

**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 - May 3, 2017

Speaker MCAULIFFE: It's 4 o'clock. I'd like to call the meeting to order, please. This is the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, May 3rd, 2017, 4 p.m., and we are in the Chamber of the First District Courthouse.

I would like to start, please, 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 MCAULIFFE: Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: We do have some Delegates calling in. Did I hear someone call in?

Mr. ATWOOD: Yes. Ed Atwood's here.

Speaker MCAULIFFE: Yes, okay. You'll have to speak up so that we can hear you. Thank you.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call (96.34%): Edward Atwood (2.30% - Eastham- remote participation @ 4:00 p.m.), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 96.34 percent of the Delegates present; 3.66 percent absent.

Speaker MCAULIFFE: Thank you. Next is the approval of the Calendar of Business. Is there a motion to approve?

Mr. LEWIS: So moved.

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: Any discussion? We have to do a roll call because we have a remote participant.

Roll Call Vote on 5/3/17 Calendar of Business

Voting "YES" (96.34%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom

(2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the Calendar is approved with 96.34 percent of the Delegates voting yes; 3.66 percent absent.
(Calendar approved.)

Speaker MCAULIFFE: Thank you. Next is approval of the Journal of April 19th, 2017.

Mr. O’MALLEY: I’ll motion to approve as amended.

Speaker MCAULIFFE: Okay. Is there a second?

Ms. GREEN: Second.

Speaker MCAULIFFE: Ed, do I hear a second remote participant? Is Chris Kanaga on the line? Okay. Thank you.

So we have a motion and a second with corrections on the Journal. Any discussion? And now we take a vote on the Journal. Roll call.

Roll Call Vote on 4/19/17 Journal of Proceedings as amended

Voting “YES” (89.76%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “PRESENT” (6.58%): John Ohman (6.58% - Dennis).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the amended Journal of 4/19/17 is approved at 89.76 percent of the Delegates voting yes; 6.58 percent voting present; 3.66 percent absent.

Speaker MCAULIFFE: Thank you.

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: The next item is Communications from the Board of Regional Commissioners. We have two Commissioners here today; Mr. Cakounes and Mr. Beaty. Welcome.

Commissioner CAKOUNES: Thank you, Madam Speaker, and hello,

Assembly members. You have a very busy schedule in front of you, so I'm going to run through my usual report relatively quickly, if that's okay with everybody. And then, certainly, if there are any questions, I will be happy to answer them.

This is one of those reports in which we've missed two meetings. You missed April 26th, and we're going to be reporting on today April 3rd meeting.

On April 26th, we met, approved a number of minutes. We did have a discussion and presentation by the Cape Cod Economic Development Council, which is the license plate funds; no action was taken because we were waiting to see what happens here today with the budget.

There was a number of different contract amendments, not only with the Cape Cod Commission, one of them we tabled, and then a series of other ones that we passed.

One of the biggest things that were in front of us that day was your resolution of 17-02, and 17-02 was rejected by the County Commissioners and, subsequently, in accordance with the Home Rule Charter, Section 3-8, was sent back to the Assembly, and I believe it's on your agenda for your vote later on today.

We also discussed a new House Bill, Bill No. 792, which is the bill that I referred to, I believe the last time I was in front of you, submitted by Norfolk County which adds, actually adds an amount to the copying at the Registry of Deeds. So this Bill would not be looking for any funds coming from the state or any redivision of the percentage between the states and the counties. But, basically, it's asking the state can we just raise our fees on how much we charge for copying.

And by the way, if that one does pass, Cape Cod or I should say Barnstable County with our Registry we'd be looking about making around \$880,000. So the Commissioners did, in fact, vote to support House Bill 792.

We also had a discussion and a proposal. We voted for the Salary Dredge Schedule for the employees. For a long time, the salary employees' schedule on the dredge had not been updated, and it needed to be reviewed and be updated. So that was the action that we had taken.

And we did, in fact, also appoint a winner of the 2017 Mercy Otis Warren Woman of the Year Award, and we did not make a big deal out of it at our meeting because there is going to be formal presentations and a lot of pomp and circumstance to follow this presentation, especially here in Barnstable Village. The participant or the winner, I should say, will be participating in the 4th of July parade. And we're going to have a little celebration out in front of the courthouse.

We also voted to, certainly my reluctance, to have a Proclamation for Ed Lewis; just kidding, just kidding, which I understand you may be having a little something later on. And if we can stay and participate, we would like to also. The Commissioners would like to give you our Proclamation too for that.

Then there was just some basic, I would say, boiler plate stuff that we do in regards to signing reimbursement sheets, approval of timesheets for Jack Yunits.

There was a question and many of you may have seen this on our agenda, but there was an action asked by the Cape Light Compact to the County Commissioners to, in fact, create a new fund and become the fiscal agents for the new Cape Light Compact Joint Powers Entity. And the Commissioners decided at that time back on April 26 that we did not have enough information to move forward and actually do that,

so we forwarded it to County Counsel.

And just to give you a brief update on that, I had a conversation with County Counsel last night, and we're working out the transition, what they need from us in order to complete the transition so when they leave here they'll be leaving here not only as the Cape Light Compact but also as the Cape Light Compact Joint Powers Entity. So, basically, no action was taken and has not been taken on that matter. We're waiting for the lawyers to work it out.

That subsequently fast-forwards us to today. Today's meeting was -- an awful lot happened at today's meeting, which I think a lot of you have been waiting for. So I'm going to go through it quickly but, hopefully, you'll all understand what happened. I'm not going to read the motions to you because the motions were kind of convoluted because they kept referring to action that we had taken before. Briefly though, we did approve the minutes of April 26, 2017.

We, also, brought in and I think most of you will understand why I did this; County Commissioners unlike Boards of Selectmen or even your body, when you have something in front of you that you even just want to just basically discuss, you guys can kind of sometimes run into each other in the hallway, sometimes out in the parking lot, and you're not really violating any Open Meeting Laws. Unfortunately, the Commissioners do not have that ability.

So for any two of the Commissioners or certainly all three of us to just have a basic conversation; hey, where you at on this? What do you think of that? You really have to agenda it, and we have to discuss it in the public forum.

So today we actually agendaed Deborah McCutcheon's Proposed Ordinance 17-04, which asked if you remember about doing some kind of an audit and some kind of an accounting of the relationship between the County and Cape Light Compact. And I only put it on the agenda for being able -- so the Commissioners could discuss it. No action was taken. We just wanted to kind of say, you know, where do you feel on this? You know, do you think if it does pass you guys have come to us? You know, I wanted to just have a sense of what we were at at it. So, again, that's the only reason why it was on the agenda. There was no action taken.

Then the next three or four, basically, are actions that, I think, all of you are going to be thrilled with.

The first one was to create a County Grant Fund. So we did take action to create the new County Grant Fund. The second one though is we created also a second fund, which is called the Special Projects Reserve Fund.

As many as you remember, I reported to you that it was the intentions of the County Commissioners and, in fact, there was action taken back on February, I believe, 8th to create the Grant Fund. And I expressed to you and have a number of times that that Grant Fund was going to have within it the ability to earmark funds to do things like water quality testing.

After some deliberation not only with the state auditors but with our own Finance Department, the Commissioners have really come to the conclusion that it would be more difficult, harder I guess, to operate one fund with a number of different sub funds in it only because each fund should have its own criteria of how those monies are accessed, and when someone asks for them, the policies and procedures and requirements that are going to be met for that.

So, today, the Commissioners took action to redo the action that they did on February 8th and, in fact, create two funds. One which is called the Grant Fund, which is going to be designated for non-County departments to come forward and ask Barnstable County to make a donation, and I'm not going to mention entities, but I think you all know who I'm talking about.

The second one is a Special Projects Reserve Fund which now will be used for strictly special projects, and the language of the fund says, "For things like but not limited to water quality testing."

Along with that, there was action taken on February 8th and we cleaned it up today to actually put forward an ordinance, which would take the remaining funds in FY17, the year we're operating now, and put it into the new Grant Fund. Well, because now we're not going that route, we're establishing two; the new action now is to create a new ordinance which will be transferring the monies from the Cape Water Collaborative line item in FY17 into the Special Projects Fund for the purpose of water testing.

So I hope that those actions meet with all your approval because I think there was some reluctance on understanding how we were going to do it in the past.

And, finally, the big thing that we also did today, which I believe a lot of you are going to be happy about especially as you move forward and deliberate the budget; we approved Proposed Ordinance 17-to be numbered, and I have it with me to pass in today, which is the ordinance that's actually going to replace 05-22, and to remind you all that's the ordinance that established the Cape Cod Water Collaborative.

And that ordinance has been drafted not only by participation with the Commissioners but the Cape Cod Commission, and it has also been circulated to the members of the Collaborative and to other interested parties. So the Commissioners felt today that it was at the stage that it met our requirements and needs, and we were happy with it, so we decided to formally send it along to you guys. So I will be presenting that when I stand up today, so you guys will be able to review it and take action on it.

Then we just got into our regular business and, again, because of time, I won't list them all but, well, they're very quick. We did a contract with Peterson's Oil to supply fuel oil. We authorized a contract amendment for the Cape Cod Commission because they do our Emergency Management Planning, also through the Massachusetts Emergency Management Agency.

We also did a contract with the town of Chatham for \$182,000 to provide some dredge work, and we also did a renewal of an annual contract, which is with the business-centric information technology research through April for a year.

And then we did the big one, which you've all been kind of waiting for. We signed today a contract with Cape Cod -- for the Cape Cod Water Protection Collaborative with the Provincetown Center for the Coastal Studies for the Water Quality Management Program on Cape Cod, Buzzards Bay, and Nantucket Sound for fiscal year '17 through fiscal year '19. So that contract was executed today. And from what I understand, it's all within the correct timeframe for any, if any, grants are going to be available and come forward to us.

And with that, I think I'm all done.

Speaker MCAULIFFE: Ron, did you have anything you wanted to add or do you want to --

Commissioner BEATY: No.

Speaker MCAULIFFE: We're going to go quickly through this. No big debates/ discussion because we have a lot on our agenda but starting with Ron and then Doc.

Mr. BERGSTROM: Yes, Leo, I happen to know, from personal experience, they've been dredging away in the Chatham Fish Pier now for about a week or so. Are we sort of signing the contract after the dredging's been done or is this for a new --

Commissioner CAKOUNES: Well, let me ask you, is where you're referring to called -- it was Aunt somebody --

Mr. BERGSTROM: Aunt Lydia's Cove.

Commissioner CAKOUNES: Aunt Lydia's Cove.

Mr. BERGSTROM: Okay. So you signed that contract today?

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: Okay. Well, that's all right.

Commissioner CAKOUNES: They've been doing it for a while. Well, we trust you guys. We're a very trusting soul, you know.

Mr. BERGSTROM: We had to put a lot of sand back.

Commissioner CAKOUNES: A lot of people trust the Commissioners. They're not like the Assembly, you know; they trust we're going to do the right thing.

Mr. BERGSTROM: Okay. The other question, quick, I don't want to -- is that it's conceivable that the Assembly would come up with a number in the budget that's lower than anticipated revenues. And, normally, we'd just leave it on the table. In other words, it would be deducted from anticipated revenues.

Now with the creation of these new funds, you've opened up another option. So the question is we could actually put money into it if we deduct it from the budget.

Commissioner CAKOUNES: You could but they haven't been established today.

Mr. BERGSTROM: They haven't been established. It's done by ordinance.

Commissioner CAKOUNES: Yes, it's going to happen -- no, the funds do not need to happen by ordinance. We just instructed staff to do it today though.

I would -- I don't think today would be -- I guess that would be a question you could ask the finance director.

Mr. BERGSTROM: Yes, but the thing is that, ultimately, these funds are going to have to be appropriated from somewhere by the Assembly in other words.

Commissioner CAKOUNES: Yes. On taking the money out is one thing; putting the money in is one thing. But you asked does the creation of the fund need the Assembly's approval, and I do not believe the creation does need your approval. So the fact that we asked today to have it done, I believe if she can create it by just punching in a couple keys in the computer, you guys may be able to --

Mr. BERGSTROM: We're going to have the Finance Director here. But you understand is if we simply deducted the revenues, there wouldn't be a surplus that we could appropriate -- that you could put into this fund; do you understand? Anyway, let's -- we'll deal with it later.

Speaker MCAULIFFE: Brian.

Commissioner CAKOUNES: You can -- I'm sorry.

Speaker MCAULIFFE: That's all right.

Mr. O'MALLEY: Mr. Commissioner, just to clarify on these two funds, these will both be subject to appropriation only by ordinance?

Commissioner CAKOUNES: Any expenditure of money out of a fund is going to be subject to the appropriation of an ordinance.

Mr. O'MALLEY: Good. Thank you.

Commissioner CAKOUNES: So that will be included in the policies and procedures but that's standard operating procedure --

Mr. O'MALLEY: Exactly.

Commissioner CAKOUNES: -- as you guy do all the time. We just came and asked for a transfer; I believe you have in front of you today. One asking for some money for the Fire Training Academy. It will be a similar procedure to that, sir.

Mr. O'MALLEY: Great. Thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. Two questions; one, very quickly. Can you sum up what your discussion was about Proposed Ordinance 17-04, about CLC's ordinance; your discussion today?

Speaker MCAULIFFE: We are having a hearing and discussing and voting or discussion on that ordinance at the next meeting. So I think --

Ms. GREEN: It would be helpful to have Leo discuss today.

Commissioner CAKOUNES: Oh, I'm sorry; I can. I mean we did discuss it at our meeting today; it was in my report.

Speaker MCAULIFFE: Well, I also -- we have a big agenda.

I mean it is available on tape, if you want to watch the tape. I'm sorry to cut people off on this.

Ms. GREEN: Okay.

Commissioner CAKOUNES: No problem.

Ms. GREEN: And then the other question I have is about Proposed Ordinance 17-06, which is coming up later on our agenda. I wanted to ask about the replacement vehicle for the Commissioners. It's a \$35,000 expense, and is this an electric vehicle; do you know or hybrid?

Commissioner CAKOUNES: I'm not aware that it is, no. I do not believe it is. That might be a question we could ask -- is Steve here?

Ms. GREEN: And as far as the renovations are concerned, are they -- have we been looking at energy efficiency and energy conservation in these renovations because we're talking about quite a lot of money.

Commissioner CAKOUNES: I will definitely say that in all the renovations that we do that energy conservation and efficiency is a high priority, especially when we're renovating some of these older buildings. Yes, absolutely.

Ms. GREEN: And if somebody -- can somebody address that?

Commissioner CAKOUNES: Specifically?

Ms. GREEN: Yes. I would like to know about that. I mean that would determine my vote is if this vehicle is an electric or a hybrid and also the kinds of energy efficiency and conservation that has been looked at for these renovations. They're quite large numbers.

Commissioner CAKOUNES: To the Speaker, could someone just -- I'm very sorry, but you have no idea what I've been through today; can someone just give me an idea and update exactly what vehicle we're talking about because I'm not familiar with the numbers?

Speaker MCAULIFFE: It's a truck.

Mr. PRINCI: For the Fire Training Academy.

Commissioner CAKOUNES: It's a Fire Training -- okay.

Ms. GREEN: It says, "Purchase equipment for --" it says, "In use in conducting business specific to the operations and services of the Barnstable County Commissioners replacement vehicle."

Speaker MCAULIFFE: Okay. It's a \$35,000 vehicle replacement. Mr. Tebo, is this out of the -- is that the account number for the Vehicle Replacement Account or is this --

Mr. STEVE TEBO: Yes, I believe so. I don't have the number.

Commissioner CAKOUNES: Yes. All funds that we use for purchasing vehicles come from the Vehicle Replacement Fund. And I believe that this is the big vehicle that's being used for the Fire Training Academy.

Mr. STEVE TEBO: Yes, I think this is a separate one. That one's already been approved at the Fire Training Academy.

Speaker MCAULIFFE: Yes, the Fire Training Academy.

Mr. STEVE TEBO: Yes, this is replacing one of the plow vehicles, and we're taking it to an expedition vehicle, so it is not an electric vehicle.

Speaker MCAULIFFE: Okay. But it's a --

Mr. STEVE TEBO: Right. And this is also on the --

Speaker MCAULIFFE: -- it's a plow vehicle.

Mr. STEVE TEBO: Right. And this is one that's also getting reimbursed at 75 percent from the state.

Speaker MCAULIFFE: Okay.

Ms. GREEN: And as far as the renovations are concerned?

Mr. STEVE TEBO: Yes, we use all available funds. We go out and we solicit Cape Light and any other energy efficiency, and we bring them in. They set the regulations on how thick the insulation should be and then what equipment we can do. We use whatever we can for rebates on that end of it. So whatever we can get rebates on we use.

Ms. GREEN: Thank you.

Mr. STEVE TEBO: Yes.

Speaker MCAULIFFE: Jim. Thank you, Steve.

Mr. STEVE TEBO: Yes.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes. You had mentioned HR792 that the County has an interest in; are there any other Bills up on Beacon Hill that Barnstable County may have an interest in?

Commissioner CAKOUNES: There are three that we have officially supported, yes; two of them from Plymouth County and this one here from Norfolk County. The two from Plymouth County actually do a recalculation, if you will, of the division of the excise tax. The counties are asking to keep a little bit more and send less

to the state, but they do not increase the excise tax. They're just asking for the division instead of being 50-50 to be 60-40, and I use those numbers as strictly explanation. And we are included in those.

Mr. KILLION: Do you have that Bill number?

Commissioner CAKOUNES: I can get it for you.

Mr. KILLION: That would be fine.

Commissioner CAKOUNES: It's in my other -- because we didn't discuss it this week. We discussed it back on February 8th.

Mr. KILLION: As well as the other one too you said.

Commissioner CAKOUNES: Yes. I'll give you all three numbers, sir, so you'll have them.

Mr. KILLION: All right. Thank you.

Commissioner CAKOUNES: The only one we approved during the meetings that I just reported to was the one that I told you on that 792 and that's the one from Norfolk, which is related to the copying.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: But I'd be happy to get you those other bills. Thank you.

Speaker MCAULIFFE: And just so people know, Commissioner Cakounes and I and Jack Yunits and Lance Lambros, and Sarah Peake met, and part of our discussion was the Bills.

And I believe, it was my read on it, was that they weren't particularly optimistic about some of the County Bills going forward because of the state's attitude towards counties, in general. So at least Lance Lambros and Sarah Peake were saying these are, not longshots, but they didn't feel like they were -- in fact, I think they said --

Commissioner CAKOUNES: Didn't have a chance in hell.

Speaker MCAULIFFE: -- they didn't have a chance was the exact wording.

Commissioner CAKOUNES: Exact working.

Speaker MCAULIFFE: So, just so you know.

Commissioner CAKOUNES: And the only one that has -- the way I took it from the meeting, and this is what I reported to our Commissioners today because I reported my actions on Monday at our meeting to my fellow Commissioners, and what I had said to them that the only one that possibly had any legs whatsoever would be the one that had just been recently filed and that's 792 because it does not ask for any money at all from the state. All it asks for is the authority to increase our -- what we charge for copying.

Speaker MCAULIFFE: Right.

Commissioner CAKOUNES: The others have no chance.

Speaker MCAULIFFE: Right. So, that's just the expert opinion of two very involved legis -- well, a legislator and a legislative aide, I would say.

Commissioner CAKOUNES: And one that represents the representatives and another one that represents the Senate.

Speaker MCAULIFFE: Right.

Commissioner CAKOUNES: Because even though it may go through the Representatives, the Senate has no interest in giving the County any of their money.

Speaker MCAULIFFE: Yes. It was very interesting. In fact, at some point, maybe I'll see if Sarah can come in because it's very interesting how capricious lawmaking is and how you think something's going to happen and then all of the sudden it appears for a vote and what you were thinking isn't even -- doesn't even exist in what you thought it was. It was very interesting.

Commissioner CAKOUNES: And if I may, Madam Speaker, too, I did get an answer to Delegate Bergstrom's question two weeks ago when he asked, "Was there an actual vote taken last year which stopped this Bill when we requested it; did it die?" And I believe his comments were, "It just can't die. Someone has to vote it." No.

And we learned on Monday, we had a little kind of a conjunction junction little cartoon education about how things work. And the fact of the matter is I guess there are hundreds of Bills that are filed, and they have to vote to move on. If they do not, they simply die. There is no vote to kill a Bill. It just votes by the virtue that it did not move on.

So that's what happened in our case last year. And I wanted to clarify that because I know Assembly member Bergstrom brought it up last week so.

Speaker MCAULIFFE: Thank you.

Commissioner CAKOUNES: I do have that ordinance which is, again, the ordinance for the language on creating the new relationship between the Collaborative and the County. And, also, I am going to leave this Proclamation with you, Madam Speaker, if I may?

Speaker MCAULIFFE: Thank you.

Commissioner CAKOUNES: I just want to apologize ahead of time. I know I kid a lot with Ed Lewis, but I do not believe I'm personally going to be here. I have to run out; I have another engagement.

And so I'd just like to take a minute to say, Ed, it's been a lot of fun, you know, and I wish you all the best, and I hope you enjoy Florida, and I hope that when you miss me down there, you'll give me a call and invite me down so I can come down there and give you a hard time. And you know you're always welcome back up at my farm too.

But I'm going to leave the Proclamation with you that we signed today.
Thank you.

Mr. LEWIS: Thank you.

Communications from Finance Director Mary McIsaac

Speaker MCAULIFFE: Thank you. I had scheduled Mary McIsaac just for very quick. I don't want a lengthy discussion, but we have had a lot of debate and discussion about the legal opinion as far as what's an operating budget and what's not.

I just wanted Mary to give us a few minutes, from the Finance Director's perspective, just to help us when we do our votes to get a little bit more information on what properly belongs and what properly is not part of the budget.

And before you start, is Chris Kanaga on the line? (No response.) Okay. I thought I heard someone else come on. So it's just Edward. Thank you.

Finance Director MCISAAC: Thank you, Madam Speaker. Good afternoon, everyone. Suzanne has asked me to just say a few things, and I'm going to be

brief.

But before I do, I'd like to just address, through you, Madam Speaker, if it's okay with you, the housekeeping of Ron's question about leaving revenue on the table, so to speak, from making reductions by your votes today if that were to occur.

For purposes of this ordinance, which is your operating budget ordinance, we can't intrude on that with something new that's been voted today because, basically, what you'll do today by making a reduction that will leave revenue on the table. It would simply be a housekeeping measure from my office to make a reduction in a budget estimate to restore the balance to the budget in the ordinance that you vote.

With respect to going forward, the integrity of the estimates that we made for the proposed operating budget holds true, you can come back and make -- request a supplemental budget, at which time you could designate that that supplemental appropriation were to be transferred into a fund that was created today by the Commissioners.

But standing here today, you have the ordinance. The funds that were voted today are not a part of that. You're only voting on proposed expenditures that were submitted to you. So you would come forward -- that would be the vehicle for you to come forward if you have money left on the table that you were interested in hoping to transfer into one of the funds that the Commissioners created today. So just housekeeping on that.

Moving forward to expenditures; the discussion on proposed expenditures and proper municipal purposes has been lively, to say the least, about all of the County's expenditures and some more specifically.

But what I would say to you is that the article that was in -- sitting in town by the DOR legal bureau some time ago is a good reference and good reading.

But what we need to really understand going forward is that funds can only be expended for the entity to exercise its powers and functions under the law. And under the law would mean to you, any general or special law and particularly the Charter that we operate under at Barnstable County.

I think that most of the questions have been surrounding, what my office has been understanding, were donations to certain organizations or parties. The difficulty to overcoming finance for something like a donation is that we don't see any written policies or procedures. We don't have any understanding how these requests come forward, how they're vetted, what the rules are about them, and that's really the clarity that we need going forward.

Secondly, I'd like to point out that things like donations are not really part of a department exercising, you know, having expenditures to exercise their powers and duties for their specific department or the County as a whole. So those are generally outside of an operating budget. You don't bury those in a budget. You create a policy, everybody's clear and understands how these requests come forward, how they're vetted, and then you create an ordinance to make those under a separate ordinance and not your operating budget.

So for finance, that clarity is necessary in order for us to see that that is properly vetted to see that everybody understands there's rules and regulations about it, and that it's as transparent as we can be about these kinds of expenditures that are slightly different from somebody's electric bill or somebody's buying fuel for their

department, or paying the salaries and wages to their employees.

There's much more that we can deliver for you to read about being understanding about municipal expenditures and, you know, we're happy to keep sending things your way. But they're strictly for guidance to help everybody understand how we look at things when things are brought forward to our office.

Speaker MCAULIFFE: Thank you, Mary.

Finance Director MCISAAC: You're welcome.

Speaker MCAULIFFE: Any specific questions? Yes, Ed.

Mr. LEWIS: Bear with me, please, and I spoke to Mary earlier, the town of Brewster at one time for years had a Health and Human Services Committee and money was -- there was a warrant article, and that warrant article went through and it showed each contribution; Lower Cape Outreach, Gosnold, all the different things, and it was passed as a warrant article every May.

Now through the Modernization Act, it's now part of the budget. It's not part of the warrant. It's not a warrant article. And what I told Mary and what I just advised you, and it's not up for discussion but just because I'm leaving, that the town of Brewster received a legal opinion from KP Law on how this can be done as it relates to that Anti-Aid, or whatever it's called, Amendment.

And so I think that that needs to have some discussion at some time in the future because, apparently, it is legal to get these donations. You just have to know how to do it. And the KP Law, which represents a lot of the different towns here, has put forth an opinion in which I had asked Mary to get from the Finance Director from Brewster, and that's one of the reasons that I think when John Ohman said two meetings ago, it relates to legal opinions.

And I think that we need, as the Assembly, to go out and either get our own or put the whole legal contract up for bid, because I'm not sure that we get opinions that are based on what's happening and what we would like to do as against a structure of what has been said in some type of a financial way.

Because sometimes, you as the Assembly, need to say this is what we want to do; can you find a legal way to do this as against can we. And I think that's important. But I've asked Mary to look into it and talk to the Finance Director and find out how they were able to do that.

Thank you.

Speaker MCAULIFFE: Thank you. Any other questions for Mary?
Thank you, very much.

And Ed noted, you know, even though you won't be here, it's in my notes for future agenda items.

Communications from Public Officials

Speaker MCAULIFFE: Are there any communications from Public Officials? Yes, Mr. Cakounes. No?

Commissioner CAKOUNES: Yes, I'm just going to respond to Mr. Lewis's comment. The only difference between here and Barnstable, I mean the town of Brewster, still is the fact we do not have any policies and procedures in place. And that is where the attorneys have said and state auditors have said, "We have a problem."

We have been for years just allocating money in the budget to these nonprofits with no vetting system. You clearly stated that Brewster does have that system in place. That's the key. That's where we stop.

Mr. LEWIS: Not anymore. That vetting system is gone.

Commissioner CAKOUNES: Okay. Thank you.

Speaker MCAULIFFE: Well, we'll put this on a future agenda item. If this is something that is important to the Assembly and the Assembly votes to go forward, then we can look at how we can make it happen.

Speaker MCAULIFFE: Any communications from Members of the Public? All right.

Our final item in the public is an Assembly tribute to Brewster Delegate Edward Lewis.

Assembly Tribute to Brewster Delegate Edward Lewis

Now, I have a tribute to Edward Lewis, and to fit it all on one page, the font is challenging, but I will attempt it.

“We, the members of the Barnstable County Assembly of Delegates here by recognize and pay tribute to the exceptional record of service by our colleagues Edward Lewis; Delegate from the town of Brewster since January 2015.

Edward Lewis has in numerous ways demonstrated qualities of leadership and commitment as a public servant and had contributed to the accomplishments of the Assembly of Delegates of Barnstable County. And we thank Ed for his outstanding work as a Delegate.

Edward has served since January 2015, and he has diligently supported those measures important not only to this own community but to the entire County. It is not possible to recount the extensive involvement of Delegate Lewis within his community and on County issues, so we cite a few following examples:

Ed served on the Barnstable County Fire Training Academy Needs Assessment Committee.

Ed served on various Standing Committees including Economic Affairs, Natural Resources, Public Services, and as the Vice Chairman of Finance. Ed served on the town of Brewster as a Selectman and as a member of the Brewster Town Planner's Search Committee. Ed served as the Treasurer for the Cape Cod Selectman and Councilor's Association. Ed served on the Brewster Finance Committee, Dog Park Committee, Water Quality Review Committee, Hazardous Waste Committee, and on the Nauset Regional School Committee.

Ed has a sound background and solid experience in government, and he provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Ed supported ideas that generated interest in delivering high-quality regional services to the citizens and towns of Cape Cod. Edward Lewis earned the respect of his fellow Delegates because of his fairness and forthrightness on issues.

As Edward leaves office, those of us privileged enough to have served with him on the Assembly of Delegates express our gratitude for his dedication and wish

him success in his future endeavors.

This is the 15th session of the Assembly of Delegates, and it's signed by every one of us, dated May 3, 2017."

Ed, thank you.

Speaker MCAULIFFE: And this is a little token of our appreciation.

Janice assures me it's legal.

Clerk O'CONNELL: I think it goes with what Ed gave you last week.

Speaker MCAULIFFE: It goes with what Ed gave you but it's much smaller. And did you want me to read the Commissioners' Proclamation as well? It's briefer and it's bigger font.

"Whereas, Edward Lewis represented the town of Brewster on Barnstable County Assembly of Delegates since 2015; and,

Whereas, he has served on various Standing Committees including Economic Affairs, Natural Resources, Public Services, and is the Vice Chairman of Finance.

Whereas, he has demonstrated commitment and leadership while serving in many capacities to better the lives of the citizens of Brewster and Barnstable County.

Therefore, the County Commissioners express their appreciation for the hard work and dedication of Edward Lewis for his many contributions and willingness to always help the quality of life for the residents in the community.

In witness thereof, I here unto set my hand and caused the seal of the County of Barnstable, Massachusetts, to be affixed on this 26th day of April in the year 2017.

Signed Leo G. Cakounes, Chair; Mary Pat Flynn, Vice Chair, and Ronald R. Beaty, Commissioner."

Congratulations. You know what,

Ed? We're really going to miss you. You always have a wonderful insight. You always have a knack for bringing up wonderful questions. And I also feel that you either have -- you always have a point no matter if I agree or not.

Mr. LEWIS: Thank you, very much. I will miss this group.

Mr. BERGSTROM: Mostly Jim.

Mr. LEWIS: I'll miss even you, Jim.

Mr. KILLION: No way.

Mr. LEWIS: Thank you, again.

Speaker MCAULIFFE: And good luck in the future.

Assembly Convenes

Speaker MCAULIFFE: I will now convene the Assembly. Our first item is the Proposed Ordinance 17-03, which is the Barnstable County FY18 Proposed Operating Budget.

I did ask for amendments ahead of time so that people would have time to get them into proper order and -- okay. And, also, so that we can work things out beforehand and get questions answered.

So may I have a motion, please, to put the ordinance on the floor?

Proposed Ordinance 17-03:

Adopting an Operating Budget for the Fiscal Year 2018, beginning July 1, 2017 and ending June 30, 2018. The Cape Cod Regional Government, known as Barnstable County hereby ordains;

BARNSTABLE COUNTY hereby ordains:

SECTION 1. A budget consisting of the appropriations listed in SECTION 2 below be adopted for the Fiscal Year July 1, 2017 through June 30, 2018.

SECTION 2. Appropriations for said budget are as follows:

GENERAL GOVERNMENT

<u>County Commissioners</u>	<u>\$ 653,336</u>
<u>Assembly of Delegates</u>	<u>\$ 331,819</u>
<u>Resource Development Office</u>	<u>\$ 758,566</u>
<u>Information Technology</u>	<u>\$1,273,486</u>
<u>Department of Finance</u>	<u>\$ 821,709</u>
<u>Total General Government</u>	<u>\$3,838,916</u>

COUNTY SERVICES

<u>Department of Facilities</u>	<u>\$2,302,888</u>
<u>Cooperative Extension</u>	<u>\$2,102,690</u>
<u>Registry of Deeds</u>	<u>\$2,659,154</u>
<u>County Dredge</u>	<u>\$1,887,444</u>
<u>Total County Services</u>	<u>\$8,952,176</u>

HEALTH & HUMAN SERVICES

<u>Health & Environment Department</u>	<u>\$4,235,430</u>
<u>Human Services</u>	<u>\$1,085,298</u>
<u>Children's Cove</u>	<u>\$ 725,866</u>
<u>Total Health & Human Services</u>	<u>\$6,046,594</u>

PUBLIC SAFETY

<u>Sheriff's Dept. Retirement Contribution</u>	<u>\$1,404,969</u>
<u>Fire Rescue Training Academy</u>	<u>\$ 606,915</u>
<u>Total Public Safety</u>	<u>\$2,011,884</u>

PLANNING & DEVELOPMENT

<u>Cape Cod Commission</u>	<u>\$5,417,309</u>
<u>Total Planning & Development</u>	<u>\$5,417,309</u>

SHARED COSTS & DEBT SERVICE

<u>Fringe Benefits</u>	<u>\$1,161,044</u>
<u>Miscellaneous & Contingency</u>	<u>\$ 507,500</u>
<u>Debt Service</u>	<u>\$ 750,000</u>
<u>Total Shared Costs & Debt Service</u>	<u>\$2,418,544</u>
<u>TOTAL FY 2018 BUDGET</u>	<u>\$28,685,423</u>

SECTION 3. No appropriation listed above may be exceeded without appropriate ordinance action to amend budget.

SECTION 4. The public notice for this proposed ordinance was published at least 48 hours prior to the February 8, 2017 meeting of the Board of Regional Commissioners.

SECTION 5. This ordinance shall take effect July 1, 2017.

Mr. BERGSTROM: So moved.

Mr. O'HARA: Second.

Speaker MCAULIFFE: Okay. I will open for discussion and/or amendments. Who wants to go first? Yes, Ron.

Mr. BERGSTROM: Yes. The Finance Committee had a series of meetings on the proposed operating budget. We also heard from the chairs of the various subcommittees as to their recommendations.

We decided to only move forward as a committee with the recommendations of the departments and so on that were under our direct review and to allow the chairs of the other committees to present their amendments that they had proposed.

The two -- I have prepared two amendments that I want to bring forward to the budget, and I'll start with the first one which is a reduction of 98,253 which is listed in the County Commissioners' Department total budget.

So I will move to amend to reduce the County Commissioners' Department Budget Line Item 0011001-5100, Salaries, by \$98,253 for the Assistant County Administrator. So that would reduce it to 333,272.

This is a position that has not been filled over the last year except for a temporary hire for a few months, and I just thought given --

Mr. KILLION: Excuse me. Just a point of order; we need a second on that.

Speaker MCAULIFFE: Oh yes, is there a second?

Mr. KILLION: I'll second that.

Mr. BERGSTROM: Sorry about that. But we decided that given the fiscal constraints of the County, that we would leave this position unfunded, rather than put on another -- I mean \$100,000 is \$100,000, so it's quite a chunk of change.

So the recommendation we made. We thought we could go with existing staff to cover these necessities.

So that's the motion.

Speaker MCAULIFFE: Any comments/ questions? Yes, Sue.

Ms. MORAN: I just wanted to speak against the motion. I think that the Assistant County Administrator position is key at this point with the challenges to the budget and the initiatives that have been discussed.

I think in order to move forward to trim the budget, to maximize the income possibilities, and to look at the long-term future, the Assistant County Administrator position is crucial for that aspect going forward.

Speaker MCAULIFFE: Thank you. Any other? Yes, Patrick.

Mr. PRINCI: Just some information relative to some of the Finance Committee hearings that I was a part of. When we spoke about this, the members of the committee had just some concern whereas it was a position that we hadn't filled but yet we wanted to see more of a plan of action, like exactly like a job description, so to speak, what that person will be doing.

We also wanted to get more information from the Commissioners' Departments whether or not as they reorganize the entire County departments as to whether or not possibly other department heads that may or may not be leaving with those high salaries if, in fact, the Assistant County Administrator could assist with some

of those roles as well.

So I don't believe it was something that the Finance Committee and the Delegate from Chatham is against for the future. It's just something at least right now as we try and get our finances in order.

So I would recommend that the Assembly pass this because we have -- the Finance Committee has made an informal commitment to the County Commissioners' Office that as we start to look at the supplementals and they have a better plan, we would be willing, as an Assembly, to move forward with that funding at that point.

Thanks.

Speaker MCAULIFFE: I've done a 180 on this, only because there are some things that I would like, you know, sort of put in the budget like our transcription services. And I'm afraid if we don't reduce some money, then we won't be able to put in something that I think is invaluable, and we used the transcription a lot this week, so it really is valuable.

I believe, just as Patrick has stated, that this is a very important position but, perhaps, we need to have a job description, a specific task in mind, and it could come as quickly as June if they get a report from the study that they're having done, and they think this is a job that they want someone to have, and then we could vote it in at that point.

So that would be my sort of double-barreled concern is wanting money for something else and not being able to go over the bottom line, and also wanting to have a more specific descriptor to this job.

Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker, just briefly. The history, if you recall, for quite a while the County had a single person occupy the role of County Administrator and Finance Director, and we had an Assistant Administrator at that time. Since then, we moved to split those roles out, and we have not had an Assistant County Administrator for several years, and it seems to me the County's actually functioning much better at this time.

So, as other Delegates have mentioned, I would like to see this position detail more and determine what function we'll play as we move forward.

Thank you.

Speaker MCAULIFFE: Are we ready for a vote? It will be roll call. This is on the amendment to reduce the County Commissioners' budget by \$98,253.

Roll Call Vote on amendment to reduce Commissioners' Department Budget Line Item 0011001-5100, Salaries, by \$98,253 for the Assistant County Administrator. Thereby reducing it to \$333,272.

Voting "YES" (81.73%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “NO” (14.61%): Susan Moran (14.61% - Falmouth).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the amendment to reduce the Commissioners’ budget by \$98,253 bringing the Commissioners’ budget under General Government to \$555,083 passes with 81.73 percent of the Delegates voting yes; 14.61 percent no; 3.66 percent are absent.

Mr. BERGSTROM: Madam Speaker?

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: Yes, I’d like to propose a second motion voted on by the Finance Committee. This would amend -- this would amend to increase the Assembly Department Budget Line Item 0011302-5239 Professional Services by \$15,750 for stenographer services.

I’d like to thank Delegate O’Malley for pointing out the necessity of this since we made a half-a-dozen corrections --

Mr. KILLION: I’ll second it.

Mr. BERGSTROM: So I think it’s valuable to have that transcript and an easy way to determine what was said and what was not said at the last meeting. So, that’s the motion.

Speaker MCAULIFFE: And there’s a second from Jim. Any questions/comments?

Ready for a vote? There will be a roll call vote.

Roll Call Vote on amendment to increase the Assembly Department Budget Line Item 0011302-5239 Professional Services by \$15,750 for stenographer services.

Voting “YES” (96.34%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the amendment to increase the Assembly Budget by \$15,750 to \$347,569 under General Government passes with 96.34 percent of the Delegates voting yes; 3.66 percent absent.

Speaker MCAULIFFE: Thank you. And is that it for Finance?

Mr. BERGSTROM: I’m done.

Speaker MCAULIFFE: Great. Thank you. Next is Natural Resources. I think you have -- I’m aware of your proposed amendments.

Mr. O'MALLEY: Madam Speaker, I have several amendments, yes.

I move to amend by reduction the Health and Environment Department Budget Line Item 0013011-5100, Salaries, by \$70,000 to a new total of \$387,932.71. Bringing the revised overall department budget for Health and Environment for fiscal '18 to be \$4,165,430.

Ms. GREEN: Second.

Speaker MCAULIFFE: Okay. There's a --

Mr. O'MALLEY: At this time --

Commissioner CAKOUNES: Why don't you do an amendment?

Speaker MCAULIFFE: Yes, there's an amendment --

Mr. O'MALLEY: We vote on them one at a time?

Speaker MCAULIFFE: Yes, one at a time.

Mr. O'MALLEY: Right. So discussion on this?

Speaker MCAULIFFE: Yes.

Mr. O'MALLEY: All right. So this is the -- this was the salary line. It was, basically, a placeholder for the earlier proposal to move the -- to create a director for the Water Protection Collaborative to the Health Department since we've agreed ultimately, and the new ordinance will establish that, that that position is not being filled at this time. This is an expense that's not -- it's not been allocated.

Speaker MCAULIFFE: So, are we ready for a vote? Roll call, please.

Roll Call Vote on amendment to reduce the Health and Environment Department Budget Line Item 0013011-5100, Salaries, by \$70,000 to a new total of \$387,932.71. Bringing the revised overall department budget for Health and Environment for fiscal '18 to be \$4,165,430.

Voting "YES" (96.34%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the amendment to the budget ordinance under Health and Environment Department to reduce it by \$70,000, bringing the department budget to \$4,165,430 passes with 96.34 percent of the Delegates voting yes; 3.66 percent absent.

Speaker MCAULIFFE: Thank you. And then you have another amendment?

Mr. O'MALLEY: Madam Speaker, I have an amendment. I move to amend -- to increase the Cooperative Extension Budget Line Item 0012302-5299 by \$10,000. The revised Cooperative Extension Department total budget will,

therefore, for fiscal '18 be \$2,112,690.

Ms. GREEN: Second.

Mr. O'MALLEY: At this time -- now, there's actually another line to this, I'm sorry, that should be included. Well, this is an offset, I'm sorry; this is really an offset for the expense that will come from the prior amendment that eliminated the Assistant County Administrator. So this is to be funded by a transfer from the County Commissioners' Line Item 0011001-5100, Salaries, for Assistant County Administrator.

Speaker MCAULIFFE: I don't believe we need to go into the specifics on where it's coming from at this point because we have a positive cash balance at this point.

Mr. O'MALLEY: Correct.

Speaker MCAULIFFE: So it's just a matter of what are reducing, and as long as we don't go over what we've agreed on.

Mr. O'MALLEY: So we're simply at this point adding \$10,000 -- 10,000 line, okay.

Speaker MCAULIFFE: So just that's what we're voting on is just the adding of \$10,000, not necessarily the account that it's coming from.

Mr. O'MALLEY: Exactly. So just by way of simple explanation, this is the Buy Fresh Buy Local funds. There was very strong consensus throughout that this was worth keeping.

Speaker MCAULIFFE: Any discussion? All right. Roll call vote.

Roll Call Vote on amendment to increase the Cooperative Extension Budget Line Item 0012302-5299 by \$10,000. The revised Cooperative Extension Department total budget will, therefore, for fiscal '18 be \$2,112,690.

Voting "YES" (87.19%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable).

Voting "NO" (9.15%): Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the amendment to add \$10,000 to the Cooperative Extension Budget for Buy Fresh Buy Local Program bringing the Cooperative Extension Budget to a total of \$2,112,690 passes with 87.19 percent of the Delegates voting yes; 9.15 percent voting no; 3.66 percent absent.

Speaker MCAULIFFE: Thank you. Health and Human Services; I didn't receive any prior amendments, so I'm assuming that there's no motion or amendment coming forward from Human Services at this point -- Health and Human Services?

Okay. Thank you. And then we did at our places get a motion from Delegate McManus, Chair of Economic Affairs, I think everyone has it at their place. Ed.

Mr. MCMANUS: Yes, as you know, the Economic Development Committee was supportive of providing the funding to support Arts in the County. As the discussion went on, it was clear that there is problematic reasons why the previous practice couldn't be continued. The members, though, feel it was strong -- felt strongly that some provision in the budget be made for a dedicated fund to provide for a representative group to represent Arts in Barnstable County because they're such a strong and important part of our economy.

So I would like to make a motion to amend Section 2 of Proposed Ordinance 17-03 to increase the County Commissioners Department Line Item 0011004-5490, Arts Fnd by \$5,000 to provide funds to contract for an organization to represent the arts, artists, and cultural activities on behalf of Barnstable County.

And to further amend this Proposed Ordinance 17-03 by renumbering Sections 4 and 5 to Sections 5 and 6, and adding a new Section 4 reading as follows: "No expenditure from County Commissioners Line Item 0011004-5490 can be made until such time as the County Commissioners have conducted an RFP process to select an organization who will represent, publicize, and provide training and support for the arts, artists, arts organizations, and cultural activities in Barnstable County. The organization selected shall be designated as the representative of Barnstable County Arts and Culture."

Ms. GREEN: Second.

Speaker MCAULIFFE: Any questions, comments, discussions? Ron.

Mr. BERGSTROM: Yes, I didn't follow this until just now. So what we're saying is that we're going to give the Commissioners -- we're not going to give directly this money to the Arts Foundation?

Mr. MCMANUS: No.

Mr. BERGSTROM: To the Commissioners and they will then have a process by which -- it's kind of circuitous.

I mean I absolutely agree with this appropriation, and I agree with Delegate Lewis's suggestion that in the future once we set the process, we can make such donations. If this passes legal muster, I'll support it, but that's the question in front of us.

Speaker MCAULIFFE: Yes, Ed Lewis.

Mr. LEWIS: I believe this will -- yes, this will pass legal -- I think it will pass legal muster because it allows for an RFP, and I think that will make it pass legal muster.

Speaker MCAULIFFE: Anyone else? Linda. Sorry.

Ms. ZUERN: Yes, I just question whether this is properly before us because it's not just an amendment to the budget; it's a change in wording. And when we change an ordinance, don't we usually have that ahead of time to, you know, numbered and we know that we're going to be voting on it. We just got this, what, about an hour ago.

Speaker MCAULIFFE: That was why I requested any amendments ahead of time because it's very challenging to have something come in at the table and to feel that you have all the information that you need, whether -- and it may be a perfectly, well-reasoned legal idea, but it's very challenging when you don't have an opportunity to vet it for yourself.

So I'm, personally, also finding that this may come to fruition at some

point if it doesn't pass through the budget process but this was a challenge for me.

Lilli-Ann.

Ms. GREEN: I'd like to amend the motion to just have the first sentence and delete the second paragraph.

Speaker MCAULIFFE: Is there a second?

Mr. BERGSTROM: Second.

Speaker MCAULIFFE: Okay. Discussion on the -- first, you want to give a reason for it? We're amending the amendment. So this is an amendment to the amendment, and why would you want to amend it by taking out the second paragraph? What's your rationale for wanting to make the amendment?

Ms. GREEN: I think that first sentence is very simple and direct.

Speaker MCAULIFFE: Yes.

Ms. GREEN: And I think that, you know, furthermore, I'm concerned that the Assembly should be able to vote on which arts organization. And I feel -- because I feel very strongly that it should be the Arts Foundation. But I think the reason why I'd like to amend this is just because it's very simple and direct.

Speaker MCAULIFFE: Any other discussion on the amendment to the amendment?

Mr. O'MALLEY: I would support the amendment because I'm in agreement with the observation that the second paragraph, with Delegate Zuern's observation, is that this is not properly in the budget process. I think we've got to be clear that we're not making policy decisions as we go along here. This is a budget process.

So in supporting the amendment, we're simply setting aside a sum of money that would go into one of the two funds, I'm not clear yet which, to be available for subsequent authorization.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: But I thought we had a legal opinion that said that we cannot put these amounts from nonprofits into the budget on the line item and it has to go through the process.

I thought this money was going to be delegated through the Grant Fund. So, I'd still be against it.

Speaker MCAULIFFE: Okay. And that -- anybody else on the amendment to the amendment? Tom.

Mr. O'HARA: The amendment to the amendment.

Speaker MCAULIFFE: This is the amendment to the amendment.

Mr. O'HARA: To Linda's last point, I thought this would be a perfect application of the newly established Grant Fund.

Mr. O'HARA: That said, whether that's applicable to the amendment to the amendment, but that's my statement.

Speaker MCAULIFFE: Thank you. Ed McManus.

Mr. MCMANUS: Yes, a couple of issues. One, on the amendment, the second paragraph, as it were, is being inserted into the ordinance, adopting the budget, it's a matter of direction just -- and simply the way the current Section 3 provides a matter of direction as to how expenditures are supposed to occur. This is an additional section to provide an additional statement of how the direction on how expenditures do

occur.

As to the question of it being proper before you; you'll note in the first paragraph in and the second paragraph, there is no specific arts organization specified because it's my belief having reviewed the, whatever, that Anti --

Mr. LEWIS: Aid.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: -- Aid. A ruling is is that that would be improperly put in the budget at this point. So the only option then is to identify the activity that you want funded and specify that open process on selecting that organization to conduct that activity is provided for.

Speaker MCAULIFFE: Thank you. Ed Lewis and then Ron Bergstrom.

Mr. LEWIS: To the amendment to the amendment, if you don't have the second paragraph, it doesn't pass legal muster. The second paragraph makes it pass legal muster because it allows for an RFP and it allows for any arts organization to come in and apply for this \$5,000.

And if you would delegate one organization, then you're part of the Anti-Aid bylaw or law and you can't do it. But if you didn't have the second amendment -- the second paragraph, excuse me that allows for that to be done because you're not stating a contribution to one organization. You're allowing any organization dealing with arts to come before the Commission and ask for that money. So you need the second paragraph to make it legal.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, I'm going to disagree with Ed Lewis, probably one of my last chances to do that, so I can't pass it up.

I've got the line item in front of me. It's a reduction. It originally was 14,900. It was reduced by the Commissioners by that very \$5,000. I don't know that if we can eliminate the second paragraph and we simply put \$5,000 in that line item, we're not actually contributing it to anything. We're actually just putting it in the line item to make it available to contribute.

And there's been some talk of how the Commissioners don't necessarily have to spend money that we give them. So I don't think that by putting the money in the line item it's actually going to violate any kind of law.

So I do support the amendment to the --

Speaker MCAULIFFE: Okay. So we'll have a vote on the amendment to the amendment. So this is to reduce the original amendment to one paragraph, just the first paragraph. So saying "yes" to this amendment would take away the second paragraph. Saying "no" to the amendment, would keep the second paragraph.

Roll Call Vote to reduce the original amendment to one paragraph, just the first paragraph (Section 2 of Proposed Ordinance 17-03 to increase the County Commissioners Department Line Item 0011004-5490, Arts Fund by \$5,000 to provide funds to contract for an organization to represent the arts, artists, and cultural activities on behalf of Barnstable County). So saying "yes" to this amendment would take away the second paragraph.

Voting "YES" (70.39%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% -

Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable).

Voting “NO” (16.80%): Edward Lewis (4.55% -Brewster), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis).

Voting “PRESENT” (9.15%): Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, the amendment to remove the second paragraph of the first amendment passes with 70.39 percent of the Delegates voting yes; 16.80 percent voting no; 9.15 percent voting present; 3.66 absent.

Mr. BERGSTROM: Point of order, could you do those numbers again because I think that Sue has 14 percent and John has 6. So that’s 20 percent that are no right there.

Ms. GREEN: Sue said yes; didn’t she?

Mr. BERGSTROM: Oh, you voted yes?

Ms. MORAN: Yes.

Mr. BERGSTROM: Oh, okay. Then I’m sorry.

Speaker MCAULIFFE: So it’s 70.39 percent said yes, which means that the second paragraph is removed from the amendment?

Speaker MCAULIFFE: And then the amendment before us to the budget right now is the first sentence of paragraph whatever you want to call that. And the motion to amend Section 2 of Proposed Ordinance 17-03 to increase the County Commissioners’ Department Line Item 001104-5490, Arts Fnd, by \$5,000 to provide funds to contract for an organization to represent arts, artists, and culture activities of Barnstable County.

So that is the motion before us now. So are we ready for a vote? Roll call, please.

Roll Call Vote to increase the County Commissioners Department Line Item 0011004–5490, Arts Fund by \$5,000 to provide funds to contract for an organization to represent the arts, artists, and cultural activities on behalf of Barnstable County.

Voting “YES” (48.67%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Brian O’Malley (1.36% – Provincetown).

Voting “NO” (47.67%): E. Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the amendment to increase the Commissioners' Budget by \$5,000 fails because it does not receive the minimum required, which is 50.01 percent. The vote is yes 48.67 percent; no 47.67 percent; 3.66 percent absent.

Speaker MCAULIFFE: All right. And on a more positive note, I'm looking forward to having a Grant Fund set up. And that in the real world that the money will go out to the appropriate organizations to the Arts Fund, and also that the Assembly will have a discussion about how we can incorporate non-powers and function-type items into our budget, so even though this did not pass.

Is there anything else to come before the Assembly in terms of the minutes to the budget?

Clerk O'CONNELL: Madam Speaker, if you would allow me to recap the revised total?

Speaker MCAULIFFE: Okay. Let me just see if there's anything else?

Ms. MORAN: Point of order. Attached to Delegate O'Malley's list was a Number 3.

Speaker MCAULIFFE: Oh, the Number 3.

Mr. O'MALLEY: The Number 3 related to the Water Protection Collaborative.

Ms. MORAN: Okay. Fine.

Mr. O'MALLEY: But, in fact, we're accepting the budget as it is.

Ms. MORAN: Fine. As long as you didn't want to address it.

Mr. O'MALLEY: We've heard that the ordinance is in the works and has been largely agreed to, so I don't need to beat this one anymore.

Ms. MORAN: Right.

Speaker MCAULIFFE: All right. So in terms of the budget, which is Proposed Ordinance 17-03, the Clerk will read the final numbers for the Operating Budget for the County.

Clerk O'CONNELL: Yes, and certainly the Finance Director if she will concur. The Proposed Ordinance was a total FY18 budget of \$28,685,423.

Today, your actions reduced it by \$98,253 for the Assistant County Administrator; increased it by \$15,750 for the Assembly Professional Services; decreased it by 70,000 for the position of Executive Director in the Health Department for the Water Protection Collaborative; and increased it by \$10,000 in the Cooperative Extension for the Buy Fresh Buy Local Program.

Therefore, revising the total FY18 Budget to \$28,542,920, correct?

Finance Director MCISAAC: Okay.

Speaker MCAULIFFE: Thank you. Any other? All right. So we will have a vote on the budget Ordinance 17-03. So, a roll call?

Clerk O'CONNELL: Yes, right. I'm going to suggest that you vote on the amended budget total.

Speaker MCAULIFFE: So we will --

Clerk O'CONNELL: That's the revised budget total if someone would okay that, second it, and we can vote on it.

Speaker MCAULIFFE: Okay. So will someone, please, move 17-03, Proposed Operating Budget of 28,542,920?

Mr. BERGSTROM: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: All right. Now, roll call vote.

Roll Call Vote on Proposed Ordinance 17-03 as amended the County's Operating Budget of 28,542,920.

Voting "YES" (89.76%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "NO" (6.58%): John Ohman (6.58% - Dennis).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17–03, as amended, with a new total of \$28,542,920 for the FY18 budget passes with 89.76 percent of the Delegates voting yes; 6.58 percent voting no; 3.66 percent absent.
Now known as Ordinance 17-04.

Speaker MCAULIFFE: Thank you.

Ordinance 17-04:

Adopting an Operating Budget for the Fiscal Year 2018, beginning July 1, 2017 and ending June 30, 2018. The Cape Cod Regional Government, known as Barnstable County hereby ordains;

BARNSTABLE COUNTY hereby ordains:

SECTION 1. A budget consisting of the appropriations listed in SECTION 2 below be adopted for the Fiscal Year July 1, 2017 through June 30, 2018.

SECTION 2. Appropriations for said budget are as follows:

GENERAL GOVERNMENT

<u>County Commissioners</u>	<u>\$ 555,083</u>
<u>Assembly of Delegates</u>	<u>\$ 347,569</u>
<u>Resource Development Office</u>	<u>\$ 758,566</u>
<u>Information Technology</u>	<u>\$1,273,486</u>
<u>Department of Finance</u>	<u>\$ 821,709</u>
<u>Total General Government</u>	<u>\$3,724,913</u>

COUNTY SERVICES

<u>Department of Facilities</u>	<u>\$2,302,888</u>
<u>Cooperative Extension</u>	<u>\$2,112,690</u>

Registry of Deeds	\$2,659,154
County Dredge	\$1,887,444
Total County Services	\$8,962,176
<u>HEALTH & HUMAN SERVICES</u>	
Health & Environment Department	\$4,165,430
Human Services	\$1,085,298
Children's Cove	\$ 725,866
Total Health & Human Services	\$5,976,594
<u>PUBLIC SAFETY</u>	
Sheriff's Dept. Retirement Contribution	\$1,404,969
Fire Rescue Training Academy	\$ 606,915
Total Public Safety	\$2,011,884
<u>PLANNING & DEVELOPMENT</u>	
Cape Cod Commission	\$5,417,309
Total Planning & Development	\$5,417,309
<u>SHARED COSTS & DEBT SERVICE</u>	
Fringe Benefits	\$1,161,044
Miscellaneous & Contingency	\$ 507,500
Debt Service	\$ 750,000
Total Shared Costs & Debt Service	\$2,418,544
TOTAL FY 2018 BUDGET	\$28,542,920

SECTION 3. No appropriation listed above may be exceeded without appropriate ordinance action to amend budget.

SECTION 4. The public notice for this proposed ordinance was published at least 48 hours prior to the February 8, 2017 meeting of the Board of Regional Commissioners.

SECTION 5. This ordinance shall take effect July 1, 2017.

Speaker MCAULIFFE: The next is a vote for the Proposed Ordinance 17-06, which is a Barnstable County Proposed Capital Budget. This came to us a little bit after their bigger budget. That's why there's a little gap in the numbers.

You have that as part of your packet.

Proposed Ordinance 17-06:

To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay, therefore:

The Cape Cod regional government, known as Barnstable County hereby ordains:

The Board of Commissioners is hereby authorized to purchase capital equipment, and implement capital improvements for use in conducting the business of the County as follows:

Section 1.

- a. Purchase the following equipment for the Facilities Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

<u>Item</u>	<u>Cost</u>	<u>Finance Account Number</u>
Replacement of Vehicle	\$35,000.00	0053028 5837 2018

- b. Implement the following capital improvements for the Facilities department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

<u>Item</u>	<u>Cost</u>	<u>Finance Account Number</u>
Superior Courthouse Roof Repl.	\$360,000.00	0052038 5801 2018
Superior Courthouse Ext. Renov.	\$210,000.00	0052038 5807 2018
First District Electrical Improve.	\$45,000.00	0051118 5811 2018
<u>Total Cost:</u>	<u>\$615,000.00</u>	

The total cost of equipment, improvements and projects equals (=) \$650,000.00

Section 2:

For the purposes set forth in Section 1, the County Treasurer, with the approval of the County Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary, and may issue bonds or notes of the County therefore.

Section 3:

All bonds or notes issued pursuant to this proposed ordinance shall be signed by the County Treasurer and countersigned by a majority of the County Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the County Commissioners may deem proper but not at prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the Massachusetts General laws.

Speaker MCAULIFFE: The next is a vote for the Proposed Ordinance 17-06, which is a Barnstable County Proposed Capital Budget. This came to us a little bit after their bigger budget. That's why there's a little gap in the numbers.

You have that as part of your packet.

Clerk O'CONNELL: 17-06.

Speaker MCAULIFFE: Excuse me, 17-06. It's pretty straight forward and not, yes, not too extensive. So we haven't had a lot of discussion on this.

Is there a motion for 17-06 to be put on the floor?

Mr. BERGSTROM: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Okay. So this is for the Capital. The total cost of this is \$645,000.

Mr. BERGSTROM: Didn't we vote 650?

Speaker MCAULIFFE: Excuse me. Right.

Mr. BERGSTROM: We voted 650. It was amended by the Finance Committee.

Speaker MCAULIFFE: Okay. It was amended to \$650,000. So the total cost of Proposed Ordinance 17-06 is \$650,000.

Mr. LEWIS: Right.

Speaker MCAULIFFE: Any further comments, questions, issues? All right. Roll call vote, please.

Clerk O'CONNELL: Yes, that total, it was just a scribe's error.
Speaker MCAULIFFE: Oh, that's right.
Clerk O'CONNELL: So the total should be \$650,000 not \$645,000.

Roll Call Vote on Proposed Ordinance 17-06 the County's Capital Budget of \$650,000.

Voting "YES" (96.34%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17-06 for a total of \$650,000 passes with 96.34 percent of the Delegates voting yes; 3.66 percent absent. **Now known as Ordinance 17-05.**

Ordinance 17-05:

To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay, therefore:

The Cape Cod regional government, known as Barnstable County hereby ordains:

The Board of Commissioners is hereby authorized to purchase capital equipment, and implement capital improvements for use in conducting the business of the County as follows:

Section 1.

c. Purchase the following equipment for the Facilities Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

<u>Item</u>	<u>Cost</u>	<u>Finance Account Number</u>
Replacement of Vehicle	\$35,000.00	0053028 5837 2018

d. Implement the following capital improvements for the Facilities department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

<u>Item</u>	<u>Cost</u>	<u>Finance Account Number</u>
Superior Courthouse Roof Repl.	\$360,000.00	0052038 5801 2018
Superior Courthouse Ext. Renov.	\$210,000.00	0052038 5807 2018
First District Electrical Improve.	\$45,000.00	0051118 5811 2018
Total Cost:	\$615,000.00	

The total cost of equipment, improvements and projects equals (=) \$650,000.00

Section 2:

For the purposes set forth in Section 1, the County Treasurer, with the approval of the County Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary, and may issue bonds or notes of the County therefore.

Section 3:

All bonds or notes issued pursuant to this proposed ordinance shall be signed by the County Treasurer and countersigned by a majority of the County Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the County Commissioners may deem proper but not at prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the Massachusetts General laws.

Speaker MCAULIFFE: So that takes care of Operating and Capital.

Committee Report

Speaker MCAULIFFE: Next is a Committee Report for the Proposed Ordinance 17-07, Fire Training Academy Contracted Services, and also a vote on 17-07. So perhaps the committee report, and then we can get a motion and have a vote.

Mr. BERGSTROM: I wasn't -- I'm going to give the committee report, but I wasn't actually at the meeting because Ed Lewis had chaired it, but he's asked me to give the report, which you should, hopefully, you should have in front of you.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: This was an additional \$100,000 for the Fire Training -- to spend on remediation. So far, to date, there have been approximately 198,000 spent on remediation of the Fire Training Academy, and the 100,000 requested to carry through the remaining fiscal year and into the next.

Ed McManus mentioned -- motioned. It was seconded to approve, and the motion carried three to nothing.

Proposed Ordinance 17-07:

The Cape Cod regional government, known as Barnstable County hereby ordains;

To add to the County's operating budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, by making supplemental appropriations for the Fiscal Year two-thousand and seventeen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 31, 2016, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 16-06, are hereby appropriated from the Statutory Reserve Fund as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and seventeen. Said funds are to be expended for the ongoing costs related to the Fire Training Academy remediation. Said funds shall be derived from the Statutory Reserve Fund for FY2017.

Budget #	Sub-Program	\$ Amount
0019107 5790	General Fund – Transfer Out	
	Into Special Revenue Fund for Contractual Services	\$100,000
	TOTAL SUPPLEMENTAL APPROPRIATION	\$100,000

Speaker MCAULIFFE: Thank you. So can we have -- can we have a motion to put 17-07 on the floor?

Mr. O'MALLEY: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Okay. Any further discussion or questions for the Finance Committee?

Okay. A roll call vote, please.

Roll Call Vote on Proposed Ordinance 17-07 to add to the County's operating budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, by making supplemental appropriations for the Fiscal Year two-thousand and seventeen for ongoing costs related to the Fire Training Academy remediation in the amount of \$100,000.

Voting "YES" (96.34%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.66%): Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17-07 passes with 96.34 percent of the Delegates voting yes; 3.66 percent absent. **Now known as Ordinance 17-06.**

Ordinance 17-06:

The Cape Cod regional government, known as Barnstable County hereby ordains;

To add to the County's operating budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, by making supplemental appropriations for the Fiscal Year two-thousand and seventeen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 31, 2016, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 16-06, are hereby appropriated from the Statutory Reserve Fund as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and seventeen. Said funds are to be expended for the ongoing costs related to the Fire Training Academy remediation. Said funds shall be derived from the Statutory Reserve Fund for FY2017.

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
0019107 5790	General Fund – Transfer Out	
	<u>Into Special Revenue Fund for Contractual Services</u>	<u>\$100,000</u>
	<u>TOTAL SUPPLEMENTAL APPROPRIATION</u>	<u>\$100,000</u>

Speaker MCAULIFFE: Okay. Our next item is report from the Clerk.
Clerk O'CONNELL: I'm sorry; I don't have anything to report today.

Other Business

Resolution 17-02:

To request that Representative Sarah Peake petition the general Court that Barnstable County be authorized to establish a deeds excise fund.

Now, therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests that Representative Sarah Peake, of the 4th Barnstable District, submit a petition to the General Court, on behalf of Barnstable County, providing for the establishment of a deeds excise fund as provided for in Bill H. 4513 (included as an attachment) which was submitted on behalf of Barnstable County to the 189th General Court.

Adopted by the Assembly of Delegates on 4/19/17.

Rejected by the County Commissioners on 4/26/17.

Speaker MCAULIFFE: Under other business, there's a discussion regarding Resolution 17-02, which is the Deeds Excise Fund that the Assembly voted and the County Commissioners vetoed.

So the discussion, and then if there's a potential vote -- if there's a desire on the Assembly's part to go ahead and try to override, we need two-thirds of the Assembly's vote to override the Commissioners' veto.

The reason that the Commissioners vote on this is it requires an action. It required that someone do something. It wasn't just an opinion. If this was something that was internal to the Assembly or if it was something that was an opinion, then we would not have the Commissioner's authority over the resolution.

Typically, I think people think resolutions are sort of internal business and that the Commissioners wouldn't necessarily weigh in on it. But because it requires an action, they did have the authority as the policy executive to weigh in on it.

So what are your thoughts? Ed, did you want to say anything, or do you want to see what the Assembly has to say?

Mr. MCMANUS: I don't always like to hear what the Assembly has to say. However, I brought this forward because I am concerned about the pension liability that this County's carrying.

I know had the Cape Light Compact suggested that they leave the County and leave the pension liability behind, we would be outraged and I am similarly so.

However, in the ensuing conversations that have occurred, I think some of our legislative delegation and leadership of our body and that County administration and Commissioners have developed a, in essence, a game plan on what legislation to

support this year. And at this point, I'm willing to go with their decision.

However, I don't think this is a dead issue moving forward. It's still of concern to me. And I think in looking at an analysis of some of the ways that a variety of revenues that the County's received are disproportionate between our County and other counties, I think the case can be made that this should be rightfully a state obligation, and we will -- I'll continue to look into it into the future.

Speaker MCAULIFFE: And I think one of the things that I found very helpful is to -- perhaps, we can have Lance Lambros come. He was County Commissioner with Rob O'Leary and I think Mary LeClair at the time that the sheriff left. And there was a strong will on the part of the County to have the sheriff move on because of the increasing cost of maintaining the sheriff department. And you know this, John, because you were there too.

But Lance mentioned that they had -- they were given the choice of a maintenance fee of 1.2 million or maintaining the pension liability.

And at the time, I think the calculations were -- well, the pension liability is going to be a declining number, the maintenance fee is going to be an ongoing number, so we'll take the pension liability because that's something that, you know, we can get off the books.

Well, it turns out I think its 2037 or actuarially it's going to go on for a lot longer than what people thought. So, it might be interesting then, Ed, to have someone who was in on the decision-making come in, and he can also perhaps address some of the issues of how much more we got than the other counties as well in terms of land and our share of the excise taxes relative to the other counties too.

Because he is very aware of what was going on at the time. And, in fact, it might be valuable information for us to have.

First Brian.

Mr. O'MALLEY: If I understand Delegate McManus appropriately, he's -- I'm sorry, turn that on, he's essentially willing to pull back on this. So I think we're faced with a situation where we have two alternatives.

One, which we're pursuing about 1.1 million, but we have a very dicey chance of getting it through the legislature. My conversations with Representative Peake suggest that that's a little bit iffy versus a process where we'll see 800,000 a year come in from increased fees. It seems to me we should grab the money and be satisfied.

Speaker MCAULIFFE: If that one goes.

Mr. O'MALLEY: Yes.

Speaker MCAULIFFE: Yes, Ed Lewis.

Mr. LEWIS: Yes, I support what Ed said and what Brian said, but I think rather than have Lance Lambros come in because -- well, I won't say because; I think you'd be better off asking both Vinny deMacedo, the senators, and Julian, as well as the entire Cape delegation come in and let them know what's happening. Rather than having aides come, see if you can get the Cape delegation to come in and talk about it and explain what's happening because most aides tend to tell a person -- their bosses what they want to hear, and they don't really give them the full story, and I think there is a full story here, and I think you want to get the senator to come in.

And since he probably goes to schools and stuff like that, maybe he would come here.

Thank you.

Speaker MCAULIFFE: No, I agree. I think that it would be important to have the delegation in. I was just thinking of a County Commissioner who was in the seat at the time that this occurred, was part of the decision-making for what went on at the time. So I --

Mr. OHMAN: May I?

Speaker MCAULIFFE: Yes, John.

Mr. OHMAN: Yes, as being part of that process with Lance Lambros, who was actually originally the first Sandwich Delegate; he got elected the same day as myself and went on to be County Commissioner.

Yes, it was an ongoing bleeding from the sheriff. We had an unbelievable obligation. If the sheriff needed money, we had to write the check. It was a very good decision, maybe not the best of the two alternatives; we'll have to see.

But I think this is an important enough issue that political climates change and we should refile this as often as we need to be, and get the political temperature of Sarah Peake and Vinny deMacedo and whoever else that will come to the table, that's really important.

But this is \$1.4 million. I mean this is a lot of money with our OPEB obligations, as Ron said. I think we've got to keep refiling this and keep this on the top - on the front burner of our thought process to lead a successful County government in the future.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just this is kind of out from left field, but I know that we've had some discussions as to powers of the Assembly, what we can and cannot do, versus the Commissioners.

It's my interpretation of the Charter when it says that the resolution calls for an action, that it needs the approval of the Commissioners. I think they're referring to Barnstable County having an action. In other words, we're doing something. We're requiring the County to do something.

If we requested somebody else do something like, for instance, request that the Boy Scouts have a special county day, or we request that the legislature do something; I don't think that it needs approval of the Commissioners.

So I know I'm only one voice, but since we are going to County Counsel in reference to what Delegate Lewis says that we should often times reach out beyond County Counsel and get some opinions. I think we should run that by him too so.

Speaker MCAULIFFE: Then we'll put that on the list.

Mr. BERGSTROM: Okay.

Ms. GREEN: Suzanne.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I would tend to agree with Delegate Bergstrom and Delegate Ohman in -- I mean, I can't stop thinking that this potential law got all the way to third reading, which means, if I'm understanding the legislature correctly, it had one more step to get on the floor to be voted on by the House of Representatives, and I think that's a big deal.

I mean there's thousands of Bills. Bills can be combined. We could take the temperature of this Bill as it moves forward, and I would like -- I mean, it means we

have to wait two years for this Bill to be refiled if we don't act now, I believe. So --

Speaker MCAULIFFE: No, it's late for this session. It's very late to this session; number 1.

Ms. GREEN: Right.

Speaker MCAULIFFE: Number 2, there was discussion that the state would probably want some money to take over the pension liability from Barnstable County. That was part of the discussion at the table so.

Ms. GREEN: I see.

Speaker MCAULIFFE: Do I have -- yes, Ron.

Mr. BERGSTROM: I move to adjourn.

Mr. LEWIS: Wait, wait.

Speaker MCAULIFFE: Okay. I was going to say do I have consensus on not taking a vote?

Clerk O'CONNELL: Well somebody would have to put it on the floor and a second to actually vote it.

Speaker MCAULIFFE: Well, it said possible vote. If we just don't vote--

Mr. MCMANUS: Madam Speaker.

Speaker MCAULIFFE: -- I'm just -- Okay. So I'll just make it Speaker's prerogative then we won't vote. Okay.

Mr. MCMANUS: Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: I'd rather not put us all through the time it would take.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: This is other business. I'd like to formally thank the Assembly for giving me the opportunity in the town of Brewster, for the honor of serving on this board.

This is a wonderful board, and you really have to realize it's one of the very few counties in the state that operates, and it operates effectively regardless of all the problems that we have. They're a lot less than a lot of other places.

This is a board with a lot of intelligent people on it, who work hard, who care about their County and the constituents in it, and I think you do a wonderful job overall.

I thank the Commissioners and everybody who works at the County; Jack, Mary, and everybody else. I thank you for the opportunity to serve for the past three and a half years.

Speaker MCAULIFFE: Thank you, Ed. And with that --

Clerk O'CONNELL: Is there anybody on a roll call vote that won't vote to adjourn?

Mr. BERGSTROM: Move to adjourn.

Mr. O'HARA: Second.

Speaker MCAULIFFE: We're adjourned. Thank you, everyone.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:30 p.m.

Submitted by:

Janice O’Connell, Clerk
Assembly of Delegates

List of materials used and submitted at the meeting:

- Business Calendar of 5/3/17
- Unapproved Journal of Proceedings of 4/19/17
- Proposed Ordinance 17-08 submitted by County Commissioners
- Reference article re: Proper Municipal Expenditures
- Proposed Ordinance 17-04
- Memo from County Counsel dated 4/26/17
- Reference document re: Chapter 35 Section 28B Mass General Law
- Standing Committee recommendations dated 4/12/17
- Delegate Bergstrom budget amendments
- Delegate O’Malley budget amendments
- Delegate McManus budget amendment
- Proposed Ordinance 17-06
- Finance Committee Report on Proposed Ordinance 17-07 dated 4/19/17
- Proposed Ordinance 17-07
- Resolution 17-02
- County Commissioners letter dated 4/26/17 re: Rejection of Resolution 17-02