Transportation Authority, those are entities with serious responsibilities for providing services to the region which have only a tangential relationship in some cases to County Government.

Now, the Cape Cod Commission because of its land use planning and regulatory authority like local Planning Boards and Zoning Boards and Conservation Commissions don't report directly to the Selectmen, and so the Commission operates independently.

The County acts as a fiscal agent. The County is a member of the Cape Light Compact and CVEC. It's represented in the MPO and in the Regional Transit Authority. But there needs to be some provision in the structure for their being a coordinating and prioritizing function of these County-level activities which are important to the region.

A Special Commission was very concerned with the possibility of a future proliferation of special-purpose agencies doing the jobs that ought to be centralized and done by the County. I would point out with respect to the Metropolitan Planning Organization, which if you're not familiar with or even if you've heard of it, it's responsible for transportation planning other than -- for public transit. And the way

the towns on the Cape are represented there is by four districts. When I was a Selectman in Harwich, I represented Chatham, Brewster, Dennis, Harwich, and Yarmouth; five towns and there was a district for further out. There was a district for the Upper-Cape, and Barnstable was a district. The selection process was by my fellow Selectmen.

Anyway, so there are different ways in which the towns are represented, and CVEC and in the Cape Light Compact, if they're members, they're members. But, I would suggest that our representation of the towns on those bodies is stronger and closer. I and my counterpart on the Cape Light Compact regularly check-in with the Board of Selectmen on serious policy matters on which we want guidance. And I think we reported more than any Assembly of Delegates ever did to them. And we regularly, as a Board of Selectmen, got annual reports from the Cape Cod Commission -- I'm sorry from the County Commissioners in the form of Bill Doherty for years reporting on the activities of the County.

So, I support the recommendations of the Special Commission. That's much closer to the Princi proposal. I'm not going to repeat the Commission's arguments or its recommendations. They're in the report. I would note, however, with some interest that the Princi proposal has several statements about the noninterference by members of the five or seven person body in the operating -- in the operations of the County departments. That is sometimes a problem, as you know, with Selectmen, some of whom think they're one-fifth of a mayor and sometimes interfere with the operating of town departments.

The only other point I would like to make is the following and that is as an unreconstructed academic when I joined the Special Commission on County Governance, I looked at professional peer-reviewed publications in which professors of government, political science, or public administration in colleges and universities and they're equivalent in think tanks wrote about local and county government. And it turns out there's a vast literature; all those professors have to write in order to get tenure. And there specifically were a whole lot of papers written in the early 2000s about the effect on the delivery of services and on spending and on taxes as a consequence of a change in government structure. And this was at the county level and it occurred -- this particular study about which three or four papers were written was an econometric study using data, that means statistical, testing hypotheses, making estimations, quantifying relationships, cause and effect.

There were several counties in Florida that at about the same time or close to one another changed structure. They went from a traditional commission structure at the county level. As Elliott pointed out, these were single bodies.

In most of the rest of the United States, counties have responsibility for providing the same local services that municipalities do. They do it in the unincorporated territory that's in the County but outside cities and towns. So they provide education and fire and police and water and sewer. And so some of those counties that Elliott mentioned, the coastal counties that were looked at for us for the BRT, had very large budgets, huge responsibilities, and they operate with a single powerful county executive and then a single board of varying sizes, typically small.

Now --

Speaker BERGSTROM: Larry, I don't mean to be rude, but if one speaker

takes too long, the Delegates start giving me dirty looks.

Mr. LARRY COLE: All right. I'll just wind up and say the main point that came out of those studies is not that structure makes a huge difference in the performance or in the delivery of services; it does make a statistical difference in some cases. But those papers were written in the early 2000s and in 2008 a paper with the following title, "Service Challenges and Governance Issues Confronting American Counties in the 21st Century: An Overview." One of the authors was J. Edwin Benton at the University of South Florida who conducted the study. There were several others. And what they pointed out is on the basis of all the studies that have been done by various parties over the year with somewhat different findings, one issue of special concern for counties has always been internal fragmentation, a result of plural executive and commission forms of government and political partisanship. We have a trica for an executive. We need a single strong executive.

Ms. Martin suggested it might be elective as are county executives in places like Westchester and Long Island, which are very powerful political positions but they're powerful leadership positions.

Thank you.

Speaker BERGSTROM: Thank you. Florence Seldin.

Ms. FLORENCE SELDIN: Thank you, Mr. Speaker/members of the Assembly. My name is Florence Seldin and I am on the Board of Directors of the League of Women Voters of the Cape Cod area. In the interest of full disclosure, I also served on the Special Commission chaired by former Senators O'Leary and Rauschenbach as you know which studied the structure of county government.

Today, I want to address one aspect of both the Princi plan and the McCutcheon plan and that is the elimination of the three County Commissioners as the Executive branch of the County. Both plans have that in common.

The current three-member Board of Commissioners is not an efficient or effective way to run the County. Several examples, the three members are given the general supervision and direction over all the agencies of the regional government. But who exactly is responsible? Who gives direction to the administrator on a daily basis? Who does the administrator call with a question? How do three Commissioners supervise and evaluate county department heads? If discussion of the performance of county employees has to be done in public? How can an employee who needs some help or support to improve not necessarily a poor employee get a fair hearing in such a public environment? So the responsibility for evaluation and supervision of employees is unclear, diverse, and hardly to the benefit of either the county or the employee.

Each Commissioner is liaison or ex officio of various county boards. When he or she speaks at meetings of those bodies at either public meetings, are they speaking for themselves or for all three? Have their comments been cleared and agreed to by the other two members? Again, there is no single voice or face that represents the County. Sometimes different messages have been delivered by different people.

Because no one person appears to be responsible for oversight of County functions, we made note that the newly hired County Administrator has found deficiencies, for example, in contracts and leases which have been overlooked. I'm

not blaming anyone. I'm simply pointing to another efficiency of the current structure.

Under the Open Meeting Law, no two Commissioners may communicate in any form with each other because two would constitute a quorum of the board. Certainly I'm not suggesting that they should not abide by Open Meeting Law but sometimes a simple discussion between two members could clarify a position or misunderstanding before it comes up for discussion at a regular meeting. And if there were a single person at the head, that would not be a problem.

There's a potential for a quorum issue; two people absent, no meeting. One person absent, then votes might result in a tie so no action may occur, no decision made.

Reorganization happens on a yearly basis. Typically, the chairmanship rotates. It is possible in two succeeding years that reviews and the passion of a chair could differ greatly. So in speaking for the Commissioners, there would be little consistency from year to year.

A budgetary process involving both the Commissioners and the Assembly makes the process both lengthy and difficult for departments to plan and implement programs in a timely and efficient manner.

Obviously, if you were to vote to take this first step in changing the Charter, other changes would need to be made. But elimination of the Commissioners is an area of agreement in the two plans and should be seriously considered by this body and we urge you to do so.

So, thank you.

Speaker BERGSTROM: Thank you. Christopher Adams, is it, from the Chamber of Commerce?

Mr. CHRISTOPHER ADAMS: Thank you, Mr. Speaker. I'd like to submit written comments, if I may?

My name is Chris Adams. I'm the Chief of Staff of the Cape Cod Chamber of Commerce and I'm speaking today on behalf of our CEO Wendy Northcross.

Mr. Speaker, Cape Cod's regional economy demands collaborative approaches to a host of economic and environmental challenges. County government plays an important role in our regional economy, and we see value in and vigorously support a healthy and productive regional government.

Most of Cape Cod's challenges today and into tomorrow are regional, not town specific. In order to achieve progress on issues such as water quality, substance abuse, transportation, workforce housing, and sustainable wages, we believe some structural changes need to be made to County government.

For this reason, we have publicly called for changes that will help ensure Barnstable County has the best and most sustainable form of government possible.

We applaud the Assembly of Delegates for taking a leadership role in the discussion of Charter reform. We thank the two Delegates who have filed reform petitions for their political courage. We know these conversations are not easy, but we feel they are critical to our future as a region and must occur to achieve the most efficient, effective, and sustainable government structure.

In general, we support changes in the Charter that would, number one, result in one legislative body with regional representation as opposed to town-based. And,

number two, to create a strong manager with executive powers.

We call for a form of governance that is accountable, acts strategically, and leverages its strength as a regional entity while continuously seeking greater collaboration, excuse me, between its member towns. The right governance for Cape Cod shall rely on high engagement and maximum communication between the towns and the county.

We urge the Assembly to move and to support a proposed charter amendment that right-sizes county government and ensures its sustainability for the future.

Thank you, Mr. Speaker.

Speaker BERGSTROM: Thank you. Mary Lou Pettit.

Ms. MARY LOU PETTIT: Greetings. It's a pleasure to be back, but just to be back, not to be here permanently. I'm Mary Lou Pettit; I'm from Eastham, one of the Lower, Outer-Cape towns. I was a 14-year member of the Assembly of Delegates, a member of the Steering Committee, the commission that looked into government, and a member of the search committee which hired -- recommended the hiring of the new County Administrator.

I, also, am a firm believer and a firm practitioner in regionalism. And as a person who has been involved in regional efforts and not as a matter of putting forth an agenda, I just want to list some of the efforts that I've been involved in that have had regional participation on the Lower and Outer-Cape, the smaller towns.

I was the founder of the Lower-Cape Community Coalition, and out of that which represented the eight Lower-Cape towns, Harwich to Provincetown. Out of that regional approach came the following: the Lower-Cape HPC, the Homeless Prevention Committee; the Community Development Partnership; the Ellen Jones Dental Clinic; the Flex Bus, and, indirectly, Habitat for Humanity, and the Barnstable County Department of Human Services. These all were formed because of regional working together. That's where I have seen the value of regionalism.

So I'm just going to address two points today. One is the town voice versus the regional voice, and as a representative of one of the towns here, with one of the lowest votes, I hope I have some credibility in doing that.

I do think the times have changed rather dramatically around regionalism. You used to have to get in a closet and open it up very slightly and whisper "regional." Now you don't have to do that anymore. People have been more accepting of what happens when you participate in regional efforts as Cape Cod or as the Lower/Outer-Cape.

And I want to stress that point that not only in the matter of getting grants, but in the matter of learning to work with each other with mutual interest but bringing our unique different voice to that effort so that I hope you can have the vision that I'm trying to give you of what a newer regional structured government might look like. We're called regional government already. We need to function more as one.

I firmly believe that the towns and this certainly includes the smaller towns, gain more from regionalism than they do as individual participants. And that's because they learned to share their concerns which may be different and affect them differently with other groups and other towns that have the similar concerns that may be, in effect, very differently and that's a growing process. It needs vision to see that

regionalization.

And so I think the fact that as in the Princi proposal, we would have five regional districts with elected representatives, could be a real benefit.

I don't know how you feel about it but being elected from Eastham to the Assembly of Delegates was never any big deal. I never had any competition and it wasn't because of my ability, it was because people didn't even know what the Assembly of Delegates was. So for 14 years, I was the Assembly and I would take my message back but it never got through as to what that structure meant.

Today, I think with regionalism we can have a different feeling about that. When this elected representative demands a town responsibility, you don't just put regionalism in and say to each town, "Now you're off the hook." The towns must also restructure themselves to respond more to a regional form of government. They must ask for reports back. I never was asked for a report back when I was an Assembly of Delegate. I don't know how many of you make monthly reports. I always tried to but it doesn't work. But these regional representatives would make reports back to each of the towns.

I would suggest, as one possibility and there are hundreds that each town structure in their Selectmen's meetings monthly a County government report and have all of the County Government structures that have town representation report on what's happened to them. I think it would be a marvelous feed and input and give-and-take, which is lacking today between the County and the individual towns, and it would give more credibility, more exchange to both groups.

I think it would also bring into account the differences in the towns that makeup the whole. The unique characteristics that we never want to lose of each town working as a whole.

So I feel that out of this new regional approach with the districts we can demand more from that district representative. That district representative will be more in tune with each of the towns, and we can get the County more visible at the town level.

We do also have representatives already at many County organizations. The Cape Cod Commission, one vote/one rule, a representative from each town. They should be making, if they aren't already, regular reports to the town.

The Housing Consortium which has been in existence for years brought a great deal of money from HUD back here; that should be part of that report.

Now the new drug prevention program under the Department of Human Services needs to be a part of that. We're also now much more of a part of a regional voice than we were in the past.

And under the Regional Transit Authority, which isn't really a County activity as much, but they do have representatives from each town. Let's hear back from them once a month at town meetings. That's the town's responsibility and that will certainly give more clout to both the town and the County.

Also, just quickly in closing, I'd like to mention the role in the Princi plan of the Municipal Finance Advisory Committee. Yes, it did fail in the past and I was sitting on the Assembly when that failure happened, but I don't think the duties were ever spelled out very clearly of what that should be.

I remember David Humphrey, a Selectman from Eastham, would come every

time and there would be nobody else there. I think the towns need to be specific when they name that municipal rep so that Finance Committee -- of the duties and on the report back. And I think you'll get a much more effective commission with clearer understanding of what the responsibilities are.

In closing, I would just like to say as a regional advocate, the Charlie Brown comic strip has my favorite character Lucy prominently featured most days. Now I remember one particular comic strip when Lucy held up her hand like this and she said, "See this hand, separately these fingers don't count for much, but you put them all together and, boy, it's good clout." Well, let's hope we get some of that clout and a new regional government.

Thank you.

Speaker BERGSTROM: Okay. Ed DeWitt.

Mr. ED DEWITT: Thank you, Mr. Speaker. Ed DeWitt; I'm the Executive Director of the Association to Preserve Cape Cod. APCC is 5,000 Cape Codders who think regionally to protect our environment.

This region needs a visionary effective and efficient government. And, first and foremost, I'd like to thank the two Assemblymen who came up and took a leadership role in pushing forward the Charter reviews that we need.

If you do a literature search of weighted votes, and I urge you to do your own literature search and not necessarily rely on mine, but you'll find two areas of commentary.

The first area is the legal arena. The consensus is that weighted voting systems are constitutionally suspect, and the majority view is that weighted voting systems are unconstitutional.

Indeed, the Supreme Court in its decision in the Texas apportionment case that came out this week said, "The fundamental principle of representative government in this country is one of equal representation for equal numbers of people"; the fundamental principle.

The Supreme Judicial Court of Massachusetts in its Senate decision said, "Even as a result of clearly rational state policy of recording some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body."

Jessica Weilgus, the Cape Cod Commission Counsel, wrote an opinion a couple years ago, and I'll submit a copy of that opinion also pointing out the suspect nature of weighted voting and its constitutionality.

However, I think the second area of commentary is actually even more concerning than the constitutional dilemma. Who writes about weighted votes? Game theorists; and they've written a lot about the unintended consequences of weighted voting and voting systems.

The consensus of those experts is that weighted voting is not generally fair because undemocratic paradigms evolve. Weighted voting yields less than optimal results at that those involved are not aware of the gamesmanship that is taking place and occurring. And it's generally, if you ask the people involved subjectively, they feel that they have an advantage in weighted voting systems as part of the whole how the game plays out.

The power, manipulation, and subjective sense of advantage is why weighted

voting is attractive to game theorists. And if you're familiar with Prisoner's Dilemma games or any of those theories that you may have studied in college, you know how we don't get optimum results from when games are played in a democratic process.

Everyone should have a voice and that voice should ideally be equal to the next voice. The weighted voting system really needs to go.

Thank you, very much.

Speaker BERGSTROM: Okay. Leo Cakounes from Harwich.

Mr. LEO CAKOUNES: Thank you, Mr. Speaker/Assembly members. Does anybody know today's date off the top of you heard?

The DELEGATES: Sixth.

Mr. LEO CAKOUNES: Sixth. I want you to write that date down because I'm about to say a statement that you probably won't hear me ever say again.

I'm asking you and joining with Ed Lewis in asking you guys to table this action that's in front of you. Now when I say table it, I don't mean that it should go away and I don't mean that we should stop talking about.

I have read both the proposals brought forward, and I have editorial concerns with both of them. I don't think they are ready to be moved forward by a date which I'm assuming has to be in its final form sometime the beginning of June so that it's on our election this coming November. That's not to say that I want you to stop this discussion though.

I will comment that, and I have said this to this board many times before, having been a member of the Assembly, I cannot really put my finger on a problem with County structure. Let's just talk the structure of County government. I served again on the Assembly for six years; I saw no problem with the weighted vote. No one was able to tell me of a situation where they thought it was unfair, small town or large.

I will tell you, and I hope I'm using the right term, but I filed Resolution 13-02 that brought the three Commissioners to five because I do agree with Ms. Seldin's statements that a three-member board does not work for the various reasons that she put on record today.

However, I want to strongly state a couple of things. First of all, reality. The reality is the County has not followed its Charter for the last 18 years. So for anyone to tell us that the County Charter, the way it exists today, does not work, I would have to say, well, I don't know if it doesn't work because we haven't followed it.

Specifically, we had a strong Administrator. By virtue of only having a Finance Director and an Administrator, one person, heading up both of those roles for many years, for many years. And when I sat right there where the representative from Harwich is sitting right now, my first year here, and I dared to question that strong Administrator's reasoning on where he was coming up with balancing the budget, I was told that that's just the way it's done and we have to go with his opinion because he's smarter than I am.

And, quite frankly, that sentiment ended up coming forth the next five years that I sat in that chair. And it really wasn't until Spyro Mitrokostas brought forward an ordinance which required -- it was voted by this Assembly, which required the Commissioners to separate those two positions and, in fact, hire a County Administrator.

Unfortunately, the three County Commissioners, for some unexplainable reason to me, decided to hire an Interim County Administrator and we all know how good that worked out in the last two and a half years.

So, specifically, now on the two proposals that you have in front of you. Mr. Princi's proposal, he has commented publicly that he wants to reduce the size, and you even heard here today that it's the action to reduce the size. Instead of having 15 Assembly members, we're going to have 15 Finance Committee members. They won't be elected by they'll be appointed. That doesn't reduce the size of the government at all. And it was stated up here that we did have that system and it did not work for regardless of what reasons. Also wants to go from three County Commissioners to five and one County Administrator.

Now a number of times health insurance was mentioned. Please do not combine the restructure of County Government in saving money with the fact that elected officials get health insurance. That is a separate issue and can certainly be dealt with on a separate issue. It doesn't matter about the structure of County government. So I don't see any savings actually with going to that style of government.

And, specifically, to Ms. McCutcheon's proposal, once again publicly and she joined me on a radio show to help promote her position and her restructure plan, if you will. And I was really unable to nail down a specific reason why the current structure doesn't work.

And, yes, a few things have been brought to my attention, but let me remind you that the Commissioners for the past eight years, the Commissioners, for the past eight years, have rubber-stamped the budget, have rubber-stamped the leases, and have rubber-stamped all the municipal agreements brought forth in front of them. Some of those have come here and you guys have rubber-stamped them. That's not a problem with the structure of County government. It's a problem with the people sitting in those seats.

We have an election coming up this November. County government is getting more press in the last year or even three years than we've ever gotten, as so eloquently stated by some of the members who were sitting up here years ago. People are aware of what's going on now and they are interested in County Government.

I respectfully ask you to just -- maybe table is the wrong word, but not vote action and try to cobble something together, but putt this on your agenda and let's continue to strive for the best resolution we can.

Once again, Resolution 13-02 that I put in back in 2013, three years ago, changed the Commissioners; where has it gone? Nowhere. It has gone nowhere. Why is that? It's because of the people sitting up here including -- and I take blame also, including myself.

Please let's continue this discussion; let's move forward in the best interest of the people of Barnstable County.

Thank you.

Speaker BERGSTROM: Thank you. Olga Kahn.

Ms. OLGA KAHN: I just signed in. I was told to sign in. I'm not a speaker.

Speaker BERGSTROM: Oh, okay. In that case we've got next on the list is

Rob O’Leary sitting in the back there. He knows a little bit about County government.

Former Senator ROB O’LEARY: More than I care to admit to. No, I was -- my name is Rob O’Leary and I guess I’m reflecting back a little bit. I was sort of present at the creation in many respects. I’ve got a lot of history, of course, with county and local government, and I bring that history to this discussion a bit.

Some four years ago, the Commissioners asked myself and Henri Rauschenbach, a former State Senator, to put together the Special Commission to look at the County and come up with recommendations. And we assembled, I think, a pretty eclectic group of people, included four former County Commissioners, a lot of local officials, members of the Assembly of Delegates, some people that have spoken here earlier tonight, activists, people from the Chamber, environmental groups. We spent well over a year, I think, going through all of the different aspects of County government and looked at what we felt needed to be done in terms of reform.

And I just want to say my motivation, and I think the motivation of a lot of people, was that there was a concern that the County was heading in a direction that, frankly, was not promising. And that there were a lot of challenges, regional challenges out there, and the focus seemed increasingly to be inward, not outward. And I think that’s the case, and I think that’s the problem that you face as an organization.

And I think we saw a little bit of that here tonight as well. We came up with a series of recommendations that then were sent over here, and I’d like to say they landed with a bit of a thud. That was almost four years ago.

And now we hear a proposal that you should delay this even further. I don’t know how much time you need. I would encourage you to at least make a decision on this stuff and make it fairly quickly.

The other point I guess I would make is some people characterized our report as an effort to eliminate the Assembly of Delegates and then, of course, understandably a lot of Delegates become rather defensive about such a recommendation. That isn’t what we were attempting to do.

We were looking at consolidating, a merger, really expanding the Commissioners and the Assembly into one entity, which I think makes a lot of sense.

I know the other thing -- the other reason it landed with a bit of a thud was that some critics said that this was about disadvantaging the small towns. And I understand that. I have represented the Cape and Islands for a lot of years and I’ve been involved with a lot of towns and I understand that concern. But, you know, I felt that really that was not the case and that, frankly, we’re constrained by the U.S. Constitution of “One man, one vote.” And that there isn’t any way that you can, under that framework, make Truro the equal of Barnstable. It just isn’t legally possible.

And really my concern isn’t more about the voice of individual towns but the ability of this region to reach out and interact with the other entities that are critical to the future of this region. And that is local government. It’s the towns; it’s state officials; it’s the federal government; it’s the state organizations. There needs to be a move out, not in.

And what I've observed over the last decade as I've left the County is increasingly the focus is inward. It's, I'd like to say, it's all about the parking lots. It's what's going on between the County Commissioners and the Assembly of Delegates, and everybody is second-guessing and micromanaging each other, and, meanwhile, there's not enough attention being paid to what really needs to happen to make the County grow and meet the challenges that are out there.

So I would encourage you, one, to take a vote, and I would encourage you to, I think, look at the Princi proposal, which I think reflects a lot of the concerns that the Special Commission had and understand it was not an attack on you or on your role or your functions here.

I admire all of you for what you do. I think we need to recognize that our future lies not in the parking lot, not micromanaging the administrative functions of the County, but really interacting with state and local and federal officials, meeting and interacting with them on a fairly regular basis. And we felt a single legislative body with some administrative oversight responsibilities with an empowered Administrator and a structural relationship with the towns was the way to go. And I would encourage you to consider that in your vote.

Thank you, very much.

Speaker BERGSTROM: Okay. That's the last name on my list. Anybody we missed?

Commissioner LYONS: Could I?

Speaker BERGSTROM: Okay. You have some brief comments?

Commissioner LYONS: Yes. And I am just going to sort of add on to what Rob and I thought Elliott did a wonderful job. And I am speaking on behalf of myself but also as a person who has now served as Assembly of Delegate and Commissioner almost a total of 10 years.

And I do remember quite well being very proud and honored when I was elected to be on the Assembly. I did happen to have a challenger at that time and it was one of the few. Most people did just kind of walk in. There wasn't really a challenge. They were very many the same people here.

I think really what we have to look at is the Charter. And what I have really observed in the last -- all those years that I've been here, something happened where it does become personal between the Commissioners and the Assembly, and it is -- and I do think that that whole exercise, that was the Commissioners' attempt to address the changes, that it was time. And there are times that we're not the first body nor the last government body that will change itself to modernize and meet the challenges of the time it lives in. Even our state legislative body has reduced in size over time and our population has reduced in size.

The point I want to make is that we are a regional government and we should have a structure to that government that reflects the regional nature. We have representation of 15 towns on every department we have. Human Services is the only one that doesn't have town representation, but they have representatives from all of the different towns that serve as human need or those in the safety net. So it's not -- they're not representatives of their town, but they are representative of people in their town. And every other board has a representative of their town. They make the decisions. They vote on the budget of that department. Those budgets come before

us, and then they go before you. So there's the redundancy -- so if something is passed over at the Cape Cod Commission that has representation a quasi-judicial authority and yet that has to come over here for authorization. There is a redundancy and there is an expansive size that makes things very cumbersome to -- and it's very hard to move and be flexible when you need to respond to a government agency or to an event ahead of you.

The other thing is our Charter is flawed. It gives the power of the executive authority, much described earlier, that we have the oversight of departments. We are the managers. We are the managers. There is not -- we are not the managers. I don't think anybody ever looked at themselves as a manager so they didn't manage. And the person who was left in charge, maybe not -- should have been the best manager.

But there is a structural problem with this Charter. The Assembly reviews themselves in the Charter. They are the ones that can say something moves forward or not. There is no other body that reviews itself.

There are a number of flaws in the Charter that makes it difficult to do -- to conduct government effectively and efficiency. And it's not really about a personal nature. Unfortunately, it has come to that between the Commissioners and the Assembly. When I said that I wanted to work together and reach out and work on these things, I've been very sincere on that because I don't look at us as the ultimate authority. We are here to do the best for this region.

I think there are a lot of people that have self-interest and games start to be played on both sides, and it's just not healthy. I think we have a regional government. We should reflect regional government. I do think that if we had more -- five or seven Commissioners there would be more interest in those races. County government would be more understood and people would rely on it. There are a lot of benefits of change. It's collapsing of the two boards and I think it's time for that to happen. I don't think it's really about us. We've got to think about what's best for the future ahead of us.

So, thank you.

Assembly Convenes

Speaker BERGSTROM: Thank you. Okay. We will move on. The Assembly will now convene with committee reports. There's quite a few.

Suzanne, do you want to approve the review?

Committee Reports:

Economic Affairs

Ms. MCAULIFFE: Yes. I move approval of the Minutes of the Economic Affairs Committee. I apologize. I've got them at the bottom of -- from February 24th, 2016. We met with the Economic Development Council and the Arts Foundation to review budgets.

Mr. LEWIS: Second.

Ms. MCAULIFFE: All those in favor?

COMMITTEE MEMBERS: Aye.

Ms. MCAULIFFE: Thank you.

(Minutes approved.)

Natural Resources

Speaker BERGSTROM: Okay. Ned on Natural Resources.

Mr. HITCHCOCK: Natural Resources Standing Committee met on February 24th. We talked with the Water Protection Collaborative --

Speaker BERGSTROM: Have you got your mic on there, Ned?

Mr. HITCHCOCK: Sorry. We talked with the Water Protection Collaborative, Health and Environment Department, Cooperative Extension Service, the Cape Cod Commission.

All four of these groups were or their budgets were approved as presented to us positively, not always 3 to nothing but some -- but twice it was that way.

Thank you.

Speaker BERGSTROM: Do you have those Minutes?

Mr. HITCHCOCK: These are the Minutes.

Speaker BERGSTROM: Right. You have to move approval.

Mr. HITCHCOCK: I move the approval of these minutes.

Mr. LEWIS: Second.

Speaker BERGSTROM: Now you have to call for a vote.

Mr. HITCHCOCK: All in favor?

COMMITTEE MEMBERS: Aye.

Mr. HITCHCOCK: Aye. 3-0.

(Minutes approved.)

Finance

Speaker BERGSTROM: John; Finance.

Mr. OHMAN: Thank you, Mr. Speaker. On March 2nd the Finance Committee met and reviewed the budgets of the Regional Commissioners, Finance, Shared Costs and Debt, CIP, Unfunded Liabilities, and Joint Initiatives, and the RDO, and the Assembly of Delegates.

Ms. MCAULIFFE: Move approval of the Minutes.

Mr. OHMAN: I would ask that you move approval of the Minutes.

Ms. MARTIN: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. You have to call for a vote on that.

Mr. OHMAN: All those in favor?

COMMITTEE MEMBERS: Aye.

(Minutes approved.)

Public Services

Speaker BERGSTROM: Okay. Public Services: Marcia.

Ms. KING: Yes. I'd like to move the committee members of Public Service vote on the draft minutes of March 9th as covering the budget of the Registry of Deeds, Facilities, the Dredge, and the Fire Academy.

Mr. LEWIS: Second.

Ms. KING: All those in favor?

COMMITTEE MEMBERS: Aye.
Ms. KING: It passes. Thank you.
(Minutes approved.)

Telecommunications & Energy

Speaker BERGSTROM: Jim; Telecommunications.

Mr. KILLION: Thank you, Mr. Speaker. On March 9th the subcommittee on Telecommunications and Energy met to review the budget of the Information Technology Department. We met with Director Bill Traverse; Finance Director Mary MacIsaac; and Assistant -- Finance Assistant Bob Lawton. The budget for the IT Department was passed by a vote of 3 to 0. Can I have a motion on the Minutes? Motion to accept?

Ms. MCAULIFFE: So moved.

Mr. KILLION: All in favor?

COMMITTEE MEMBERS: Aye.

Mr. KILLION: Thank you.

Speaker BERGSTROM: You got a majority on that? All right.
(Minutes approved.)

Health & Human Services

Speaker BERGSTROM: Health and Human Services; Patrick.

Mr. PRINCI: The Health and Human Services Committee met on March 23rd and reviewed the budget for Children's Cove along with the Human Services Department.

We voted unanimously to approve both those budgets to the Finance Committee. And if we could please have a motion to approve the minutes?

Mr. O'MALLEY: So moved.

Mr. PRINCI: Is there a second?

Mr. LEWIS: Second.

Mr. PRINCI: All those in favor?

COMMITTEE MEMBERS: Aye.
(Minutes approved.)

Report from the Clerk

Speaker BERGSTROM: Okay. Now next is a report from the Clerk.

Clerk O'CONNELL: Thank you, Mr. Speaker. Just a reminder that the next time the Assembly meets on the 20th of April, I need to speak to the Chair of Finance regarding the Proposed Ordinance that was submitted today because I think there's probably going to be a Public Hearing scheduled for that in advance of the Public Hearing that will be scheduled for the budget; budget meaning the operating and capital budget. So watch for emails for that information.

Also, I think most of you have returned the mileage logs to me today.

And a reminder about the conflict of interest training. I did send you an email regarding that. I have a call into the state to request some verification on whether or not you're due to submit that this year or if you're on a two-year cycle.

There seems to be some question about that, and I will get clarification and I will send you an email regarding that.

And that's all I have today.

Other Business

Speaker BERGSTROM: Okay. Under other business, we now begin Assembly discussion on Proposed Charter changes, Delegates McCutcheon and Princi have both submitted petitions to us. So I'll start with, I guess, first in/first out would be Pat.

Mr. PRINCI: I would just like to ask for -- I'd like to amend my petition to strike out the "Board of Commissioners" -- the language that states "Board of Commissioners" and replace that with "Assembly of Delegates." I'd like to move that.

Ms. TAYLOR: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Any other comment? Everybody know --

Mr. PRINCI: Just the reason being is that having the word "Assembly of Delegates" in there I feel is more in line with what I've heard from public comment. I also believe that it works better with the language from the Cape Cod Commission Enabling Act.

Speaker BERGSTROM: Okay. We'll take a vote on the proposed amendment to the petition. All those in favor?

The DELEGATES: Aye.

Speaker BERGSTROM: Opposed?

Ms. MCAULIFFE: Abstained. I didn't understand that.

Speaker BERGSTROM: Let's take a -- I'll call for a voice vote on this.

Ms. MCAULIFFE: I don't understand the amendment.

Ms. TAYLOR: Could I speak on the amendment?

Speaker BERGSTROM: Yes, let's speak on the amendment. Sure.

Mr. LEWIS: Can you tell us where in this submission --

Ms. TAYLOR: I believe it's right in the first page.

Mr. LEWIS: Where is that?

Ms. TAYLOR: The question in my mind is are we going to have an executive and are we going to have some sort of other group that we could call a legislature. I would support having a single executive and a legislature.

It's since we are so tightly bound in our Charter now with the Cape Cod Commission and our very, very important duty as an Assembly is to review any ordinances that the Commission brings forward, I think it makes more sense to have the legislative branch in a reorganization being called and, in fact, be an Assembly of Delegates.

So it would just make it easier to not have to amend the Cape Cod Commission Act would be my thinking on this.

Speaker BERGSTROM: Okay. Now we understand? Yes, Ed.

Mr. LEWIS: Pat, if you could -- usually when you amend something and strike a word and put a new word, you tell us exactly where that is supposed to go.

Mr. PRINCI: Throughout the entire 10-page document. Wherever the words “Board of Commissioners” are, replace that word with “Assembly of Delegates.”

Mr. LEWIS: Just so I understand it, you’re saying that the Assembly of Delegates instead of having 15 should be five?

Mr. PRINCI: Yes.

Speaker BERGSTROM: Chris.

Mr. KANAGA: This is just by way of recommendation that also when the word “Commissioner” appears by itself, it should say “Delegate.”

Mr. PRINCI: Yes.

Mr. KANAGA: Is that more or less?

Mr. PRINCI: Yes.

Speaker BERGSTROM: Okay. Do we understand that? Yes, Suzanne.

Ms. MCAULIFFE: Is this going to clean up some clerical kinds of things or is it to keep us from having to amend the law if this goes through to work -- to be able to work with the Cape Cod Commission?

Speaker BERGSTROM: That's my understanding is that the enabling legislation of the Commission refers to the Assembly of Delegates as approving changes to the Regional Policy Plan and the approval of any DCPCs. That's my understanding.

Mr. PRINCI: Mr. Speaker, you're correct in my research of that.

Speaker BERGSTROM: So, anyway, we have a motion on the floor on Pat's amendment.

Deputy Speaker MCCUTCHEON: Mr. Speaker, may I speak to the amendment?

Speaker BERGSTROM: Yes.

Deputy Speaker MCCUTCHEON: I think this amendment is a move in the right direction, but I would suggest that unless there's going to be a whole series of amendments from the floor, you've got a deeply flawed proposal here.

I think we have more in common than we have in differences, but I think that -- I mean, for example, throughout this document you referred to the Town Counsel as making decisions. I don't think that that's intended to be there. I think there are a lot of places in this document that are flawed and need to be rewritten. Are there a series of amendments?

Mr. PRINCI: Yes. I have a fully amended version correctly formatted as well as some punctuation correction.

Deputy Speaker MCCUTCHEON: Well, you know, --

Ms. KING: It needs to be resubmitted.

Deputy Speaker MCCUTCHEON: Well, let me just finish this.

Speaker BERGSTROM: One at a time.

Deputy Speaker MCCUTCHEON: When I submitted my document, I was told that the Charter requires --

Speaker BERGSTROM: Don't speak to him. You've got to speak to the Chair.

Deputy Speaker MCCUTCHEON: All right. When I submitted my proposal, I was told, and I read the Charter, it says that it should be submitted in a form that is ready to be enacted and I did that. I gave an index and went even into the

weeds of the old Charter.

I don't disagree with you amending the full Charter, Patrick, but I think it's inappropriate here to do it -- your full proposal. I think it's inappropriate here to do it a line at a time and what's been already a long meeting. I think talking about the substance of what you're proposing is one thing. I would suggest to you that either we not --

Speaker BERGSTROM: Suggest to the Chair, not the Delegate.

Deputy Speaker MCCUTCHEON: I would suggest to the Chair or to the other Delegates that we not vote on this tonight and that you be requested to resubmit your amended version so that we can see the entire thing as one whole piece. That's my suggestion.

Speaker BERGSTROM: Well --

Mr. PRINCI: Mr. Speaker, if I could answer that?

Speaker BERGSTROM: Yes.

Mr. PRINCI: The only amendment I'm bringing forward today is to amend that one term, "Board of Commissioners" or "Commissioners" to "Assembly of Delegates" or "Delegate." That's it.

I hope you can support it.

Speaker BERGSTROM: Okay. Fine. I'm going to call for a voice vote on this --

Mr. HITCHCOCK: Ron.

Speaker BERGSTROM: Yes, oh wait a minute. Nope, Ned, sorry. I didn't see you, Ned.

Mr. HITCHCOCK: Thank you, Mr. Speaker. I, too, share concerns about what I would call editorial issues. If you look under Section 1 at the beginning of this presentation, the regional governments and so forth and so on, is hereby amended by striking out Articles 1 through 4 and inserting in place thereof the following section. Then it says Article 2. There's an inconsistency there with the logic. If one through four is eliminated, why do we start with two? And I don't have an answer for that, but I'm concerned that that's reflective of a good deal of material in the thing. It really needs a good editorial job before we vote on it.

Thank you.

Speaker BERGSTROM: Pat, did you want to respond?

Ms. MCAULIFFE: Mr. Speaker.

Mr. PRINCI: Certainly. Yes. The section -- the Article 1 through 4 --

Ms. MCAULIFFE: My comment --

Speaker BERGSTROM: Let's talk. I mean I don't want to get too far away from the -- right now, on the floor, is your proposal.

Mr. PRINCI: Sure.

Speaker BERGSTROM: Not the whole general thing.

Mr. PRINCI: I'll just answer, if that would be fine?

Speaker BERGSTROM: Yes. Go ahead. We've got to keep it within the framework of the amendment.

Mr. PRINCI: Articles 1 through 4 --

Mr. LEWIS: Can't hear.

Ms. MCAULIFFE: Amendment.

Mr. PRINCI: I'm sorry. On Articles 1 through 4; Article 1 no longer exists. They were stricken, as Article 2, 3, and 4. I haven't replaced Article 1 because it's not applicable anymore, and I started with Article 2, so, perhaps, I could change the format to start with Article 1.

I'd like to talk a little bit about the merit of why I'm putting this forward.

Speaker BERGSTROM: Well, remember, on the floor right now is your amendment to change the language.

Mr. PRINCI: Okay.

Speaker BERGSTROM: That's what we've got to get past that before we go any further. Okay. So what's now on the floor is to change the words "Commissioner" or "Board of Commissioners" to "Delegate"; okay? We all understand that? Okay. I'll take a voice vote on that.

Wait a minute. We've got someone.

Ms. KING: I've got a question after we do this vote.

Speaker BERGSTROM: After we do this.

Ms. KING: I have a serious question.

Speaker BERGSTROM: All right. I have a comment. I feel, and maybe I'm taking advantage of my position as the Chair, but we could all comment if we want to on this amendment.

I feel that this is a very substantive petition in front of us, both of them, and it has been presented to the public and all of us and it should be presented in a form that we can understand and take a good look at exactly what it says and what it means.

It's unfair, I think, I mean, with all due respect to Patrick who's not a lawyer, and, of course, Deborah is, but I really feel that we should have a document in front of us that we can vote on having been given the time to look at all the details of the document and exactly what it says.

So that's the only reason I'm going to vote against this. You know, how I vote on the overall petitions is another thing, but I just feel that we have to have something clean in front of us because it's so important and the details -- the devils can be in the details. So, anyway. Go.

Roll Call Vote on Patrick Princi's Amendment to Proposed Charter Changes Submitted on 2/3/16:

Voting "YES" (52.77%): Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting "NO" (38.08%): Ronald Bergstrom (2.84% - Chatham), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), John Ohman (6.58% - Dennis), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich).

Absent (9.15%): Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Mr. Speaker, it's 52.77 percent "Yes" and 38.08 percent "No," and absent is 9.15 percent.

(Amendment passes.)

Speaker BERGSTROM: Okay. So now we're voting on the amended version. Patrick, do you want to --

Ms. KING: Mr. Speaker --

Speaker BERGSTROM: Yes; Marcia. Do you want to say something?

Ms. KING: I have a serious issue with Section 2.10, Filling the Vacancies. I have to concur with my other Delegates who say this is not ready for prime time. You constantly talk about a vacancy and going to the Board of Selectmen. If you have a district, it may be two or three towns. Whose Board of Selectmen? You know, what happens if one board picks one person and another board picks another. Because in here, it says the Board of Selectmen's going to make the selection.

So I think Section 2.10, Filling the Vacancies, is completely crazy, I mean, it's because it doesn't make any sense. We're not talking about towns anymore. You're now talking about districts.

I also take a little bit of umbrage in county manager. You talk about "he" all the time. It should be he/she or it should be maybe they. But I think you should not have it designated as a "he" will be a county manager because it might be a "she" at some point.

But I'm a little concerned with Section 2.10. I don't think this makes any sense. So I can't support this whole resolution.

Thank you.

Speaker BERGSTROM: All right. Just before we go any further, Patrick, I didn't give you a chance to put your proposal on the floor. Did you want to speak to it?

Mr. PRINCI: Yes, I would. Basically, the reasoning for this, reducing the size of County government from 18 members to 5 members representing different districts throughout the region is to more or less streamline County government in hopes that it works more effectively and efficiently for the residents that we serve.

As we've heard earlier from speakers, it's important for us to look at these issues on a regional basis. As we start to address water quality issues, it's important that we address regions relative to watersheds. This proposal does that.

As far as cost savings go, it would save a lot of money to County. It eliminates the amount of time that staff has to take going back and forth between two different bodies of government with only a \$28 million budget.

In addition to that, the Finance Committee folks have said it doesn't work. I feel that it would work as the towns would have a Finance Committee member that would work directly with their district representative who would then bring that information back to the County through budget process.

The Finance Committee would also receive all the budgeting reports and outlook forecasts as the district representatives would take. This is something that I feel has been long overdue.

When I first started back in 2012, the first thing I did was review the Special Commission's report on how to make County government better. And, thankfully, through the Commissioners and the Assembly of Delegates, we did a lot of that as far as the executive management goes by separating the powers of the Finance Director who was holding the hat of both the County Manager and the Finance Director. We made some good changes there.

However, I don't think we took it far enough. The Speaker did diligence and followed up on that report by putting together a Charter Review Commission who reviewed the Charter and came to us with recommendations. We voted them down. We didn't even give the voters in our region an option to have a say in how they want to be governed. That's important to me. I think it's important to the residents that we represent that we put our self-serving interest aside to give the residents a chance to learn about their County Government, to have a say in how they're governed, and have a say in cost-saving measures that could, essentially, make the County government stronger and better.

As far as some of the flaws that folks are bringing up in this proposal, I could certainly withdraw it today and resubmit it at our next meeting. That would be fine with me.

However, I don't think it's something that we should look at a few technical errors in a proposal and just discredit the merits of it when it's something that the people that we represent want to see.

If we do nothing, it will look bad for us. If something's done on the outside when we were given the opportunity to do something many times and we decided we didn't want to do that because we know what's best for everybody. And I say that the voters should have a chance to say what they feel is best.

And if it comes down to one proposal or the other or a bargaining agreement to take both proposals off the table, I would then suggest we should put both proposals on the table and give the voters a choice of 15 representatives or 5 representatives or remaining with the status quo.

I think it's time that we allow these Charter changes to go forward and give the voters an opportunity to have a say. It's going to be a very busy, high turnout election year, and it's good opportunity for people to learn about their County government.

When I campaigned, a lot of people didn't even know what an Assembly of Delegate was. Thankfully to the League of Women Voters, I had that fact sheet so I didn't have to waste all my time explaining what we do. I could give them that fact sheet and then talk about some of the issues that are important to me.

This is a good thing. Change isn't always bad. Change is good and I think that we should give both of these proposals serious consideration on our end and, hopefully, give the voters a say as to how they want to be governed in November.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, I was part of the Charter Review Committee that was appointed I think 2 and a half to 3 years ago and as was Delegate Taylor. We also had people who were not on the Assembly. We spent almost a year studying the Charter.

But the first thing we did was we looked at the recommendation from the governance committee. We looked at this proposal before us. We investigated other counties. We looked at the current County Charter and we were told repeatedly that we weren't following the Charter and that if we followed the current Charter and did what was in the Charter, this is by our legal counsel, that we would have a different outcome and we'd probably be a lot less -- there would be a lot less angst about what was going on with the County.

We came up with a proposal that was 11 districts because people did not want to go to five. They thought it was unworkable. They felt it was too easy to be manipulated, that it would be very difficult to do any subcommittee work with a group of five. So, 11 was the proposal.

We put that before this Assembly. It was debated but there was a lot of time spent on that. So this is not, you know, we have not been sitting on our hands. Believe me, I put a year into this and we were not sitting on our hands.

And what I heard at that time when we presented it was each town at the table wanted a voice. That came through loud and clear. Everyone wanted a say whether it was going to be a weighted vote or not, they did not want to have -- from Provincetown down to Orleans, essentially, in one district.

So I think that I took away from that that the towns want a voice. I don't think five, necessarily, is the right number because I think in streamlining you lose the Home Rule. You lose the uniqueness. Each town has a say. Each town is different.

And in my experience, I think we've been able to work together very well regionalizing and coming together on different concerns for the Cape. I don't see a particular town or a particular area manipulating or dominating here. I see a regional process.

The other thing, I think, we have a brand-new Administrator, a brand-new Director of Finance. They have just come on board. They have hit the ground running. I am very impressed with them, and I think that they deserve a chance to pull the County together. I think they deserve a chance to show people that the County does function -- can function well. And, perhaps, in the past has not functioned well, has not followed the Charter, but can do so going forward.

So at this point, I think that we should -- we would be better off letting our administrators' cleanup what's been, you know, the issues of the past and go forward. But we also need to remember that every town at this table has had an impact whether you have 1 percent of a vote or you have 25 percent of a vote. Each one has an impact on all of our thinking and our decision-making.

Speaker BERGSTROM: Okay. Yes, who's that; Ed?

Mr. LEWIS: Thank you. Pat, I really appreciate all the work that you've done on this, and I think you're genuine in how you feel. I must agree a great deal with Suzanne.

Having had experience both from a Selectmen basis, a 15-member Finance Committee, advisory Finance Committee is not necessarily going to represent the County in the way you think it is and the way that sometimes a 7-member Finance Committee doesn't always represent the voters in a town.

I do think the towns want to have a voice, and you won't hear me say this that often, but Mr. Cakounes -- I agree with him completely in this instance. I don't see that much of a problem with the structure. I do see a problem with not following the Charter, and I see a problem sometimes with everybody not being -- not working together to communicate with each other on some of the projects, but that's a human problem. I don't think that is going to be solved by going to five districts because if you -- I also don't think that the Cape and Islands legislative representatives have always been able to do the best for the Cape and Islands as a group because they're

very small in comparison to Boston, and Boston controls what happens in this Commonwealth.

And if this kind of a submission goes through, then the Lower-Cape will lose its voice. It will lose its voice and that voice will be within the town of Barnstable and to a certain degree within the town of Falmouth, and that's no disrespect to anybody at this table but that's what will happen.

And the difference -- the towns out there, even if they have a small weighted vote, they have an opportunity to speak and to talk to -- if they haven't talked to their member towns -- if they don't talk to their member towns, that's the fault of the member towns for not asking them to talk and them for not reporting to the member towns.

I know it's very -- and I appreciate what was said here before by all the individuals who spoke. Some of them with a great deal of experience that they have a vision for regionalization.

Regionalization is a very good tool when it comes to some of the things that Ms. Pettit said, when it comes to some of the Health and Human Services areas, and some of the wastewater areas because she's correct in those matters. We can't get your town to regionalize one fire district and you want to regionalize here.

Speaker BERGSTROM: You've got to speak to -- you really should -- you shouldn't have a dialogue between --

Mr. LEWIS: Sorry about that.

Speaker BERGSTROM: You're better off just speaking to me and to the audience.

Mr. LEWIS: I can't -- I can't vote for this. I think it's much too early to vote for it. I don't think when the Delegate from Mashpee brings up something regarding replacements or goes to one Selectmen, I don't think that's a technical issue. I think it needs to be taken back and reviewed and written properly and then we can vote yay or nay. But the way it is now, I can't support it.

Speaker BERGSTROM: All right. Chris.

Mr. KANAGA: I'm just mentioning I do have another hearing at 7 o'clock that's back in Orleans. So I just want you to know that soon --

Speaker BERGSTROM: I tried to still the debate once before and not very well so I'm not going to do that -- yes, Teresa. Sorry.

Ms. MARTIN: So I was on the Charter Review Commission before the one that my colleague mentioned. And one of the things that struck me so strongly at that time was the Charter was full of a lot of old language, no one understood what it said, and what you understood no one was actually following many of those items.

And that bothered me so the first thing we did on that was try and do a cleanup so you could actually read what was supposed to be in there, but we still didn't follow what it said in there.

So I find myself agreeing with my colleagues here; with Leo, yeah. I really would love to see how the structure works if it's actually being followed. And I think for the first time since I've been involved we're closer to doing that than before.

I also think that having multiple proposals is a confusing thing, and I think that having proposals that are not exactly down to the comma, period, and asterisk that you want is a dangerous thing because when you put something out there and it's

voted, that's what you're getting.

So there's a whoops -- you've got a whoopsie that now you've got to have a process to fix. So I don't support doing -- I think it's important to keep talking about this. I think it's important to keep analyzing what's happening and looking at what the goals are of the structure, not the individuals, does the structure make a difference?

I've said this over and over again. I think some of the examples that were used previously actually just proved a point by a lot of what we've seen hasn't been structured and personalities.

And when you do any kind of organizational structure whether its government, nonprofit, or for-profit, you've got to separate the people and the personalities from the definitions and the roles and the functions. And I think right now, we're making judgments on things that are personality-based outcomes, not structural-based outcomes. And that makes me very nervous because we make choices that don't last in the long-term when we do that. So I would not support doing anything on either of them at this time.

Speaker BERGSTROM: Okay. Julie, you haven't said anything yet.

Ms. TAYLOR: Well, briefly. I agreed with what the Roundtable said, the League of Women Voters, Larry Cole, the Special Commission, the last Charter Review Committee, the Cape Cod Chamber of Commerce, Mary Lou Pettit, Ed DeWitt, Rob O'Leary.

I don't think it's about personalities. I mean, naturally, I've noticed that but I don't think that's what it's about. I think it's about a three-person executive is not as good a system as a single executive. And I think a weighted vote has significant problems and we should have equal representation. My vote and your vote should be the same. We have to remember we represent the voters, not the towns. And this continual harping that the town won't have their say, I just think it's ridiculous.

And, so, I'll vote for any proposal. I don't think it has to be five. It doesn't have to be 15. I could go with a variety of numbers. Although when we were on that last commission, some numbers work a lot better than others just in a way you can divide them.

So I would want us to have a change. I would like Charter change and I would like a single executive, and I would like a regionally-elected, equal voting Assembly or legislature.

Speaker BERGSTROM: Okay. Moving on. Is there somebody that hasn't spoken yet? Brian.

Mr. O'MALLEY: As a representative with the second lowest or maybe the third lowest percentage of weight, I have to say I have never felt, in any way, oppressed by that. I feel as though I'm here. I represent my town and I have a vote. I recognize that at the end of the day it's going to be weighted.

But I also recognize that in any sort of equal representation if we made five districts, my district is going to include, roughly, Provincetown, Truro, Wellfleet, Eastham, Orleans, Harwich, and Brewster. I'm sorry; that's not -- and that's only 18.8, that's still not 20 percent, so I don't know.

I certainly feel it. I hear it from my community that they don't want to see the loss subsumed into a much more regional legislator. However, I also have a sense

that we have two issues.

Number one, part of the issue that we all recognize has not been as functional where County government has not been nearly functional as it should be is reflected in the kind of administrative hiatus over the past several years. And it strikes me that we are in a place now with a new Finance Director and new County Administrator to really have a chance to see how this thing could operate with a functional administration.

The second concern I have is that under the process that County Counsel outlined for us about ordinances or Charter changes that result in fundamental restructuring, these are going to need approval by both bodies and, quite frankly, I don't see how that's ever going to happen.

So it seems to me that we should continue this discussion and move forward. It may be the case that the only way to resolve it is we agree at the end of the day to put this question of one or the other on the ballot and let the voters decide. I've heard that. I don't see how we're going to decide it.

Speaker BERGSTROM: Okay. Just I'd like to jump in here from a minute, just for a few small comments. For a number of years, I was the Chairman of the Regional Transit Authority which operates the buses and the b-bus services here on the Cape. There are probably a dozen regional transit authorities set up by their on legislation. They're not really part of Barnstable County.

The Regional Transit Authority -- the Cape Cod Regional Transit Authority operates on a weighted vote. All right. But for all I know, all of them operate on a weighted vote. And we sat down, they took -- see if there was a quorum; the quorum consisted of a majority of members plus the majority of the population of Barnstable County.

So, I don't know why people saying that this weighted vote is some kind of an anomaly that we created some day out of thin air. It exists in many places and there's a reason for it, a constitutional reason for it.

The other thing I'd like to say, just getting on the weighted vote thing, which, obviously, is a sticking point to me is I don't know how the vote would go on Patrick's proposal. But I do know this. I could guess -- if I had to guess, I'd guess that a minority of members of this Assembly would vote for it. All right. A minority of them, so less than eight. All right. So if it passes, the chances are it will pass by a weighted vote, which means we'll go up to the legislature and we'll say, "Here's what we want to do. We want to eliminate the weighted vote, but, by the way, we passed this with a minority of members and a weighted vote, because if we didn't have a weighted vote, you wouldn't be getting it."

All right. So that's one thing I have to say. The other thing is is that the current Charter explicitly says that this body does Charter changes. We're the one that does it. There's another way to do it but it's so complex and so time-consuming, it has to do with the election of people to a committee and so on that nobody could ever do it. So, right now, it's this body.

Now, there were people on the Cape who, and the Commissioners at the time, wanted to have the Special Committee on County governance and they created it. It wasn't -- the first thing they looked at was governance and it was not fooling anybody; they wanted to change the structure of County governance. You would

think where would they go if you wanted to change the structure of County governance? You go to the body that's authorized to do that but they didn't, and there's a reason why they didn't because they didn't want to come to us. They knew we wouldn't approve it.

So they tried to give it some standing. So they brought in 24 people. You talk about 18 people; there were 24 people, not 5, not 11; 24 people in that room who decided what they wanted to do with County government. And I was a member; Julie was a member; there were a couple others. And they made a lot of terrific recommendations but the first thing they wanted to deal -- and I supported 90 percent of them but the problem is everybody wanted to deal with the governance structure first.

And so we did that, as Suzanne said, we spent a lot of time on it, a lot of discussions. We'd run around. We had regional groups: Outer-Cape, Lower-Cape, Mid-Cape. Most of the towns did speak against losing their vote.

At the end of the day, we took a vote and it failed. I think it was 50.6 to 49.4 voted against it. Once again, it was a minority of people who opposed it but that didn't make a difference -- the weighted vote.

So if we had looked at the entire Charter, as some of the Delegates said, and we talked about all these 15-member bodies consolidating and so on, we would have been in a lot better place now, but we didn't because it was all stuck on the governance. And to be honest with you, we made the decision. We went through the process and we made the decision, and the decision was no.

And the implication that somehow we have an obligation to do something because the public is demanding it is nonsense. Nonsense. No public clamor for this. It has come from the same people. Sorry I'm ranting here. It's come from the same groups and the same people now for four years. No one has come up to me on the street and said, "You have to change your County government."

Anyway, please stop me. John.

Mr. OHMAN: Thank you, Mr. Speaker. I just want to remind the general public out there that when Ms. Pettit and I were serving on the Assembly together that we did take a vote. We had a plebiscite in 2000 in asking if the Barnstable County -- people of Barnstable County wanted to change or retain us as a regional form of government and it passed by 70 percent. So, in a sense, the people have spoken. It happened.

So if you want to change it every 10 years because you have a different opinion on how it's going to go, I guess that's what's going to happen. But we've had the plebiscite. Why don't we move on from that because we already have had a vote.

Speaker BERGSTROM: Anyway, why don't we let Deborah in here.

Deputy Speaker MCCUTCHEON: I would kind of like to get in here. I heard everybody today talking about what I had written. I've read in the paper about what I've written and, yet, I've had very few opportunities to talk about what I've written or even about what I think. But I'm going to bore you for a minute.

I think that Patrick and I are more in agreement than we are in disagreement. And I think there are a lot of things in the proposal I made that nobody has read yet. I mean, for example, consolidation of all of the multimember boards is sought in this Charter change to bring all of those boards under the control of the County. Now I

don't think anybody ever read that, or, if they did, they didn't notice it. There's a super vote in there. There's a requirement that for some votes, it's not just a weighted majority. It's got to be a certain number of towns that agree and that's because what we may very well see with this Charter change is four big communities shove it down everybody else's throat. Well, I'm not sure that's the way we ought to operate.

I will say that in looking at the things that we agree about, I'm very disappointed to have to report to Elizabeth Warren that her Senate seat is unconstitutional. It seems to be the consensus of those who spoke about weighted voting. There's weighted voting I think in the Senate. You have two Senators for every state and yet they each have -- they have different populations. We have a weighted vote here.

In Cambridge, it takes days to count the vote for City Council because they have proportionate representation. That's not the important issue here though because if you look at what is at issue in terms of the big, major issue we're talking about, who gets to sit at the table?

What you find is Barnstable will always have 21 percent of the population. Barnstable will always have a seat at the table. They have no skin in this game. Truro, if there's any change, will lose its seat. That's me.

Next after me comes Wellfleet; that's Ned. And then we get Teresa and then we've got the doctor and we're eliminating the Cape.

But let's look, and I'm not -- I had this all planned out for you. Look at a map of the Cape and think about how this works. I have one for everybody here. Let's think about how this works for representation of 20 percent.

Barnstable has a seat at the table. There are four communities to the west of Barnstable; they total about 40 percent. So you have 20 percent for Barnstable -- 21 percent. And then you have Mashpee and Falmouth linked together. They're right next to each other; that's two. That's not a big deal. A little tiny district. And then you have Bourne and Sandwich. Barnstable right there in the middle all by itself with a seat at the table.

We next come to the east, Yarmouth and Dennis. That's not so hard to deal with, another 20 percent of the vote there. So you've got 20 percent, 20 percent, 20 percent, 20. You get to Bass River and you've got 60 percent/80 percent of the population. What's left?

Well, there's Brewster, Harwich, Chatham, Orleans, Eastham, Wellfleet, Truro and Provincetown. Who wants to run for that district? Leo will raise his hand; he'll run for anything. Who's going to be able to keep track of all those people?

Mary Lou says that each one of these Delegates, these people, these five people, the super Assembly of Delegates members, every one of them should report to their town government monthly, should make a report, and should come and answer questions. Well, who wants to do that for Provincetown, Truro, Wellfleet, Eastham, Orleans, Chatham, Harwich, and Brewster?

This is a real issue. This is not a formula question of how many people live in Falmouth. This is a real issue. Mashpee may not like, there she is at the end of the table, getting taken up with Falmouth because Falmouth is the bigger community and is likely to have the power to elect a representative, but they're still going to have half of the vote there. You've got seven communities that are going to have to come

together to elect someone.

Now is that a voice at the table? I come from Truro. Okay. I have .9 percent. There are issues here I have influenced simply by opening my mouth and talking about them because I don't have the vote to make anything happen here. I understand that I can sometimes be a pain in somebody's -- but, on the other hand, I think that there's a value to listening to the small communities. Our issues are not all the same. We have regional issues that are important to solve on a regional basis.

The fact that I live in a town, a small town, doesn't mean I don't believe in regional issues or regionalization. I do believe that the water problems in Truro are not the same as the water problems in Falmouth. They're not the same.

I do believe that the sewer problem in Falmouth is not the same as the septic issues in Truro. We have differences; we have common ground. We need to put our differences aside so we can find common ground but that doesn't mean by eliminating all sectors of the population in order to make a meeting take less time.

Now, I'll deal with one more issue. I don't expect a salary for this. If there isn't any compensation for coming all the way from Truro to listen to all of this twice a month, maybe that's what happens.

Speaker BERGSTROM: Well, anyway, we beat up on Pat now for a while. It's getting to be 6 o'clock. So now it's time to beat up on Deborah. Deborah, do you want to put your --

Ms. KING: No, we have a motion on the floor.

Speaker BERGSTROM: What's that?

Ms. KING: Don't we have a motion on the floor?

Speaker BERGSTROM: Do we have a motion because I asked if we had a motion.

Ms. KING: We have not voted.

Speaker BERGSTROM: That's right.

Mr. PRINCI: My motion, Mr. Chairman, was to amend my --

Speaker BERGSTROM: You never moved it.

Mr. PRINCI: No. I never moved it.

Ms. KING: Oh, okay.

Mr. OHMAN: Motion to amend was passed.

Speaker BERGSTROM: The motion to amend was passed, but the main motion was never put on the floor.

Ms. KING: Oh, I apologize.

Speaker BERGSTROM: That's where we are.

Ms. KING: I thought a main motion was made.

Speaker BERGSTROM: Yes, I was worried about that. So, anyway, Deborah, so where we are now is we considered Pat's proposal and we beat up on it a little bit. We do that for a while, but we've also got another proposal.

Deborah, you could either propose something; you could delay it; you could pull it back.

Deputy Speaker MCCUTCHEON: I'm going to suggest that Patrick have an opportunity to put forward an amended proposal and that we continue this debate and discussion. I think this is far too important to try to decide it tonight.

Speaker BERGSTROM: I'm perfectly willing --

Mr. PRINCI: Mr. Speaker, I would move to table mine. Perhaps I could have some discussions with the Delegate from Truro.

Ms. KING: Second.

Mr. OHMAN: Second.

Speaker BERGSTROM: I didn't call for a second.

Deputy Speaker MCCUTCHEON: I would jointly move to table --

Speaker BERGSTROM: Are you guys hungry or something? It's only 6 o'clock.

Ms. KING: No.

Deputy Speaker MCCUTCHEON: Why don't we jointly move to table both of these proposals.

Speaker BERGSTROM: Okay.

Deputy Speaker MCCUTCHEON: And see if we can put one proposal forward or one proposal with some options. Why don't we try that.

Speaker BERGSTROM: I'll agree. I, obviously, have no choice if it's on the floor to table it. But I would suggest -- yes, I would suggest that a clean -- that the proposals that we finally discuss will be as close to the final proposals. I understand the legislature can make changes as they wish to proposals to clean it up themselves but, you know, hopefully, the two -- Delegate McCutcheon and Delegate Princi could email the Clerk any changes in advance so we'll have them when we get here again.

So the motion is to table both of these proposals. Yes, Ed.

Mr. LEWIS: If I look at the agenda, the agenda says, "Assembly discussion on Proposed Charter changes." It doesn't say "vote" on there.

Speaker BERGSTROM: Well, there's a little -- look at the fine print at the bottom.

Ms. MCAULIFFE: May be voted. Might be.

Mr. LEWIS: Well, on mine it doesn't say that.

Ms. KING: But nobody's made a motion.

Mr. O'MALLEY: It doesn't say that.

Ms. KING: Nobody's made a motion.

Mr. LEWIS: Mine doesn't say that.

Ms. MCAULIFFE: It says, "Votes may be taken."

Mr. LEWIS: No, it doesn't.

Ms. MCAULIFFE: It says, "The items listed above are those reasonably anticipated by the Chair. Votes may be taken." It's right under Janice's signature.

Speaker BERGSTROM: Anyway, let's -- we're not going to take a vote. So, the motion is to table. So if we table it, we're not going to take a vote on it.

Deputy Speaker MCCUTCHEON: Motion to table.

Speaker BERGSTROM: So, everyone, in favor of tabling this say "Aye." Opposed? It's table.

(Motion tabled.)

Speaker BERGSTROM: Okay. Next thing is -- I have put this discussion on there. It's optional for a proposed operating and capital budgets because I wanted anyone who had any questions for the treasurer -- the County Treasurer and the County Finance Director to submit them in writing to the Clerk so that we don't -- so that we don't surprise either the Administrator or the Clerk -- or the Finance Director

with a lot of questions that they can't answer. But we can also discuss it if you guys want. It doesn't look like we're going to have much of a quorum here. Okay.

Mr. HITCHCOCK: Move to adjourn.

Deputy Speaker MCCUTCHEON: Put discussion off and adjourn.

Speaker BERGSTROM: Okay. Second? Do we have a second?

Deputy Speaker MCCUTCHEON: Second.

Speaker BERGSTROM: Second. Okay. All those in favor? Aye.

(Motion carried.)

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:05 p.m.

Submitted by:

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

List of materials used at the meeting:

- Unapproved 3-16-16 Journal of Proceedings
- Proposed Ordinance 16-07 submitted by Board of County Commissioners for Legal Funds
- Economic Affairs minutes dated 2/24/16
- Natural Resources minutes dated 2/24/16
- Finance minutes dated 3/2/16
- Public Services minutes dated 3/9/16
- Telecommunications & Energy minutes dated 3/9/16
- Health & Human Services minutes dated 3/23/16
- Statement from Elliott Carr dated 4-6-16
- Statement from Christopher Adams and the Cape Cod Chamber of Commerce dated 4/6/16
- Memo dated 7/2/13 from Edward DeWitt
- Patrick Princi charter change Petition
- Deborah McCutcheon charter change Petition
- Deborah McCutcheon charter change Proposed Ordinance 16-06
- Deborah McCutcheon charter change Voter Referenda
- McCutcheon Memo to County Counsel dated 2/29/16
- County Counsel Opinion to Assembly Clerk dated 3/11/16
- Memo to assembly Clerk from County Counsel dated 3-22-16
- Barnstable County Municipal Map