

**CAPE COD REGIONAL GOVERNMENT
SPECIAL MEETING
ASSEMBLY OF DELEGATES**

Meeting Minutes - May 30, 2014

Call to Order:

Speaker BERGSTROM: Good afternoon. Welcome to the Special Meeting of the Assembly of Delegates of Friday, May 30th, 2014. Because this is a special meeting, we are going to dispense with our normal order of business and we'll go right into our agenda.

First will be -- we'll start -- oh, is anyone recording this meeting besides -- okay. It's being recorded. So beware.

We'll go right into a call of the roll from the Clerk.

Roll Call and Declaration of Quorum:

Roll Call (97.27%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (2.73%): Christopher Kanaga (2.73% - Orleans).

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 97.27 percent of the Delegates present; 2.73 percent absent.

Discussion and Vote on Disapproval of Ordinance 14-02 by County Commissioners:

Speaker BERGSTROM: Okay. I will now have a discussion and a potential vote on action taken by the Barnstable County Commissioners on Ordinance 14-02.

We have received a notice of disapproval from the Commissioners, and I'm going to pass it over to our beleaguered Clerk who has been dealing with the back and forth on this and she can give us a quick rundown of where we are.

Clerk O'CONNELL: Good afternoon, Delegates. I guess I want to start out by letting you know that we have followed the Charter process with regards to what we need to do to get us to this point. It really started back when we received the notice of reconsideration.

And once that happened and you took a vote at the previous meeting, it set up the format basically that we had to follow using the Charter.

In conjunction consulting with County Counsel, we made the determination that we needed to give Delegates at least a three-day notice of this meeting. That was done.

I have received certification from all of the Delegates that are present that they did receive the notice within that three day timeframe. And from that point, we needed a 48-hour posted meeting notice.

I did not want to post the meeting and then have to yank it back until I knew what action the Commissioners were taking. So, it really worked out fine.

Today, having a meeting on a Friday was not due to any particular strategy or need to do it on a Friday. It just literally happened to fall that way on the calendar.

And I guess I also want to add that from my perspective there were no delays in the process. Everything from the Clerk's perspective went rather smoothly. The material that I needed to deliver to the Commissioners' office was done in a timely manner, the day following the last meeting of the Assembly.

Likewise, once the Commissioners took their vote or their action, they immediately delivered their notification to me which enabled me to be able to establish this process.

I know that you have received additional information either from me and or email sources. Certainly, you did get the letter and a spreadsheet that was provided by the Commissioners. I know you have that available. That's also available on the Web. And I guess that's where we're at, at this point.

Today, when you vote, I will tell you that there is no opportunity to make any amendment to change anything. This will be a straight up or down vote needing 66 percent -- oh, I'm sorry, two-third's percent or 66.66 percent of the population of Barnstable County, not of the population or the Delegates that are present. It's of all of Barnstable County. So we need that percentage in order to override the disapproval of the Commissioners on Ordinance 14-02.

And I guess on concluding, I'm going to use a famous quote that I heard this week, and I liked it, and rest her soul, Maya Angelou, she had some just great quotes. And "You do the best you can until you know better. Then, when you know better, you do better." And I think that for myself that certainly fits and it may fit a lot of other situations today as well.

So that's it for the process, unless you have any additional questions.

Speaker BERGSTROM: Okay. Now that we have -- now that we know where we are, who would like to open the discussion on this?

Yes, Deborah.

Ms. MCCUTCHEON: I'd like to move to override the Commissioners' disapproval of Ordinance 14-02.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Is there any discussion on this.

Ms. TAYLOR: There's a lot. Leo.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: I'm sorry; I didn't drive all the way from Harwich to not discuss it at all so. I was not able to make the Commissioners' meetings.

However, I did watch them on Live Cast or Live Cam, whatever it's called. I did not hear any information that would change my mind in that we should be not taking back the 2-1/2 percent.

The argument that we can raise it 2-1/2 percent every year; thusly, we should, did not sit well with me. And I strongly hope that the rest of you will support this override because there are a few things that you may know/you may not know, but this 2-1/2 percent increase is directly affecting the towns 2-1/2 percent override also or 2-1/2 percent increase. It gets allocated to that.

And it's unlike the Cape Cod Commission's 2-1/2 percent increase which by state statute does not get allocated in with the town's assessment of their 2-1/2 percent increase. It goes directly to the taxpayers.

So I believe this action will help towns, will help communities, and it's not a great deal of money that I believe it's going to affect us this year. And I'm hoping that as you deliberate it or

even consider your votes this evening that you will consider that we are now voting on this one budget.

The argument that this is going to somehow create a 15-year or 10-year deficit or a lack of compounding interest, if you will, is something that future Assembly of Delegate members have to discuss as they deliberate their budgets in front of them.

So I'm hoping that you will join me in voting positive on this override.

Speaker BERGSTROM: Okay. Julia.

Ms. TAYLOR: You know I won't vote in favor of the override because I can understand the concept of sending a message, but I'm worried that we might be cutting off our nose to spite our face.

I thought about what Falmouth has done about some of these financial issues, because I have a lot of respect for the management of my town fortunately. We have a great Town Manager. We've got an excellent Fin Com, and we now have a very good Finance Director who I think's going to make some positive impact. And we are a representative Town Meeting, which I don't always agree with but I do have respect overall for their judgment.

And this year as the last year and the year before and the year before that, there was no discussion among the Selectmen or the Town Manager when they created the budget about any skipping of a 2-1/2 increase, which they're allowed to do.

It wasn't discussed by the Finance Committee. It wasn't ever mentioned at the Town Meeting because, as we know, 2-1/2 percent barely, it doesn't really cover inflation. It certainly doesn't cover municipal inflation which includes such a large insurance component which goes up so much.

So, I also noted that our Finance Director at Town Meeting explained to us how they're sort of connected, I think, in certainly some people's minds, we increase the number of and the funding -- the amount of the funding of our several reserve accounts. We didn't think that the fact that we could have a savings account -- in fact several savings accounts meant that we had too much money and we, therefore, shouldn't raise the tax budget (Inaudible) percent. We felt there was sound fiscal management of our town required that we, yes, set aside money for savings, and, yes, that we take increases to fund our budgets.

We did vote a teeny little amount of OPEB. We don't really, I would say, there's a weakness, the town doesn't really seem to have a good plan yet. And this amount that we did vote was described by the Finance Director as a token to make the money people feel more kindly towards our good intentions.

So, I think we at the County level could probably do better and faster. And I heard Wellfleet put in 200,000 and plans to continue doing that. Those are good things. And I think I would hope that Falmouth and the County will make a move along these lines.

If I didn't think -- I mean we could say County government is irrelevant. County government is a layer of government; it's an extra expense. It taxes the towns and therefore the citizens, blah, blah, blah. I mean we could say that and we could think that and we could operate that way.

I don't think it's easy to get rid of the County; I don't believe that. I think we're very, very worthwhile, and I think that -- I really can't -- I just doubt that most of your towns wouldn't take the 2-1/2 percent not because they're wasteful and spendthrift, but because this is the price of having services.

So I would urge us to send the message and go there is some nice result of that, but I don't think (Inaudible) 2-1/2 percent.

Speaker BERGSTROM: Yes, Cheryl.

Ms. ANDREWS: Just a quick comment, Mr. Speaker. When I hear a number of different approaches where we want to view today's vote, but this idea that somehow because the various towns didn't discuss it, that means its okay.

I just have to say for the record, I was a Selectman for nine years. I reviewed nine budgets. Of course we didn't talk about it.

Speaker BERGSTROM: Nine years and counting; right, Ms. Andrews?

Ms. ANDREWS: Well, that's -- there were a few more; that's right. But speaking of what I did, we never talked about things we had no control over because we had so much to talk about that we did have control over. So, no, we never discussed the 2-1/2 to County. We never discussed the Cape Cod Commission because we had no say over it.

So to --

Ms. TAYLOR: Of the towns doing that.

Ms. ANDREWS: Yes, I understand that. So, I don't think that particular argument holds sway. I think to the extent that it is an additional cost to taxpayers on top of the town, I think that we need to take a good hard look at what the County does and make sure we're running a lean and mean machine.

And to the extent that there are questions that the Delegates had, I had them too so I was happy to support frankly a token reduction with a very large budget.

Thank you.

Speaker BERGSTROM: Thank you. Pat.

Mr. PRINCI: Again, I share some of that sentiment. The transparency issue was on one in which you know it's awfully hard to go back to the towns and explain that we want to tax them an extra 2-1/2 percent. For most towns, it doesn't mean much. For Barnstable, in the big scheme of things, it doesn't mean all that much either. It comes out to about \$15,000.

But, nonetheless, it hasn't been done since 2008. So why is it happening now? I think maybe in the future, with workshops with the Commissioners, going through the process would be helpful.

I do appreciate the phone call I received from a Commissioner over the weekend to talk about the matter. And I do understand the need for increasing the County's revenues and for local longevity, but it also comes back to philosophies and what we all feel that the County's here for.

I feel that the County's here to help the towns, not necessarily to tax the towns. And more so, when we have enough money here, which we currently do, I don't think it's necessary to go out and ask the towns for more money.

I will say also that in the future if any supplemental matters come through to restore the funding that was cut between the IT Department as well as the Cape Cod Commission, I would be in full support of any supplemental funds that come through, and I'd be interested in opening up this discussion possibly in the future for the 2-1/2 percent. But at this point, I'll be voting to override.

Speaker BERGSTROM: Yes. Teresa.

Ms. MCAULIFFE: Go with Teresa. She had --

Speaker BERGSTROM: Teresa.

Deputy Speaker MARTIN: I want to say that I think all these discussions are really good and important discussions to have. And I think it's really sad that we're having them crammed in at random times at the tail end of a process instead of in a process that should have happened.

And I think that this back and forth amendment simply knowing and overriding isn't really about any of the actual things we're talking about. It's about a process that doesn't work.

And every year I've been here, the process doesn't work and every year people say, "Oh, we should do it differently next year," and every year nothing changes. It doesn't work.

And the only outcome I would like to see -- I don't think it matters that much one way or another which one does or doesn't pass. I talked to the chair of the Finance Committee in my town, and he's not thrilled that a percentage just happens automatically. But really that's neither here nor there.

The question and the thing that led to this is the frustration of a broken process. And so I want to get that out in the air, and I hope that one of the outcomes from this is not doing this drill again next year.

So, that's my food for thought. Thank you.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Yes. This follows in very well with the previous Delegate. Michael Curran, Special Counsel for the Charter Review Committee, said that we don't follow the Charter.

So I went back to the Charter. And some of the things that we're talking about are things that should be happening that aren't happening. And rather than fix the process, I suggest we follow the Charter.

For instance, the Assembly of Delegates and the public -- this is under the "Executives" or the "County Commissioners," page 14, what they're supposed to do. "Keep the Assembly of Delegate and (Inaudible) financial and administrative condition of the Cape Cod Regional Government by filing oral or written reports with the Assembly of Delegates at least semiannually summarizing such conditions."

There's another, "Communication, annual at the first regular business meeting of the Assembly of Delegates, a Board of Regional Commissioners shall in person or write or submit to the Assembly of Delegates a report on the state of the Cape Cod Regional Government." And I'm not going to read the whole thing.

But if we could do some of the things that we're required to do, I feel that the Assembly would be more -- better informed, more involved in the process, not feel like every year we have to ask for the same thing, and this is just according to me right now.

There's a huge section on "Capital." And please go to page 22, "County Commissioners" and read Section 5-6. "Capital Improvement Programs." There is supposed to be a written capital budget submitted 30 days before the regular operating budget.

And then there are A, B, C, D things that are supposed to lay out how things are supposed to be presented to us explained. There's supposed to be cost analysis where monies are coming from, some long-range planning. I think that if this were followed, I wouldn't feel like I'm sort of having to beg for some information and then just kind of getting it at the zero hour.

So I can support the continued -- support this -- the override because in my experience, budgets are best estimates. They're not the bills -- the hard and fast bills that you have in front of you. And last year we had well over 2 million in unexpended funds, some of them were committed, and we had 1.8 million in undesignated funds.

So I think that for a one year, and I said this at the last meeting, a one year time, it would not be irresponsible to hold back a 2-1/2 percent increase when I don't feel like I have the information that I should have to know the ins and outs of this budget.

If I'm supposed to be the Finance Committee of the Legislative branch, I'm supposed to

know this budget, not just by what's presented but also how it fits into the regional government, into County budgets, into what's going on in going forward.

So I would say a one year 2-1/2 percent, 74-plus thousand, is not going to be damaging especially to the two accounts that were designated. They are both very large accounts, and I think to me it's the message I don't have all the information I need.

Speaker BERGSTROM: I'm going to call for a vote in a minute, but I'd like to say from my own standpoint, there's been a lot of discussion about the relationship between the Commissioners and the Assembly. You know, in any organization similar to Barnstable County, there's always push and shove between various branches of government.

A lot has been said about the failure to process, and I agree with a great deal with what the two previous speakers have said. But my vote today is going to be on two -- on one of two budgets.

See, the budget that's submitted by the Commissioners or the budget that was amended by the Assembly, and I'm going to make my vote on, which you're going to hear because I'm third in line; I'm going to make my vote based on which of those two budgets I agree are in the best interest of the County and also of the region. And we'll leave the future discussion about budget process and relationship between the branches of government to a later date. And I know that we're going to meet with the Commissioners and discuss that.

So why don't we take -- did you want to say something?

Ms. MCCUTCHEON: I just have a little comment here. I think you've got to go back to the beginning of this controversy, because this isn't about a claim here that the County is irrelevant or any claim that the County government is not functioning to help people in the County and to help the cities and towns.

I don't think anybody in this Assembly has made that argument nor would anybody. This isn't about whether Prop 2-1/2 or 2-1/2 percent of towns going up every year is a good idea or a bad idea because it's the law of the Commonwealth.

What this is about is a repeated series of instances in this Assembly in this budget year where people ask for information. Read the minutes of the last Finance Committee report where two of the members of the committee asked for information, were told it would be coming and was never forthcoming. That's the problem.

That's the problem that I sought to address because I'm expected to go back to the people in the town of Truro and, admittedly, there's not a lot of us, but we care about whether we pay tax increases or not, and I'm supposed to go back and tell them why the County needs a tax increase. I don't have that answer. I want it before I can support such a thing.

I think that that's a minimum that ought to be expected of us. Whether the Assembly is a relevant organization or not, whether it should be abolished as some people have argued, it shouldn't happen de facto. It shouldn't happen because we're excluded from the information from the process.

If that's a legitimate goal, let it happen in the public discourse. It shouldn't happen by marginalizing us and refusing us information.

I simply have to go back to the people that have sent me here, and I want to be able to tell them that I'm doing the best job I can here with the information that's given to me, and I don't have information that supports a tax increase.

Speaker BERGSTROM: All right. Let's call for a vote.

Deputy Speaker MARTIN: What are we voting on?

Speaker BERGSTROM: We're voting on the motion which is to override the

Commissioners' disapproval.

Deputy Speaker MARTIN: So a "Yay" vote is to --

Clerk O'CONNELL: So a vote of "Yes" is to override it.

Ms. KING: Right. So make sure people understand that.

Speaker BERGSTROM: Okay.

Roll Call Vote on Motion to override Ordinance 14-02 disapproved by County Commissioners on May 28, 2014:

Voting YES (73.78%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster).

Voting NO (23.49%): Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Julia Taylor (14.61% - Falmouth).

Absent (2.73%): Christopher Kanaga (2.73% - Orleans).

Clerk O'CONNELL: Mr. Speaker, the Assembly override of the disapproval of Ordinance 14-02 by the Commissioners' on May 28, 2014, passes with 73.78 percent of the Delegates voting yes, 23.49 percent no; 2.73 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 73.78% voting "yes"; VOTED: To override the disapproval of Ordinance 14-02 by the County Commissioners on May 28, 2014.

Speaker BERGSTROM: Thank you. Before we adjourn, I'd just like to give a special thanks to, once again, to Janice who had to shepherd us through this process and bury herself in the Charter and have discussions back and forth with County Counsel and staying as a go-between between everybody else.

You know, budgets -- the budget is a plan for the year, and like all plans it doesn't necessarily play out the way you expect. They'll be other things coming up and they'll be Ordinances submitted by the Commissioners and submitted by members of the Assembly.

But at least we have a guide going forward, and I think the process worked out, not to everybody's satisfaction, but the way it should and we'll go from there into a bright fiscal '15 future.

Okay. Now I need a motion.

Deputy Speaker MARTIN: Motion to Adjourn.

Ms. KING: Second.

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

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:25 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates