

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings - May 6, 2015

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

I'd like to call this meeting to order? Is there anyone recording our meeting besides our normal recording? I'm hearing none.

Commissioner CAKOUNES: Are you recording the meeting?

Speaker BERGSTROM: The Barnstable Patriot is recording us. Be careful what you say.

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

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (96.43%): Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne). Absent (3.57%): Ned Hitchcock (1.27% - Wellfleet), Teresa Martin (2.30% - Eastham).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 96.43 percent of the Delegates present; 3.57 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

We'll now need approval of today's Calendar of Business if there's no additions or corrections to the Calendar.

Ms. KING: So moved.

Speaker BERGSTROM: Okay. Do I have a second?

Mr. MCMANUS: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor, say "Aye." Opposed?

(Motion carried.)

Speaker BERGSTROM: Okay. Also, you should have received a copy of the Journal of April 15, 2015. Are there any additions or corrections to the Journal?

Mr. O'MALLEY: Move approval.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. All those in favor? "Aye." Opposed?

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. We now get to our Board of County Commissioners.

Commissioner LYONS: Good afternoon.

Speaker BERGSTROM: Do you have something for us today?

Commissioner LYONS: I do. I do have something for you. We have Proposed Ordinance 15-03, which is the Ordinance to -- we've approved the HUD Continuum -- the HUD grant today, housing grant that is due on May 15.

We also voted to appropriate \$134,000 for staffing for the HUD grant to the Human Services, and that was taken out of the budget during the budget process with the idea that the grant could go and be administered with HAC.

And, although, HAC would be happy to administer it or have administrative funds from it, it has to be attached to a government agency.

So we are the government agency that is the proposal that's going to be going in. And the one thing to remember is the Human Service Department -- the reason that this made sense to us when we were putting this whole concept together was that there wasn't just the HUD grant, there was also the Continuum of Care, which is the money that comes in for homeless issues, and that's \$1.5 million. That used to be administered by CACCI, by the Community Action Center for Cape and Islands, and they could no longer -- they were losing funds dramatically. We had been paying for the administrative work that was done on that grant for the last five years. We've been putting money in for the grant writer.

So it was a natural progression as they could no longer take care of that grant. We took that grant on. So when you look at this staffing person, it looks like there's \$134,000 being paid to administer a \$370,000 grant.

But when you put the two programs together and there is efficiencies in that and there's also some synergy in administering those two grants, that you're really paying 134,000 for bringing in money to the region that is about \$1.8 million.

So that money -- so that staff person, those two people will be administering those two grants.

The other thing that is going to be reflected in that Ordinance is that it says 174,000, it really is 134,000. It's broken down but in the language in the topic does say that the 40,000 administrative fee is going back into the income line.

Speaker BERGSTROM: We'll put this on the agenda.

Commissioner LYONS: Right.

Speaker BERGSTROM: We'll put this on for a hearing and, hopefully, be able to deal with it on the next meeting, which is not until the 20th, I think.

Commissioner LYONS: That's correct.

Speaker BERGSTROM: The 20th. You'll have to tell whoever the Feds are that they're going to have to cool their heels for three or four days.

Commissioner LYONS: Well, the grant is in.

Speaker BERGSTROM: Oh, okay.

Commissioner LYONS: I mean whether we can -- we have to administer it one way or the other.

Speaker BERGSTROM: We have to show that we're willing to.

Commissioner LYONS: Right.

Speaker BERGSTROM: Leo, did you have something to say?

Ms. MCAULIFFE: How many people are 134?

Commissioner LYONS: I'm sorry?

Ms. MCAULIFFE: How many people are 134?

Commissioner LYONS: That's 1-point -- that's 1-1/2. That's 1-1/2 people. Its two people altogether, but the 40,000 offsets the cost of the other.

Ms. MCAULIFFE: So it's two FTEs with an offset?

Commissioner LYONS: Right. Thank you.

Commissioner CAKOUNES: Thank you, Mr. Speaker. I just want to clarify a statement that was made by our Chair.

The HUD document that she just passed in to you is not an Ordinance. That's just a HUD document. We signed it today. It does not require any action from you people from what I understand.

However, I think on the top of that, paper-clipped, unrelated, although maybe related, is a motion to approve an Ordinance 15-03; 15-03 is not the HUD document. All it is is a supplemental appropriation for the FY'16 budget that you people removed the funding for the HUD program and this supplement appropriation just returns it and, hopefully, you'll be holding public hearings and getting all the information you need to whether to support that or not. But it has nothing to do -- the Ordinance is not attached to the HUD document.

Speaker BERGSTROM: No. We understand that. It's inappropriate -- basically --

Commissioner CAKOUNES: I just wanted the record to hear.

Speaker BERGSTROM: -- back up, I guess, as to why we were asking for the money. Anyway.

Commissioner LYONS: That's right.

Speaker BERGSTROM: So is there anything else you guys discussed today?

Commissioner LYONS: Yes. We discussed --

Ms. MCAULIFFE: Point of correction.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: 15-03 is the Dredge.

Ms. KING: No, that's a Resolution.

Mr. OHMAN: That's a Resolution.

Ms. MCAULIFFE: Resolution. Thank you.

Commissioner LYONS: And I'm only doing it from memory because it didn't have it on there and I read it from the agenda today.

So, no, we approved special counsel. We will be -- you'll be hearing in the future from us that we have, as you well know, an issue with the Fire Academy, the property that we have that on is owned by the town of Barnstable. It's in a sensitive well area.

Commissioner CAKOUNES: That had nothing to do with our discussion today.

Commissioner LYONS: It has everything to do with why we're going to hire special counsel.

Commissioner CAKOUNES: No, it does not.

Commissioner LYONS: Well --

Commissioner CAKOUNES: Today's agenda was for special counsel for --

Commissioner LYONS: Excuse me.

Commissioner CAKOUNES: -- specifically, for matters of employment related.

Commissioner LYONS: Excuse me; that was employment. Pardon me, Leo. Write it up on a -- we also got charged with an Open Meeting Law violation today.

Speaker BERGSTROM: Guys, guys --

Commissioner LYONS: No, I'm just saying.

Speaker BERGSTROM: Guys, when you're sitting in this room --

Commissioner LYONS: I agree.

Speaker BERGSTROM: I'm in charge.

Commissioner LYONS: Thank you.

Speaker BERGSTROM: If you're going to fight --

Commissioner LYONS: Thank you, Mr. Speaker.

Speaker BERGSTROM: -- so let's just --

Commissioner LYONS: So we approved --

Speaker BERGSTROM: You can continue to fight --

Commissioner LYONS: So we approved -- we approved some special counsel for an employment issue we have, and I did inform the board that I would be putting it on next week, I believe, if I felt it necessary that we would be hiring special counsel to deal with the negotiation of an environmental issue.

Speaker BERGSTROM: Okay. Thank you.

Commissioner LYONS: So that is what we discussed. And there will be more to talk about that in the future.

Speaker BERGSTROM: How's Mary Pat doing?

Commissioner LYONS: She seemed very good. She drove herself, you know, so she's driving again. She looked great.

Speaker BERGSTROM: Was she here today?

Commissioner LYONS: She was here today and she was here last week, so she's back slowly gradually getting back on. I'm sure she'll be here by the next meeting. She will come here but she's just trying to pace herself. But she looks good and I will send her your regards.

Speaker BERGSTROM: All right.

Commissioner LYONS: She's walking and talking and thinking straight. Compos mentis.

Commissioner CAKOUNES: Thank you, Mr. Speaker. A couple other things that we did today that I think the Assembly should be aware of is that the Commissioners signed a letter of support for a program called, "Forward."

And Mr. Ohman and his wife are heads of this project, and I'm hoping that they will maybe come and give you an update and explain better than I in regards to what that is.

We also heard from our IT Director, and I stress this because I'm hoping that Mr. Travers will also come in front of you and give you a report on the Gartner CIO Leadership Forum that he attended. Some interesting stuff and I know that we've been discussing for a long time of where we're going with IT. And I think that that information will be pertinent to you people.

Finally, today, we also -- there was a motion made to change the way we do our agendas. There had been a long-standing Open Meeting Law complaint back in February 2013 that our Summary of Actions is not included on our agendas.

So we have voted today to change that practice. And from now on, there will be, hopefully starting next week, we're going to allow the staff to get back to us and make sure they have the time to do it properly.

We have not been in front of you since your April, I believe, 20th meeting, the one

you just approved the minutes to.

Mr. LEWIS: Fifteenth.

Commissioner CAKOUNES: So there are a number of things that have happened that I feel that you should be updated on.

On April 22, we did appoint four fire chiefs and one person, Teresa Martin from the Assembly of Delegates, to the Fire Training Academy Facilities Committee.

We are looking for some more bodies and it would be nice if we had some members - other members of the Assembly that may want to participate in that. So if you want to put your name in, you can call Brillhart or do it through the Chair.

Do you want me to keep going or do you want to take questions?

Speaker BERGSTROM: Go ahead. Keep going.

Commissioner CAKOUNES: You probably all know we did vote the budget -- your budget after you made some amendments to it. Came back before us on April 22. The Commissioners voted a 2 to 1 vote. So it is now our official 2016 Budget.

The third thing that we did on April 22 is that the Commissioners voted to hire the Collins Group, which is an advisory group, to help us with our search for the Administrator. You'll probably be hearing from the Collins Group because they're going to be putting together a quite extensive kind of a brochure promoting the job and promoting Barnstable County and helping us with that advertisement. So you should be aware of that.

On April 24 -- our meeting on the 24th, there was a motion to appoint Sheila Lyons, our Chair, to the Mass. County Commissioners Association, which we did not have a member on there.

Also, we heard from Angela Hurwitz from our IT Department in regards to an employee-based web portal. And all you people are special employees of Barnstable County, and I think it may be prudent to have your Clerk contact Angela and have her come and do a real brief presentation, show you how to use it. It may not be as beneficial to us as elected officials, but I think it would be nice to let you know that it is out there.

We also met on that day in Executive Session, and we voted to extend an employee's sick leave contract to May 29.

And, basically, that concludes everything that you missed since our last meeting.

I wasn't done. Thank you.

Commissioner LYONS: Excuse me. I just wanted to talk about the portal. That is a portal really for -- in Angela's speaking to us, it seems that most departments have their own portal. So if there's any work items, communications within members of that department, they can kind of put it in a drop box and see it and share information within the department. This is for all of the departments that would have any administrative changes to administrative codes.

If there's wellness programs being put forward by the Public Health, things that would be interesting or of interest to employees, their employment here, and etcetera.

But in talking to her and about these portals that are used by the departments, I was thinking of the Assembly specifically having their own portal, which is a very -- it's just a shared site.

We've used these when we've talked to other people, looks sort of like a little Facebook site, and you can put all of the documents to the meetings there so it's a shared -- so when you send things out, if somebody didn't see the email or didn't get the email, it's all in one place. There's a portal that everything that the Assembly would need, want, desire

from past or future meetings.

So you just might want to talk to Angela about that.

Speaker BERGSTROM: Okay.

Commissioner LYONS: It might be an easier use for Janice in all of your communications. I'm not sure.

Speaker BERGSTROM: Is there any questions for the Commissioners? Yes, we'll start with Marcia.

Ms. KING: Thank you, Mr. Speaker. Sorry to bring back the little argument but, so, you're talking about hiring legal counsel for an employment issue, and then you're talking about hiring a legal counsel for the Fire Academy; correct?

Commissioner LYONS: Yes.

Ms. KING: Don't we have legal counsel on staff? Why do we go outside of -- I thought that was why we have legal counsel on staff?

Commissioner LYONS: These are specialized needs. One would have a negotiation and environmental law concerns. The other is employment or labor law issues. Our General Counsel is really our General Counsel. And we've had this discussion with him, and he said, "You can go for special counsel on specific needs."

I have put on the agenda a couple of times to just put out a "Scope of Services" for General Counsel to maybe go with an individual or firm that has a menu of services but that has been voted down.

And, actually, I was asked to see how the Assembly felt about looking for alternative counsel. I'm not sure if everybody -- quite frankly, my argument was we have never reviewed our counsel.

Ms. KING: No. That's fine.

Commissioner LYONS: We have never had a review of counsel. We've never had a review of Scope of Services, and most businesses will go out and check their contracts. Are we up-to-date? Are we getting what we want?

Ms. KING: I'm not asking for your idea on how to get -- I was asking just a question why are you doing that?

Commissioner LYONS: Because they're two specific reasons.

Ms. KING: Okay.

Commissioner LYONS: And they're specialized.

Speaker BERGSTROM: Leo.

Commissioner CAKOUNES: Just --

Speaker BERGSTROM: We have to be careful that we don't get outside of a report.

Commissioner LYONS: Yes, that's right.

Commissioner CAKOUNES: We're not going to be outside the realm. I'm going to answer her question directly.

Speaker BERGSTROM: Okay.

Commissioner CAKOUNES: All right. For the record, the County Commissioners today voted to hire special legal counsel for the purpose of, and I'm going to read it right off the thing here, -- well, it's got "related to personnel matters" period.

Commissioner LYONS: Right.

Commissioner CAKOUNES: The discussion on and legal counsel for environmental issues was not had at our meeting. The Chair brought it up under Report of Commissioners as her own personal agenda. And it will be on our future agenda.

But no action and, although a discussion did happen, should not have happened today at our meeting about that particular --

Speaker BERGSTROM: It's not going to happen today here either.

Commissioner CAKOUNES: It's not going to happen today.

Speaker BERGSTROM: Okay. Now anybody else have any questions? Yes, Ed.

Mr. LEWIS: Just can you -- there must be a screening committee that the Collins Group is going to work with?

Commissioner CAKOUNES: Yes.

Mr. LEWIS: I assume you appointed that screening committee?

Commissioner LYONS: We did. And he asked -- in some way, they have a process. And Leo discussed this like two weeks ago.

Mr. LEWIS: I know the process. I've worked with --

Commissioner LYONS: Oh yeah. You're hiring -- yeah.

Mr. LEWIS: We worked with people. I just want to know about the screening committee?

Commissioner LYONS: So they -- we did have -- we had already picked people to be on that committee. And he's sort of like, oh, because that isn't part of their process. But whether we came before or after, we can change things if it's their protocol. However, they have the list.

Mr. LEWIS: You said with them working with any of these groups, if you want a screening committee, you set a screening committee.

Commissioner LYONS: We have a screening committee.

Mr. LEWIS: That's not their decision.

Commissioner LYONS: Right.

Mr. LEWIS: They work with whatever you choose, they'll work with.

Commissioner LYONS: But I do believe that they will be in the next -- I know that we're meeting with him -- with Mr. Kobayashi next week. You'll probably be hearing, some members of you; I'm not sure how he's going to go about that.

Speaker BERGSTROM: Did you --

Mr. LEWIS: Did you want to tell us who the screening committee is or do you not have that?

Commissioner LYONS: Oh yeah. We have -- that list has been made. I don't remember everybody on it but.

Commissioner CAKOUNES: I didn't bring it either.

Commissioner LYONS: You know what; we'll send that over. We'll have that sent over.

Mr. LEWIS: Okay.

Speaker BERGSTROM: Did you include a timeframe? Have you discussed a timeframe with these when they're going to report back?

Commissioner LYONS: He figured within about a month, about 4 to 5 weeks.

Speaker BERGSTROM: And what will be his scope? What will his report consist of? What would be a recommendation on people or the recommendation on the process?

Commissioner LYONS: Yes, on the profile of who would fit the bill.

Speaker BERGSTROM: Oh, okay.

Commissioner LYONS: This is really to develop the profile of candidates.

Speaker BERGSTROM: So you can put an ad in the papers?

Commissioner LYONS: Yes. And the ad will be the profile.

Speaker BERGSTROM: Yes, Ed, do you want to follow up on this?

Mr. LEWIS: Yes. Usually, the way it works, you put together a whole timeline.

Commissioner LYONS: Uh-huh.

Mr. LEWIS: Not only a profile, you put together an entire timeline.

Commissioner LYONS: Right.

Mr. LEWIS: When, you know, it's not just one ad, one paper; it's a whole story.

Commissioner LYONS: Uh-huh.

Mr. LEWIS: But do you have a date on which you feel that you will have a new administrator on board?

Commissioner LYONS: No. I would like to say July 1 but I can't do that with confidence.

Mr. LEWIS: July 1 --

Commissioner LYONS: I would like to think --

Mr. LEWIS: You'd be lucky if you get September 1.

Commissioner LYONS: Yes.

Mr. LEWIS: But you're not going to do July 1.

Commissioner LYONS: I would like to think by September we would.

Speaker BERGSTROM: Okay.

Commissioner CAKOUNES: I apologize; I did not bring my file with me. We have, in fact, signed a contract with the Collins Group. The contract has specific language in there and it has a calibrated out timeframe.

They are going to put together the pro forma and, as I said, the little brochure that's going to advertise the position.

They will be bringing back whatever amounts of applications we get. They will do a prescreening, and then they are going to take a manageable group, we were told, maybe 12, if we're lucky, 15 will go to our screening committee.

And then our screening committee will work with them through the issues and then bring forward to the Commissioners their top three picks. So that's all spelled out in the contract.

Mr. LEWIS: Thank you.

Commissioner CAKOUNES: I asked for language to be in the contract that states that if a member of the screening committee wants to see all of the applicants that they can if they want to because I know some people are very, very interested. And we've had some very good people on our committee, so there may be some that may want to do that.

But the Collins Group is not obligated to provide hard copies of all the applicants.

Mr. LEWIS: I understand that.

Commissioner CAKOUNES: And I'll be happy to forward you the copy of the contract.

Mr. LEWIS: Thank you.

Speaker BERGSTROM: Yes, John.

Mr. OHMAN: Thank you, Mr. Speaker. So tangentially to that or maybe not so tangentially, what is Mr. Brillhart's future with us? Is he going to be able to stay on through this process or will we have an Acting Acting County Administrator?

Commissioner LYONS: I haven't had that discussion. We have not had that discussion with Mr. Brillhart.

Mr. OHMAN: Well, what is his end date as of this moment?

Commissioner CAKOUNES: June 30.

Commissioner LYONS: June 30.

Mr. OHMAN: June 30. So we may be without a County Administrator?

Commissioner LYONS: Well, that is a discussion we have to have.

Speaker BERGSTROM: All right. One question that comes up in my mind is confidentiality on these applications.

Commissioner CAKOUNES: Absolutely.

Commissioner LYONS: Yes.

Speaker BERGSTROM: So nobody's going to see this except a select group of people.

Commissioner LYONS: Right.

Commissioner CAKOUNES: That's correct.

Speaker BERGSTROM: Anybody else? Well, thank you, very much.

Commissioner LYONS: Thank you.

Speaker BERGSTROM: We'll see you in two weeks.

We now move on to Communications from Public Officials.

Communications from Members of the Public

Speaker BERGSTROM: Communications from Members of the Public? I see a member of the public. Please identify yourself.

Ms. ELENITA MUNIZ: I'm Elenita Muniz. I'm the Coordinator for the Barnstable County Human Rights Commission. And I have brought you today copies of our most recent publication, which is our bullying brochure translated into Portuguese and Spanish.

The English version was given to you earlier in the year and that had a wide distribution. We were asked to send extra copies to various schools and pediatricians and other interested parties. And the Portuguese and Spanish versions will have a similar distribution.

In addition to the usual places we send it, we are also going to send it to the faith communities, faith groups that serve Spanish-speaking and Portuguese-speaking communities on the Cape, as well as distributing it in local tiendas and bodegas where it will be easily found.

So I will leave these with Janice and more copies are available. If you would like to have them, I hope that you'll distribute them any place that you think people will need them.

Thank you.

Speaker BERGSTROM: Okay. Thank you.

Mr. LEWIS: Is that in English?

Ms. MCAULIFFE: No. It's in Spanish and Portuguese.

Mr. LEWIS: That's in Spanish and Portuguese.

Speaker BERGSTROM: Any other members of the public wish to comment?
Hearing none.

Assembly Convenes

Proposed Resolution 15-03: To approve certain budget transfers for fiscal year 2015 in accordance with Barnstable County Ordinance 14-02.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates Proclaims:

The following transfers between budget groups one and seven for fiscal year 2015 are approved:

For the Dredge Office:

Decrease 0252507 5785 by \$ 20,000 Dredge Interest

Increase 0252501 5100 by \$ 20,000 Dredge Salaries

Speaker BERGSTROM: The Assembly will now convene, and we will begin with a vote on Proposed Resolution 15-03, Budget Group Transfer \$20,000.

And I'll turn this over to the Chairman of the Finance Committee, John Ohman.

Mr. OHMAN: Thank you, Mr. Speaker. The Finance Committee actually did not review this, but I have gone over it.

It's an overtime draft that the County Dredge is doing so well that they have needed extra man power to do their projects. And it will be commensurably compensated with additional revenue.

I recommend that we -- I would recommend or ask that the Assembly approve Proposed Resolution 15-03 as presented.

Speaker BERGSTROM: Do I have a second?

Ms. KING: Second.

Speaker BERGSTROM: Do we have any questions on this? Yes, Brian.

Mr. O'MALLEY: I'm assuming, through you, Mr. Speaker, through the Finance Chair, that the decrease in the dredge interest has to do with the bonding time that we previously approved, stretching out the bonding period?

Mr. OHMAN: I'm actually not sure about that answer.

Mr. O'MALLEY: Can somebody answer that? What's the reduction in \$20,000 in dredge -- in the dredge interest?

Commissioner CAKOUNES: I don't even know what you're looking at.

Mr. OHMAN: In my reading, it was to take it out of Salary Reserves. I'm not sure what the dredge interest is.

Mr. O'MALLEY: It shows a decrease -- what we have here on the Proposed Resolution shows a decrease in the line of 5785 by \$20,000 in Dredge Interest, and it's balanced by the increase in Line 5100 by 20,000 in Dredge Salaries. I'm just wondering --

Mr. OHMAN: Again, the Finance Committee did not review this. But in my reading, what I was reading is it did not say "Dredge Interest." I don't know if that's a typo or lack of my knowledge, but it was taken out of Salary Reserves.

Speaker BERGSTROM: Maybe we have an answer for you. Just a minute, Brian.

Clerk O'CONNELL: When I got this paperwork, I supplied it to you, and I called the finance office because I had a couple of questions.

My concern was the back-up documentation. There was a copy of the management letter comment from the administration to the auditors that dated back to 2009.

My understanding is that there is a transfer of funds going from an interest account

line to salaries; apparently, I guess, if the interest money is available, they didn't borrow it.

And this is to cover expenses to the Dredge for services that the County is performing for the dredge. Things like payroll support, payment of bills. We do that on behalf of the Dredge, and the auditors are recommending that the County recapture that money from the Enterprise Fund. That's allowed.

So I believe that's what this is for. Now, my concern was, wow, this was a 2009 comment; what's happened since 2009?

The County has been doing it since 2009 with the exception of this current fiscal year. Why didn't it happen this year? It was an oversight. It did not get budgeted.

So now this is the only way to correct that, to recoup it for fiscal year '15, which is what you're currently in. That's all I know.

Commissioner CAKOUNES: That's correct.

Speaker BERGSTROM: So, basically, the Dredge is paying us for the services that we provide for the County and so on.

Commissioner CAKOUNES: That's correct.

Clerk O'CONNELL: Correct.

Speaker BERGSTROM: Up to \$20,000.

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: I think we got it. Okay. Yes, Doc.

Mr. O'MALLEY: Then I would only comment that I would really -- I think we need to be much more clear in a presentation like this where we've heard nothing about this before.

All we know about it is the sheet that came around and, obviously, it's not at all clear, and I don't think that's a good basis for decision-making.

Speaker BERGSTROM: Well, I understand where you're coming from. I, as Janice gives us the explanation, I remember discussing this about the Dredge provided for, you know, a transfer back to the County. In what context, I don't know.

It might as well been 100 years ago, but it was Leo who brought it up. Okay. No wonder I wasn't listening.

Commissioner CAKOUNES: That's right.

Speaker BERGSTROM: So, regardless of the confusion, we have a motion on the table and it's been moved and seconded. Do we need a vote -- we need a voice vote on this because it's money.

Roll Call Vote on Proposed Resolution 15-03:

Voting YES (96.43%): Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).

Voting NO (0%):

Absent (3.57%): Ned Hitchcock (1.27% - Wellfleet), Teresa Martin (2.30% - Eastham).

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 15-03 passes with 96.43

percent of the Delegates voting yes; 3.57 percent are absent, and now becomes known as Resolution 15-03.

Speaker BERGSTROM: Thank you.

Report from the Clerk

Speaker BERGSTROM: The next item on our agenda is Report from the Clerk.

Clerk O'CONNELL: Just to update you quickly, at the next Assembly meeting which will be May 20, the Finance Committee will be meeting at 3 o'clock with the auditors to review the fiscal year '14 audit.

And preceding that at I think about 2:30, there will be a Public Hearing on the Proposed Ordinance that was just submitted by the Commissioners for the HOME program.

And that's all I have to report.

Commissioner CAKOUNES: The date?

Clerk O'CONNELL: May 20.

Other Business

Speaker BERGSTROM: Okay. Under "Other Business," Delegate Lewis requested a postmortem or whatever you want to call it on the budget process. So I'll turn it over to him.

Mr. LEWIS: Thank you, Mr. Speaker. I know I'm new on the Assembly, but I had 14 or 15 years in Brewster doing budgets for both the Selectmen and the Finance Committee.

And this budget process that the Assembly does is somewhat confusing to me and somewhat frustrating.

And several items, and I'm sure that they can be discussed or someone could give me good reasons, and I had some discussions earlier so I have some basis that the format when they brought -- there are about 18-19 departments and they submit through I guess the Administrator or Finance Department, whether it's Mr. Brillhart or Mr. Lawton however; it goes to the Commissioners and then it comes to us, this book.

And there's no format there. I mean every department has a separate way of reporting with their financial numbers. Some departments give you salaries by individual and their rating and where they're supposed to -- what they're going to proposed to be next year so you know all that.

Other departments give you a computer report with salaries listed in a half a dozen different places and you have no way of knowing, you know, who's earning what or how much or how many employees are involved, anything like that.

And it's very frustrating and very difficult for me, as an individual, to sit there and make heads or tails of each different department budget. That's Number 1.

To me, that's crazy. I mean for a newcomer on this board, it's completely opposite to the way we've done things in a town which it shouldn't be, at least in my judgment.

Number two; it's very rushed the whole budget process. And I understand there's a timeline. I've spoken to Janice and how it backs out; you back out a timeline. But we have actually until June 1 to approve a budget. This budget had to be approved April 15, and you had one two-hour period to have all the discussions and all the amendments presented, and everybody had to vote at the point.

And to me, that rushes it. It doesn't give the chance for the Assembly as a whole to actually have discussions regarding some of these amendments. And some of the amendments made sense, but there are discussions involving the amendments.

When the representative -- the Delegate from Yarmouth brought up as far as the 2 percent cost-of-living increase that made sense in a lot of ways. But there are a lot of questions to be asked about that. Is it one year? Are you freezing? Do they get it two years later? There are just a lot of questions that need to be discussed.

And there was no time for discussion. I was doing it by remote; I understand that, but there didn't seem to be an inclination to have any of these discussions.

We had subcommittee meetings. You had subcommittee meetings and you were given -- a subcommittee had two hours to meet with all the different departments that that subcommittee covered. You had half an hour with each department. So that meant that department, whether it was the Cape Cod Commission, the County Dredge, the Fire Academy, they could give you 10 to 15 minutes, they would tell you what they were doing. Then you had five minutes to ask them some questions and you had four or five people asking questions. Then you had to vote. You had to vote at that time.

And it just seems like the entire budget process is compressed in a very short period of time. I understand you only meet so many times and all this. But it's not a lot different than school districts. It's not a lot different than towns in the way they do budgets because the Board of Selectmen doesn't really get the budget until sometime in the middle to the end of January.

Now the Assembly is different in that the County Commissioners get it then and we don't get it until after the County Commissioners; they submit it.

But there's no, and I understand, I was speaking to Marci before, there used to be, but there's no Executive Summary on this. You've got an almanac to read to try and understand all these different budgets.

And from my point of view, the process is extremely frustrating because you really can't get a grip on it and maybe we're not supposed to. I don't know. Maybe that's the whole object that you're not supposed to get a grip on it. Just raise your hand and move on.

But to me, from a budget standpoint, I find that very frustrating and I find the total process difficult to get my arms around.

So I wanted to bring that up and have that discussion and have those of you with more experience telling me that I'm all wet.

Speaker BERGSTROM: Yeah, well, the first one to tell you will be Suzanne.

Ms. MCAULIFFE: No. I agree with everything that Ed has said. I think this year was a little different than some of the other years just because of the nature of the administration.

But even before, there were issues with administration. It feels rushed, and it feels like its sort of set up for just keep it moving and not a lot of in-depth examination.

So I would support putting this on the agenda for a future discussion amongst the Assembly. I know we're bound by the Charter, but maybe the discussion is we need to change the Charter.

Speaker BERGSTROM: All right. Well, yes, Julia and then Linda.

Ms. TAYLOR: I think, Ed, one issue that the administrators under this system that we have had very little power over the departments. And it's quite different from the towns - and I'm not saying that's good. I'm just saying in a town the Administrator is going to

really develop the budget in ways that are going to be different from this set up because of the -- this difference.

And I think it speaks to some of the problems we may have in hiring an Administrator who might find it a little odd that they are meant to be an Administrator developing budgets and other things and have less power over the departments than they would expect in most setups.

Speaker BERGSTROM: Okay. Linda.

Ms. ZUERN: I totally agree. I think it should be more uniform. I went to a couple of the other committees, not being a member but just an observer, and I feel that the whole Assembly should be listening to each department as they come in.

And like Ed said, there wasn't any room for discussion afterwards. We just took a vote quickly. And so when you took that vote, you're bringing it back. Everybody just sort of goes along with what you said, right, without really questioning.

I think each one of us really has to listen and question and take more time.

Speaker BERGSTROM: You know, I actually think this a very timely discussion. I've been Speaker now for a number of years, so I'm probably going to engage in a little self-criticism that I haven't addressed this in the past. Although I have tried mightedly, as some of you know, to get the administration here on a regular basis during the budget process to explain things. For a while, it was very difficult; the Administrator or Treasurer always seemed to have other responsibilities and so on.

But we got a legal opinion from County Counsel since our last meeting. And he reminded us that the reason that we have such an accelerated process was because of the reconciliation process that we put in place by Ordinance, which means that if we pass a budget that's different from the Commissioners and they disapprove it, we then go into a reconciliation process. And because of our two-week schedule and their meeting and they have to submit things, it creates -- that's what creates the time crunch.

Now he brought up the fact that the Ordinance or the Resolution or Ordinance that was passed that created the reconciliation process was actually given at a certain date it said for the, whatever year it is, 2007 budget this will be the process.

So, the alternative to the reconciliation process would be a simple vote. In other words, we pass the budget; the Commissioners give us a budget; we change it; they disapprove it; we can either veto it or not.

If we went back to that, then we'd have a lot more time like Ed says. We don't have to pass it until July 1 or June 30. But there has been times and before Ed got here and before some of you got here when we did have to go into the reconciliation process. And what happened is the Commissioners were late giving us the budget and that we voted on it as quickly as we could -- not as quickly, but we used the timeframe two weeks, submitted, so on and so forth. The next thing you know we're up against it. I think this happened last year or the year before.

Last year. So I totally agree. I think, I mean it's funny that three of the people have come, myself and Linda and Ed and Suzanne, are all former Selectmen, so we're used to the process where they start coming to you in January, you know, and they say this is what we're going to do.

And also, they give you an Executive Summary. And I've been reminded many times by the Commissioners and the Administrator, "Well, this isn't like town government." But we give summary and say, "Okay. This is what we did last year. We're going to do the

same thing this year but we're going to add some positions to do extra things." So it would be cut and dry.

Everyone gets, as it turns out, in Chatham it was a cost-of-living raise and their step increases so you'd know what the salary numbers were.

You know, having learned that, it's very difficult to unlearn it and get it to the County process. But I totally agree, and I think that with entering a new Administrator, hopefully, next year, who's going to come in with his own ideas about how County government does so we can change this.

And meanwhile, if we want to change that or eliminate the reconciliation process so that we are not under time constraints, we can do that. You know, as a matter of fact, County counsel suggests that we -- the reconciliation process is void because it was passed specifically for that fiscal year 2007.

So that's where we are right now. And -- yes, Ed.

Mr. LEWIS: Yes, I just want to follow up with Julia and ask if the Administrator has no power over the County departments, whom do they report to?

Ms. TAYLOR: The Commissioners.

Mr. LEWIS: The Commissioners -- the Administrator reports to the Commissioners and all the County departments report to the Commissioners?

Commissioner CAKOUNES: That's not true.

Ms. TAYLOR: I just think that -- I think you will find that most of the department's consider themselves very independent.

Mr. LEWIS: Yes, they may, but they may.

Ms. TAYLOR: And there are issues about the power of the Administrator in comparison say to a Town Manager and Selectmen that would encourage that thinking and that behavior.

Mr. LEWIS: Would I make, through the Chair, that would be that the County Commissioners can, if they choose to, if they don't, they can sort of seed and tell the new Administrator you're in charge of the day-to-day operations of the County and these people report to you, not to us because --

Ms. TAYLOR: They could do that.

Mr. LEWIS: -- because they don't get paid enough to have people report to them, 13 or \$14,000 a year. That's ridiculous. And I would think that all of the different departments would report to the Administrator.

If you're going to pay an Administrator \$160,000 a year, which I think is what the number is, he better have the ability to govern or to administer the County government. Otherwise --

Ms. TAYLOR: I agree with you, Ed, and I think this is a significant issue that we don't have much control over right at the moment. But I certainly plan to bring it up when we're talking about hiring a new Administrator because I think it's essential to make certain changes.

Otherwise, it is not worth spending \$160,000 plus having a Finance Director. It's crazy. It's a lot of money when they don't have the right set up.

Speaker BERGSTROM: Marcia.

Ms. KING: Thank you, Mr. Speaker. I actually disagree with a portion of what you say, Julia. In the past with the Finance Director, Mark Zielinski, he had huge control over the departments. I mean we had departments in here that would complain that they submitted

“X” and Mark said, “No,” and the budget was “Y.”

So I’m afraid I disagree with that statement. Generally, I think, as I talked to Ed earlier when he asked me about this, I think this particular year was a little discombobulated due to the fact that Mark was out. We had Bob Lawton in and we had Mr. Brillhart.

But as I said to Ed earlier, in the past, all the budgets had an Executive Summary. All the budgets had the exact same format. That was my complaint. That was when I got back from Hawaii and I looked at the budget and I couldn’t read heads or tails of it, and I was stunned by it.

I thought Mark Zielinski did an excellent job, and I thought he had a great handle on it. He would come in here and talk to us. But I thought the Executive Summary was paramount and it wasn’t here this year.

And, again, the formats were all different. Because I think what happened was the formats that you saw in this year’s budget were what the department submitted to Mark Zielinski. And then Mark took their format and then consolidated it into the same format. You had a header sheet for every department. You had exactly who all the employees were. You had how much each employee made. You had all that information.

And I don’t mean to criticize, but I thought Bob Lawton’s excuse was, “I just got here” was a little lame because that was the format that had been -- the 18 years that I have been here. So I was surprised by that.

So I’m hoping this was an anomaly this year due to the personnel issues and that, hopefully, this will be resolved for next year’s budget.

That was just my two cents.

Speaker BERGSTROM: Okay. Anybody else want to discuss this? John.

Mr. OHMAN: You know, I have the time and energy to go to all the budget hearings that take place starting in December, and I watched Mr. Zielinski work many times. And you can agree or disagree with his philosophy because sometimes he’s a little lenient on the revenue side.

But he would match the revenue that he thought was coming in, and he would tell the department heads what they could and couldn’t do. Most of that was done early on and then presented to the Commissioners in a finalized form I think with some discussion.

But I think the format was working very well, and I think it was an abnormal year, like Marcia said, with all of the new and inexperienced people on board.

And I really missed the Executive Summary this year.

Ms. KING: I agree.

Mr. OHMAN: And I was told right away that it wasn’t going to happen.

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: I would just like to suggest that a point that’s been made over and over again by people who worked with the attorney on the Charter review that the Charter ought to control these things is important here.

Because what you hear is that Mr. Zielinski, essentially through a cult almost of personality, controlled the budget, controlled the departments. It ought to be the Charter that gives his authority and defines it.

Whether he’s a strong Administrator or not, that ought to be something that’s determined by the Charter and then the position’s filled rather than it being incumbent upon whoever is the occupant of the job.

I think sometimes we rely too much on our opinions of what the Charter might say

rather than looking at it and determining what it actually does say.

So that's my only point.

Speaker BERGSTROM: Yes. John.

Mr. OHMAN: Yes, the other situation too that we've now corrected and I hope we stay with that process for the rest of my time on the Assembly and beyond is that Mr. Zielinski wore two very important hats. He was the County Administrator and the Finance Director. So he was actually on both sides of the fence of that budget. And that was probably imprudent from the beginning, probably necessary when we closed the hospital and had no money.

But now that we've corrected, hopefully going forward with a new Administrator coming in and a new Finance Director coming in, that we'll get a much more concise thought process from two different angles and have that advantage going forward.

Speaker BERGSTROM: Okay. Well I guess we're all in agreement that improvement is needed. And I think we did go a little ways -- we're separating capital expenditures. I mean a couple budgets ago we had a million dollars coming in in revenue which was actually borrowed and a million dollars going out the door for the dredge --

Ms. MCAULIFFE: Right.

Speaker BERGSTROM: -- and that was considered part of the operating budget. So that was a little, you know. So we look at it and you say we're spending a million dollars more and they go, yeah, but we're getting a million dollars more revenue which is actually borrowing.

So, yes, it takes some adjustment and especially since the County -- I mean in town government you come up with what you need to operate the town and then you go to Town Meeting and you set the tax rate and that covers it.

We have revenue streams coming from all different directions. The Commissions getting grants; you have Enterprise Funds and they're all mingled in, a lot of it, in revenue, and I agree, it's difficult.

There should be complete explanations of all these things starting in January, you know, when the budget's put together; otherwise, it gets totally confusing.

And plus we only get a thousand dollars a year to look at this. And it's a big budget. Okay. Is there anything else on that?

Ms. MCAULIFFE: Move to adjourn.

Speaker BERGSTROM: Okay. Is there any other business to be brought before the Assembly?

Ms. MCAULIFFE: Oh, I'm sorry, I didn't see any others.

Speaker BERGSTROM: Okay.

Ms. MCAULIFFE: Move to adjourn.

Ms. KING: Second.

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

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:50 p.m.

Respectfully submitted by:

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