

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES @ 4:00 P.M.
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - September 6, 2017

Speaker MCAULIFFE: I'm calling to order the Cape Cod Regional Government, Assembly of Delegates. It's 4:00 p.m., Wednesday, September 6th, 2017, at 4:00 p.m.

And I would like to ask is anyone recording?

MR. ALBRIGHT: Yes

Speaker MCAULIFFE: Thank you. And before we do the Pledge of Allegiance, 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: Thank you. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Will the Clerk please call the roll? I anticipate people will be coming in. Not only is the weather bad but 6A is closed so people are being detoured. So it's an adventure getting here.

Roll Call Attendance (56.16%): 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), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown).

Arrived Late (30.14%): Christopher Kanaga (2.73% - Orleans - @ 4:15 PM), Thomas O'Hara (6.49% - Mashpee - @ 4:05 P.M.), Patrick Princi (20.92% - Barnstable - @ 4:10 P.M.).

Absent (13.70%): Mary Chaffee (4.55% - Brewster), Linda Zuern (9.15% - Bourne).

Left Early (20.92%): Patrick Princi (20.92% - Barnstable - @ 5:15 P.M.).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 56.16 percent of the Delegates present; 43.84 percent absent.

Speaker MCAULIFFE: Thank you. I did ask when we approve the calendar of business, I did want to take something out of order in this first part because we have with us the superintendent of the Cape Tech School who is going to give us a brief presentation. And he also has another presentation, and I'm afraid if he gets buried behind our County business that it might make it tough for him to get to his next presentation.

Ms. MORAN: So moved.

Speaker MCAULIFFE: So if we could move him up ahead of Regional Commissioners.

Deputy Speaker MCCUTCHEON: Second.

Mr. O'MALLEY: So moved, if that's what you're looking for.

Speaker MCAULIFFE: So the calendar is approved with the change of the Cape Tech Superintendent being Item No. 8. Is that what everybody's agreeing to?

Speaker MCAULIFFE: Yes. All in favor? Aye.

Speaker MCAULIFFE: Any opposed? Okay. It passes unanimously. Yes, it puts it right up there.

Speaker MCAULIFFE: Okay. And then the next thing is the approval of the Journal of August 16, 2017.

Mr. O'MALLEY: Madam Speaker, having reviewed that Journal, and I've submitted to the Clerk a couple of very minor corrections. Otherwise, move approval.

Ms. GREEN: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye.

Speaker MCAULIFFE: Opposed? It passes unanimously.

Presentation by Cape Cod Regional Technical School Superintendent Robert Sanborn

Speaker MCAULIFFE: Okay. Now this brings us up to Mr. Sanborn. Mr. Sanborn is here out of a request from the Barnstable Delegate member. He is the Superintendent of the Cape Cod Regional Technical School in Harwich. They are undertaking a massive -- a new building, massive building project, and it impacts all the towns in Barnstable on down Cape.

So, some of us, you know, it doesn't directly impact us, but you never know when the Upper Cape Regional Tech is going to go through a similar thing. But this is for informational purposes. I requested that he just sort of hit the highlights so that we know what's going on. It's a huge issue for towns, and they're going to be having extra votes.

And I know the superintendent has been out straight doing presentations, so I really appreciate your coming to a group that really is -- it's informational only.

Thank you.

Superintendent SANBORN: Well, thank you, very much, and I'm going to jump to the third page of my packet, if you want to follow along. The first/second page is a cover and an agenda.

So, really, I really thank you for putting me towards the top of the agenda because I do have to get somewhere else. And I apologize to Leo Cakounes behind me.

If you look at the School Building Committee we formed, I think you'll find it's quite representative of our 12 towns, and my apologies to the towns of Upper Cape that this doesn't pertain to you, but they are a brother and sister school in Bourne.

So we have former town managers, current town managers; we have town architects; we have private architects. We have members of my staff. We have Finance Committee members. I think it's one of the best School Building Committees ever formed

but I'm biased.

The next is why to invest in CCT? And, very short, really reason is the skills gap is what I've been saying to the 12 towns as I go around. The Northeastern University did a study for the Mass. School Building Authority who we're in partnership with, and they looked at the jobs that vocational technical schools around the state train students in like the programs we have in our school. We have 15 programs going forward if this new project goes through.

They showed 1.2 million jobs in the programs that we train students in the state of Massachusetts just through 2022. And they noted that the Cape and Islands will have an acute need for these mostly service-based jobs well into the future; this project just through 2022.

Known as the "skills gap," really the way to highlight it is have you tried to get a plumber? Have you tried to get an electrician any time recently? And if you do get a plumber or an electrician, their average age is the high to mid-50s. So a bullpen of workers is needed. We're going to be only a part of that solution, but that's the reason to invest in Cape Cod Tech among others.

Brief history; we've been trying to get partnership with the Mass. School Building Authority since 2011. I'm going to go to page, I think, 4 or 5 now where it says January 14th because we were brought into the program on January 14th of 2015, what is known as their "Core" program which looks at your facility.

We're based in Harwich, as you know, 351 Pleasant Lake Avenue. Top to bottom, it looks at it from a renovation perspective or a new construction perspective. We were brought into eligibility when we formed that School Building Committee I shared with you. We decided on an enrollment of 650 students. And then we also shared our Maintenance and Capital Plans.

We then in September we formed our team, which is our School Building Committee but also our project manager and architect, and then we brought the Town Clerks from all 12 towns together on three separate occasions.

The first was in 2016 to talk about the regional agreement that we have with our 12 towns, and also that our vote will be governed by Chapter 71, 16(n). For Cape Cod Tech to take on debt, we have to go by Chapter 71, 16(n), and I'll tell you what that means in a moment.

In November, we choose a solution for the facility and submitted that to the MSBA on January 4th, 2017. See the 15th, we invited into schematic design, which is to go further into the design process of that preferred solution, which I'll explain to you.

We brought the Town Clerks back on April 11th of 2017 with our bond counsel to give them a sense of what the ballot would look like.

And on October 24th, which I'll get into, and then also we went over the Chapter 71, 16(n) again with them, and we will be meeting with them tomorrow to finalize the ballot, the call for the election, and any other mechanics that need to be thought of. Because the Town Clerks are pivotable, obviously, in an election, and they've been an invaluable resource.

Moving to the next page where it says, "Milestones." August 23rd, the MSBA moved us from schematic -- to schematic design and budget. They have approved that budget, and our school committee approved the appropriation.

And the call for the election which will be on October 24th from 12 noon to 8:00 p.m. If there's anything that you can do for me, it's if you're in other venues to advertise that that vote is happening at that date and those times.

The next slide is the tremendous amount of work on one slide that the School Building Committee has done. They looked at three separate renovation options as well as three new construction options. Not to go in the specifics of those, but you see the dollar values except for renovation only were all in the original estimates in the \$140 million range with only reno-only which would be working within the facility itself at 123 to 125.

What you'll note is that the School Building Committee chose new construction, and we are now in that dollar value as we've gone further into schematic design, which I'll share with you in a moment.

The next slide shows an overhead view of our facility with C.2 being that new construction option. By the way, that was a unanimous vote of our School Building Committee to build to the east side of our facility known as C.2 because it sits the highest on the property, disturbs the fields the least, and C.3 was near a residential area, C.4 was on our septic system, and C.1 was a low-lying area on our football field.

So new construction was chosen because it was the least disruptive to education; it was the shortest timeframe for construction, two years versus four, and costs almost, although not a cost that Cape Cod is used to because the last time they built a vocational technical high school was a 19 -- it opened in 1975. The cost was pretty neutral because construction and renovation were almost the same.

Also, it would have a tremendous disruption to education for those four years to reconstruct our school, very hard to build a temporary auto shop, very hard to build a temporary electrical shop. So they did choose new construction because cost became neutral and several factors indicated that new construction would be the most important.

And a lot of the evidence from our facility is that there's some asbestos behind our brick. Our brick has been compromised. The entire building envelope would have had to be reconstructed. ADA compliance was an issue as well as all code compliances which really drove up the cost of renovation.

The next slide is merely the October 1st enrollment in 2016 of our district. Most importantly, the percentage you see on the far right for any particular town, that is how capital costs are assessed per our regional agreement on an annual basis. So, for example, Barnstable at 29.4 percent of our enrollment currently; the amount of capital costs in that particular year, if it was this year, that they would pay 29.4 percent of those capital costs.

The next chart is a chart of the impact of the project. As I said, the budget's been approved, and the amount we intend or estimate to borrow for this project is 127,946,000.

On the ballot, the ballot will have a little higher number because it also includes the money we've already expended for feasibility, but we will be borrowing in the \$127 million range.

The reimbursement rate from the MSBA is 45 percent, and the effective reimbursement rate when you take out all of the things that the MSBA will not reimburse

for, which are significant, the highest being construction cost drives down that 45 published rate down to around 33 percent.

So the MSBA will provide, and MSB is the Mass. School Building Authority for viewers, will provide \$41 million of this project with 86 million on the 12 towns. And you see a breakdown for 12 towns. For example, take Brewster with an average single, assessed single family home of 485,421, an estimated \$0.11 per thousand impact on the tax rate. The tax bill would be approximately \$53. That would be the impact for over the course of the debt.

In all of our assessments, it's been level debt at 30 years at 5 percent. That's highly conservative, we know that. We hope to see a much better interest rate, and we may choose a different term in consultation with the towns if 25 years or 20 years becomes a more cost effective way to bond this project.

The final slide is the mechanics of Chapter 71, 16(n), which, as I said, is in our regional agreement which is why we have to go to a districtwide ballot vote and we chose that with the Town Clerks on October 24th from 12 noon to 8. We're responsible for the cost of that election, which we will be paying out of our FY18 operating budget and will be invoiced by the Town Clerks to conduct that election.

It is a majority vote of the voters on that day, which is key; it is not a town by town vote, so you need to know that.

Some have said why does it not go to Town Meeting? It's because of the way our school was formed. This is the exact way it was formed, and our regional agreement dictates that. There's been some venues where people have said we've chosen this rather than having to. This is the way we have to borrow.

And then you see that the maximum amount of hours at the poles is eight hours, and we have chosen to do that. It can be as little as four hours. So, once again, from 12 noon to 8.

And that's my expedited presentation on a significant project for the future of vocational technical education on Cape Cod.

Speaker MCAULIFFE: Thank you. Can people vote absentee?

Superintendent SANBORN: Yes, they can.

Speaker MCAULIFFE: Okay. So that might be helpful.

Superintendent SANBORN: I believe those will be available towards the end of September.

Speaker MCAULIFFE: Okay. Great. And I have one question; is the cost going to be reconfigured every year depending on percentage of students?

Superintendent SANBORN: That's correct.

Speaker MCAULIFFE: So even the student population doesn't move that much every year, you could see a little bit more or a little bit less; it's not a fixed rate over 25 or 30 years?

Superintendent SANBORN: That is correct.

Speaker MCAULIFFE: Okay.

Superintendent SANBORN: Similar to our assessment for our operating budget.

Speaker MCAULIFFE: Right.

Superintendent SANBORN: Yes.

Speaker MCAULIFFE: Right. Any questions? Yes, Ron.

Mr. BERGSTROM: Yes, you know, a lot of us come from town government, you know, we've had to stand up in front of the multitudes of a thousand people in Chatham and ask them to raise the tax rate by a dime, and it's not an easy task.

Superintendent SANBORN: No.

Mr. BERGSTROM: People are, you know, we built a fire station and police station and so on. Fortunately, in my town, they've been pretty accommodating. But this is a big number.

Superintendent SANBORN: Yes.

Mr. BERGSTROM: And I think part of the problem is that the people in my generation, a lot of us went to schools that were built a hundred years ago. I mean, I went to grammar school that was built in the 1800s, you know.

Superintendent SANBORN: Yes.

Mr. BERGSTROM: And my high school was probably 30 years old when I went there. So now we see buildings which look comparatively modern and then yet they have to be totally replaced and so on.

So, I mean, can we quantify the educational benefits of doing this or is this simply just a matter of logistics? The building's old and we have to replace it.

Superintendent SANBORN: It's simply, and I struggle with that; I've been there since 1994 as a teacher, business manager, and now superintendent for eight years, and I did not enter this process thinking a new construction.

But as the professionals got into the mechanics of the building and all the issues of ADA compliance, code compliance, and then the compromised exterior, it just drove up significantly the cost of reconstruction that it was a no-brainer unanimous vote.

And as I said, it's still a very expensive project either way. For example, Blue Hills in Canton, Mass., right now is doing a limited expedited renovation of their facility of similar size, a little bigger actually than ours, and that limited renovation is \$84 million. The cost of construction is the biggest driver right now. It is booming, the construction. The timing for construction is not good in these numbers. They are in the numbers. They've estimated a construction cost of \$472 per square foot, which just three or four years ago that would've been in the mid-threes.

So I don't know if I answered your question completely.

Mr. BERGSTROM: Yes. One more quick question is that a couple of towns, who will go unmentioned, ran into trouble because they anticipated a larger school population that actually occurred.

Superintendent SANBORN: Yes.

Mr. BERGSTROM: So they overbuilt and then they were faced 10 years down the road with consolidating. I mean has anyone projected the population of people attending these technical schools?

Superintendent SANBORN: Yes. We have to go -- that was one of the first processes when we went through with the MSBA. They had their own projections. We also used NESDC to project our enrollment. And, as you know, there was a steep decline in school-aged children in the early 2000's. We weathered that storm pretty well. Our enrollment did decline but not at the percentage that the overall population declined over 30 percent. We probably went down 5 to 10 percent in that same time period.

So two different ways to forecast, NESDC and the MSBA, and they came up with 624 students. And that's really -- our fear is the 8th grade population from the sending districts. So we did negotiate with them, and we did come to a final negotiated number of 650 thinking that a new or reconstructed school at the time, because we didn't know which one at the time, would have somewhat of a draw, but we see enrollment to district-wide as relatively flat. Do I know how many students are going to be there in 40 years? No. Through the next 10 to 15, that's what those projections were showing.

Mr. BERGSTROM: Is that just -- I don't mean to dominate this, but some town they, you know, there's always people who want to say, well, this is too much; I want to get out, you know. And some towns, I'm not going to mention any names, but they say, hey, look, we can build a standalone technical school for what we're paying you.

Superintendent SANBORN: Yes.

Mr. BERGSTROM: But is that legal, I mean, can they do that according to

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Superintendent SANBORN: Two things; first of all, you need all 11 other towns to say, yes, you can leave. I don't think they're going to do that. Actually, that happened early in this process and was pretty much settled.

The other is we were built for that reason. We are a regional vocational school because regional vocational education -- regional vocational technical education is expensive. And there used to be a Barnstable Voc in the bottom of the Barnstable High School, the old Barnstable High School. And everybody was doing a little bit of vocational technical school around the districts.

And it does provide some economies of scale to have it regionalized. That's a big buzzword down here on the Cape. We're one of the most regionalized facilities on the Cape, 12 towns providing that education. I think it's less expensive to do it that way and more effective too.

Mr. BERGSTROM: Okay.

Superintendent SANBORN: Thank you.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Thank you, Madam Speaker. This is not so much a question as an observation. I think that when we look at the future of the Cape and the need for a workforce. I think when we look at what's happening with out migration of younger people, young working families. I think when we think about the despair of no future of people going into getting into hard drugs or getting into trouble.

This feels to me like one of the most serious, important, real things we can do to get people real jobs, real skills, and keep them here.

And as regards to the question of capacity, somewhere down the line, those people earning some good money at real jobs have families that then become the next generation of students.

So I'm fully -- I think it's a real good investment.

Superintendent SANBORN: Thank you. I didn't want to sell too much but thank you.

Speaker MCAULIFFE: Yes, John.

Mr. OHMAN: Thank you, Madam Speaker. Thanks, Mr. Sanborn; two questions. I've always wanted to know if there was a possibility of entertaining grad

school and adult programs in this school at a second level. In other words, the school day comes and then after work some people want to retrain and have no other opportunities to go.

I know it involves a second set of tools. There's a lot of intricacies that are going to be involved, but is that in your plans at all?

Superintendent SANBORN: Well, we do have the community school at Cape Cod Tech now, limited programs. We have a veterinary tech, a medical assisting. We have cosmetology at night. We do have several offerings. CNA we've had over in the past. Vet Tech as being one of the newest programs, but we are going to explore more of that, more post-secondary options.

We want the building to be busier from 3 to 10 and definitely in our plans and has been since our existence.

My biggest concern is the demand for that. Down where we are, which is a little -- has less younger people who would need that retraining, but it is in our plans most definitely.

Mr. OHMAN: And I was also thinking about wastewater management as one of those programs.

Superintendent SANBORN: Yes.

Mr. OHMAN: Thank you.

Superintendent SANBORN: Thank you.

Speaker MCAULIFFE: I would just add on a personal note, 16 years on the D-Y Regional School Committee, we renovated old schools. We decommissioned schools. We built a new elementary school. We renovated every school in the district when I was on it 16 years.

And it's amazing when you have the New England School Development Council, NESDC, and MSBA, the Mass. School Building assistance looking over your shoulder, the requirements that you have to meet. You can't just save a dollar here and there. It's everything from 12-inch toilets in kindergarten rooms to square foot. It's a very regulated prospect; Number 1.

Number 2, when you go to renovate, you have to bring the rest of the building up to code. When we renovated D-Y High School, every single ramp in that massive high school had to be re-dug out and reconfigured. In Wixon, we had to re-do all the stair risers.

So it's a very complicated process, and a lot of times the new school is the, not only educationally, the soundest way to go, but the least expensive in terms of what you're going to have to do.

The irony is after 16 years of fighting for D-Y School District budgets, the Cape Tech budgets always were very well supported and flew right through Town Meeting because Cape Tech did such a great job that they'd like to really make this, the D-Y district, kind of beg for money.

So I hope that that --

Superintendent SANBORN: Those weren't my years, correct?

Speaker MCAULIFFE: No, no. I hope -- no, all the way through.

Superintendent SANBORN: Yes.

Speaker MCAULIFFE: I hope that people have the same feeling that the

Cape Tech is something that really, you know, has a clear-cut benefit that they can see. It's not something that they can't get behind.

So I'm hoping that you will, you know, kind of have that beneficial kind of complement. I know in Yarmouth it is viewed as an asset to the students.

So let's hope that the building will be viewed the same way because I think, you know, other school districts ask for that kind of money, you might get a real tussle.

Yes, Chris.

Mr. KANAGA: Yes, I just want to say that it's been a tremendous asset for a lot of kids that I know down in our -- I noticed that the population isn't high from Orleans at this moment, but I know a lot of kids that have gone there and have just gotten a tremendous education there. I've always been in support of that.

They, also, have been very friendly and user-friendly to other regional groups. I know the Spirit of America Band uses their facility, for instance, which has kids from ten towns on the Cape.

So those type of things, I hope that they'll be considered in the new structure and continue to accommodate things that are used on the weekends and off-hours of the building, so that it's more than just the school day type of programs that they've been supportive of in the past.

And for that reason, a big reason, as far as I'm concerned, is the continued support of regional education of all types, whether it's music or theater or, you know, actual job education, which has really been a huge benefit to the kids I know that have gone there so.

Superintendent SANBORN: Thank you.

Mr. KANAGA: Thank you.

Speaker MCAULIFFE: Thank you, everyone, and thank you, Mr. Sanborn.

Superintendent SANBORN: Thank you.

Speaker MCAULIFFE: And I hope the rain has stopped ponding.

We are putting up on the website connected to the information for our meeting the list that he gave us for his other presentation. So if other people in their towns are interested, they can link to that through our website, and you can say, well, it's going to be all over the Cape. So, if you want to hear it, it would be a more in-depth presentation. I just wanted to have him so that we were apprised of what was coming down the road so that you know when October 24th means.

Yes, we have Leo Cakounes here.

Board of Regional Commissioners

Commissioner CAKOUNES: Thank you. I'd just like to add my two cents too. I know Bob left the room already but take this opportunity to remind everybody that, again, it's October 24th and that same vote will be taken in all the towns that are participating in Cape Cod Tech for the purposes of deciding whether to allow Cape Cod Tech to build this new school or not.

There will be in each of your communities a separate vote taken to how your community decides to fund it. And the reason why I want to say that is because it's going to be very, very confusing.

The town of Barnstable, I believe, is having the funding vote before the vote taken on whether to build the school or not. The town of Harwich last night are exploring having the funding vote and the whether to build the school or not on the same day.

So if you want to talk about confused voters, wow. And, we, as elected officials need to do our best to get out there and let them know what's going on in our community because someone may hear the vote for funding the school was done in Barnstable - September, I think it's, I forget what day in September they're doing it, the 29th, I think, then people in Harwich might say, oh, I lost that chance already to vote that funding down or not. No. It's done by town. Each town will be doing it different. It's going to be very confusing, so we've got to do our job to get that message out.

Mr. BERGSTROM: Just, Leo, this is similar to a bonding issue. In other words, it's excluded from the provisions of Proposition 2-1/2.

Commissioner CAKOUNES: It depends on how your community wants to handle it. If the town of Chatham decides that they have enough capital in their operating budget, the residents of the town of Chatham, along with others on the twenty -- I'm sorry, I keep forgetting the date, the 24th of October vote to build a new school, the town of Chatham can just pony up and decide to pay its share of Free Cash if they want.

But if the town of Chatham wants to go out for a 2-1/2 override, then the Selectmen of the town of Chatham have to put together an override vote just like they would do if they were building --

Mr. BERGSTROM: So each town has to contribute a percentage of the capital costs individually by voting that; did you say?

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: So it's not the regional school district that's borrowing the money, it's the individual towns.

Mr. MCMANUS: No.

Commissioner CAKOUNES: No. The regional school district is getting authorized on the 24th to borrow the money.

Mr. BERGSTROM: Okay.

Commissioner CAKOUNES: But who is paying for that borrowing? The towns who are participating. So as he said earlier, the town of Barnstable if the regional school district goes out and borrows \$125 million, Barnstable will be paying 24 percent of that debt every single year because they authorized the building of the new school, and they authorized the tech school to go out and get that debt.

Now, if Barnstable can pay with that with money in their coffers, then fine. If they want to go out for a 2-1/2 override, which I believe they do, but I don't want to speak for Barnstable, but I believe they do, that's why they're having a subsequent vote before the vote to allow the tech school to be built or not or to go out for bonding to raise their taxes, except for 2-1/2, for that debt.

Mr. BERGSTROM: I'm know I'm being very wordy here but this is important because --

Commissioner CAKOUNES: It is very important, and I'm sorry Bob didn't touch on it.

Mr. BERGSTROM: -- the towns are up against, you know, the limits of

Proposition 2-1/2 as it is just for their operating budget. If they decided to pay it on a yearly basis out of the operating budget, something else is going to have to go.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: But the alternative would be that they could bond the money and treat it like a bonding issue and simply pay the finance charges and so on each year.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: Okay. So --

Commissioner CAKOUNES: And that's what Harwich plans on doing. I believe the same day, they're going to have their bond authorization vote on a separate ballot, by the way; it's not going to be on the same ballot. So if Harwich decides to do this, when the voters come in, they'll check in at one desk but they'll get two ballots. One of them will be to authorize the Cape Cod Tech to borrow the money and build a new school, and the second one will be to authorize the town of Harwich to increase taxpayers of the town of Harwich's property tax assessment on the amount of money that they will have to pay Cape Cod Tech for that debt.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: In essence, they'll be getting one ballot, which is a regional district ballot, and the other one is a municipal ballot.

Commissioner CAKOUNES: That's correct if they go that route.

Mr. MCMANUS: And then obviously the most confusing thing is the date which the, what is it, the fourth Tuesday in October has never been an election date really in anybody's mind. So getting people to recognize that and remind people that that's the day that we're voting on this year, and it's going to be one of the hardest things so people show up actually at the polls.

In sort of my neighborhood, the easy way for me to remind people that it's going to be the 24th is tell them, "Go vote on my birthday" because it's my birthday.

Commissioner CAKOUNES: Thank you for allowing me that brief moment just to update everybody.

Normally, when I come to report to you, I go back and start at the meetings that we had and then come up to today. I'm going to ask your indulgence because I want to do it different today. I'm going to start today go backwards to the ones that we missed, and there's a method to my madness.

Today is the 6th, we did not have a meeting today, so there is nothing to report as far as what the County Commissioners did today.

That subsequently brings us to the August 30 meeting, which you missed, or I have not reported to you. The thing that we did, we approved a couple of minutes, very business, regular business that we do.

We also had the Ordinance 17-09, which is the one that you have already voted, and that was to transfer the \$245,000 out of the Statutory Reserve Fund into the -- for use of not only the monies that we needed because of the flood problem that we had here with the new electric line but also to make the payment to the town of Barnstable for the settlement in regards to the Fire Training Academy versus the Town of Barnstable lawsuit. We did approve that.

It was outside the 10-day period so, quite frankly, we didn't have to do it,

but I made the determination to put it on the agenda and to have an official approval by the Commissioners, so that way there 10 years from now if someone's researching this, they won't have any question on what happened after you guys passed it. Because, again, usually they come back to us, but I don't really remember why we didn't do it within the 10 days. I will take full responsibility. But on the 30th, we did pass it.

There was no new business anticipated by me. So, basically, everything else we did was pretty much cut-and-dry business. There was a grounds request to use the grounds here for the National Multiple Sclerosis Society, and we allowed that. That will be coming up actually September 10.

There was an authorization which is something that we do now where we keep a handle on vacation rollover or carryover, if you will. And there was one employee that had some unused vacation time, and we allowed him to carry over a certain amount of that vacation time to a date certain. Again, that's a policy that we put in place, and we're holding to it.

In the old days, people could carryover vacation time, and then when it came time they were going to leave, we found out that they had five years of vacation time built up. So that no longer can happen.

We authorized a timesheet for Jack Yunits, which we always do. It's a weekly approval thing.

The Cape Cod Commission asked us to authorize them to be able to go out for an RFP for more than a customary three-year period. And this is basically because they use technical service or technical assistance in the various wireless communication projects that might come before the Cape Cod Commission. So that RFP was approved for us to go out for not only a three-year first term but also two subsequent renewals. So, again, it's just customary work.

We also approved a number of grants and, again, it's the beginning of -- well, we're two months into fiscal year '18, so these are things that come before us. Most all of them were anticipated and in our '18 budget and approved. But this is now we're just approving them and making sure that the money is put into the general and correct funds. I won't bother mentioning all the grants because there was quite a few of them.

And also, subsequently, when we get these grants, we have been also authorizing the creation of new funds to put them in. It's really a directive from our finance director now to make things simpler so we can track them a lot easier.

So August 30 was not an eventful meeting but that kind of sums up what we did on the 30th.

That brings us back to the August 23 meeting, which is the -- I guess we had a five-week month of August, so you missed two in August and then today's, but again, today's didn't happen.

Again, minutes; we did have a hold-over on one of the minutes that we had to do on the 30th that I just reported because they weren't done but we approved two minutes.

We also had a presentation about the survey, and the survey came back and our County staff translated the submissions of the surveys and put them in a graph form for us. And I instructed my fellow Commissioners, and I certainly will be using that information that we've gathered from the survey as we move forward with the next two

things that I did touch upon on the 23rd, which is, first of all, the County Commissioners' budget message for FY'19. It has to go out relatively soon.

And also I'm encouraging my fellow Commissioners to work with me to put together a three-year strategic plan to allow us to put some kind of a roadmap, if you will, for the County on how we're going to head and what we're going to do in the next three years.

So, we're going to take that information that we got back from those surveys and try to extrapolate information from that and see where we can better serve the communities that we're here to do.

There was a discussion and actually an approval of an internship program. We now are affiliated with Bridgewater State University. These interns will come to us from Bridgewater. They will go through a vetting process, not only at the college when they apply but here when we decide whether to take them on or not.

These interns will not be paid by County. I'm happy to say that there will be no County funds allocated to this. However, the students will be getting credits through the programs that they're enrolled in at the community college. So I think it's a win-win for everyone.

I'm not going to talk too much about it because I know you have Jack and Mary behind me that are going to be coming up talking about the Early Retirement Program. But on the 23rd, we did vote to move forward with the Early Retirement Program, but also with that, and I always say more importantly is the discussion on the proposed new County hiring policy. Because if we do an Early Retirement Program and we ask people to take advantage of the retirement, yet we just backfill those positions, it's not going to garner any savings to the County.

So the more important document there, believe it or not, is the hire policy. Again, I'll allow Jack and Mary to talk about that.

We had a really interesting discussion on the Statement of Ethics of County Commissioners. This was brought forward by Commissioner Beaty. It was a draft in which I think he copied from, if I remember, his presentation, from the County NACo, which is the National Organization of Counties. I was not in favor of it.

There was a number of reasons why I wasn't. I don't believe that the concept of an ethics policy had any policing power, for a lack of a better use of words to explain what I'm talking about. But if someone was to violate it, there was no authority to penalize the person. So, to me, it seemed kind of redundant. Most of the ethics stuff that was in there was state law, included in state law. So there's already a thing in place, if you will, if someone wanted to go that route.

The other things just had no teeth to them, and I thought were more handled than something that would have been not really ethics but something that might have been better described as professional conduct.

No action was taken on that; however, it was asked that I, I think all the Commissioners are going to work on it separately, and we may be bringing it back; the only thing that I agreed to that I might personally, as one Commissioner, support is putting together just a proposed statement that we would give to all elected officials and ask them if they are willing to sign it in kind of a pledge. This is the way I understand I'm supposed to act, and I pledge to do this, and sign it like that, but not in any way, fashion, or form be

mandatory.

Once again, that's my position on it, but to report to you today the County Commissioners took no action on that.

Did you want to stop for a question?

Speaker MCAULIFFE: Deb, did you have a question?

Deputy Speaker MCCUTCHEON: I had a couple of questions.

Speaker MCAULIFFE: Do you want to wait until he's done or is it on this topic?

Deputy Speaker MCCUTCHEON: It's on this topic.

Speaker MCAULIFFE: Okay. Then go ahead, we'll deal with it on this topic. Go ahead, Deb.

Deputy Speaker MCCUTCHEON: Okay. To your knowledge, has there ever been any kind of ethics or professional conduct resolution or any other form of such an action that had come before you, the Commissioners or the Assembly?

Commissioner CAKOUNES: A policy such as this; is that what you're asking?

Deputy Speaker MCCUTCHEON: Right. My question is has there ever been, to your knowledge, an adoption of any kind of a policy for professional conduct or anything like that?

Commissioner CAKOUNES: To my knowledge, no, there has not. The only thing that I have personally had any encounter with was a proposal that was going to be brought forward but never made it to the County Commissioners, and it was really because of some of the things that I just mentioned; the fact that we are elected officials, and we answer to the people who put us here. And there's no, again, I use the term policing because I'm kind of drawing a blank of how else to decide it. There's no way to fine someone if they violate an ethics policy.

Deputy Speaker MCCUTCHEON: Has there ever been any kind of a policy adopted of any kind that would require an individual to bring some kind of comment that was intended for the newspaper forward to the Commissioners before it went to the newspaper?

Commissioner CAKOUNES: There's no policy in place for that but, to my knowledge, there never has been a policy in place to do that, no. Again, it goes to what I referred to as professional courtesy, and I don't think you can have policy too and still professional courtesy. That's what my mother always told me anyhow.

Deputy Speaker MCCUTCHEON: Do you know --

Commissioner CAKOUNES: The only thing that would do that is a good backhand.

Deputy Speaker MCCUTCHEON: Do you know whether or not there has been any effort on the part of any of the Commissioners to research that issue and to ensure that there is no violation of any of the statutes for ethics by anybody's conduct?

Commissioner CAKOUNES: I know that I, as my brief time as County Commissioners, I have looked at a number of times at ethics violations and researched if, in fact, a particular person's behavior who was an elected official at the time violated any state statute, and I have not been able to come up with a state statute that was violated.

Speaker MCAULIFFE: All right.

Deputy Speaker MCCUTCHEON: Okay. Thank you.

Commissioner CAKOUNES: Emergency action; I do want to bring you up-to-date on the flood damage. And I think it was Patrick Princi I have to -- I owe a “Why did you say that?”

The last time I was here, I reported on this. Actually, I think it was because we were asking for the money to pay for the electric hookup, and I think Mr. Princi said to me, “Is any of that money going to be used to deter a future flood problem?”

And I said to him that, you know, the waters that we got back in July was a one-in-a-hundred-year episode and we will never see that again. And I think by the time I made it to the parking lot, it started raining out and, yes, once again, we had some flood damage. So, thank you, Mr. Princi for jinxing me on that.

Mr. PRINCI: You’re welcome.

Commissioner CAKOUNES: However, we did find one area that water was coming in on the back of the Registry of Deeds building, and there was a collapsed -- along with the collapsed electric line, believe it or not, almost in the same area, there was a collapse roof drain duct, which kind of was backing up water. And, hopefully, and from what I have heard today, we have, knock on wood, we don't have any water problem issues.

But with that said, the major renovations, not major renovations, the major fixing, if you will, of the electric line has been completed. We had a pole put up, new wires brought to the Superior Courthouse, subsequently hooked up to our transformer. We are now separate from the electric feed to the Registry of Deeds building, which was not the case before, and the generator is gone.

And I’m very happy to say, and I’ve said it a number of times, and I want to take the opportunity to say it here today. Thank you, very much, Steve Tebo; thank you, very much, Donny; two guys that came out on Sundays and worked very hard on this to get it, and their staff too. I should have had a list of names to read, but every one of them did a Yeoman’s job for us making sure that not only was the public safety put first, but then that we had electricity and if the Superior Court was up and running, but then to move forward to make sure that it was corrected properly.

In the general business, there was a bunch of things. I mentioned the internship program. We talked about that back on the 23rd also. There was a vote taken to allow the IT Department to dispose of some surplus supplies with a value of less than \$10,000. It kind of circumvents the need to go out and ask for bids and stuff when you’re only talking about getting rid of some small tabletop computers and some older laptops.

Again, we also did some more grant things, and we established some grant funds. The only thing that I would like to just add to the August 23rd meeting, and I know you’re all waiting with a bated breath for this once, so I’ll get right to it.

Under the section of our agenda, which is new business not anticipated by the Chair, and believe you me when I tell you I had no way of anticipating this one. My phone was being inundated and I was being contacted by the press by an issue which was the press release by one County Commissioner. And at this time, and I read this statement into public, and I’d like to also do it again.

“The Board of Regional County Commissioners have not discussed or taken any action relative to the killing of sharks off our shore. The County

Commissioners do not encourage such an action and need to reaffirm state and federal laws that govern fisheries, sport, or killing these protected animals.

If any member of the board wishes to have this item placed on an official agenda for public discussion or possible vote, then I suggest it go through the procedures which we follow for all such requests.

No further action or discussion will be entertained at this time and no public comment will be allowed.”

From that statement, again, this was Wednesday on the 23rd, you need to know that not only did the town of Barnstable's phone ring off the hook on Thursday the 24th and Friday the 25th, but our staff here at the Superior Courthouse at the Health Department and every other department that would pick the phone up in those two days basically got reamed, screamed, swore at and, quite frankly, threatened.

I took it upon myself that I thought it was necessary action for me to immediately have a press release put out stating the exact thing that I just read to you that at no time -- at no time have the County Commissioners discussed this plan at an open public meeting. It has not been agendaed. It has not been asked to be agendaed, and we are -- it is not our jurisdiction and our purvey to do anything about sharks. They fall under the federal and state guidelines.

So we can laugh about it now, but I will tell you that I, personally, did not think it funny, especially when I had to answer phones at all hours of the evening because people were calling me from Germany, which is six hours ahead of us, or I didn't get any from -- actually, I got one from California too, but this became a very disturbing issue. Anyhow, it's over now and we can laugh about it.

A couple of things I just want to touch on on my Commissioner's report also going back to the 23rd. Since the release of the state audit, the questions have arised about County leasing practices. When the County Commissioners looked at the state audit, we decided at that time to go our own ways and do as much research as we possibly can, especially on specific leases as opposed to, you know, running around like chickens without a head looking at all the things that we're involved in.

I took it upon myself to look at the Assisted Living Center in Bourne. I am still compiling paperwork on that, and I do intend on putting specific leases back on the agenda so that I can share the information that I have gathered with my fellow Commissioners, and then we can make a judgment on how to move forward using that information.

Because, quite frankly, and I said this publicly and I'll say it again and again and again; the state auditors only had at their disposal information that was located at the Superior Courthouse. So when statements were made in that audit report, it was a review of documents which we had at the Superior Courthouse in a filing cabinet.

I have gone extensively out even just across the parking lot to the Cape Cod Commission about found reams of information which goes against some of the original findings at the state auditors.

So, it's not complete but I will tell you that Commissioners are working on this, and we are going to work on each individual lease separately because they all involve different situations.

But, again, I said publicly before and I want to make sure that everyone at

the Assisted Living Center in Bourne hears me clearly, the County at this time nor do I, personally, believe even in the far-off future have any, any indications at all to evict them.

So, please, these are people that are lying in hospital beds needing 24-hour a day care, they need to hear that clearly from us. It's not the intentions of Barnstable County to evict anybody from this Assisted Living Center. And we're going to move forward and do the right thing, again compiling more -- as much evidence and as much information as we can to make a good decision on how we're going to move forward.

Last week, I'm sorry, back at the 23rd, I did report to my board that I did attend the Assembly meeting, and I heard and participated in some of the discussion in regards to the Human Rights Salary line item. So I just gave them a brief update on what you guys did and how you took no action at that time.

Let's see, this is another one that I believe that you need to hear now too and, again, I apologize if it's three weeks old, but I, personally, and along with some other people here in the County have been working on a draft ordinance relative to the Economic Development Council.

I intend on having a workshop, the same fashion that we had a workshop for the Cape Cod Water Collaborative ordinance in which I will invite not only my fellow Commissioners to participate but members from the Cape Cod Commission, members from the current EDC, and I would love to have at least two people from the Assembly of Delegates. I'll work with the speaker on setting that date up.

It is my intention to review this ordinance and to update it. It has been updated a number of times. I don't have the numbers in front of me, but I think almost eight times it has been amended. Quite frankly, if you read any document eight times, it's almost time to throw the whole thing out and start with a new one.

There are some issues coming forward that the Cape Cod Commission needs an Economic Development Council, and we're hoping instead of having two to, once again, doing something similar that we did at the Cape Cod Water Collaborative and just have one. So I will let the Speaker know and maybe work with her as far as working out a workshop date.

I mentioned earlier, again, the results for the survey were planned on coming in back in. They are in now, and we are going to be working on a three-year strategic plan.

I think someone had mentioned, and I believe it may have been here, I'm not sure where it came from, but there was some questions, or maybe this was through the town of Barnstable, in regards to the Beth Albert's department and her work with the homeless and the counting of the homeless. That's going to be on our agenda the 20th of September.

So, with that, I hope I covered everything. And, again, I appreciate you indulging my report.

Speaker MCAULIFFE: Just for clarification for our future agendas, we did not put Suzanne Bumps' department's audit on our agenda to give you time to kind of work things through.

Do you think the next meeting you could sort of give a brief overview and then, obviously, you're giving us updates as you're --

Commissioner CAKOUNES: Are you talking about the state audit?

Speaker MCAULIFFE: The state audit.

Commissioner CAKOUNES: Or are you talking about the County audit?

Speaker MCAULIFFE: The state audit and then we also have the County audit.

Commissioner CAKOUNES: Right.

Speaker MCAULIFFE: Not to confuse people. I know Owen and Janice were going to try to get a date for the auditors to come in and that's more a books kind of audit.

So, I held off putting the state audit on the agenda until you've had a chance to kind of look at it. Are you thinking that you're ready perhaps in next meeting, you know, the next couple weeks to come in and give us a general overview?

Commissioner CAKOUNES: Absolutely.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Absolutely. And I hopefully by then, again as I said earlier, the way I wanted to attack this as Chair is to look at these specific leases so that there will be folders and information directly and only directly to those specific leases. And whatever I have at that time, I'll make sure I can share it with you or, again, with the particular one in Bourne, I'm talking about a folder of 300 pages. So maybe most of you may not want to flip through that but there are other ones.

And, certainly, we have to remember there are other ones that have already been dealt with, like the Cape Light Compact.

Speaker MCAULIFFE: And then the County audit is a matter of just coordinating --

Commissioner CAKOUNES: That's just a report.

Speaker MCAULIFFE: -- yes --

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: -- the timing so that they come and they do one presentation.

Commissioner CAKOUNES: That's -- I offered that to Janice and Owen that they could work that out.

Speaker MCAULIFFE: They can work that out.

Commissioner CAKOUNES: Yes, and I was only doing that really for the state -- for the County auditors so they wouldn't have to make the trek down here twice.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: They could come in one day.

Speaker MCAULIFFE: All right.

Commissioner CAKOUNES: And, actually, if they do that, we'll probably have our meeting at 1 too so they could, you know, they won't have to stay around the whole day.

Speaker MCAULIFFE: Right. They can do one and then the other.
Yes, Susan.

Ms. MORAN: I just wanted to ask Leo to really maybe give some more thought to the idea of a code of conduct because I think all of the resources that have been spent in this most recent incident, including by all the towns, the potential effect on the scientific industry, the potential effect on the tourism industry.

I think that if there is a code of conduct type of document to refer to, certainly there are some guidelines of behavior, what is, you know, within accepted actions would be outlined. And, you know, when you say that, well, your reticence might be, you know, what would be the sanctions?

Well, you know, there could be sanctions. There could be removal. There could be lots of potential sanctions that might be otherwise accounted for. But even without, well, what would happen if there's a violation? I think there still is an upside to having the conversation. I think there really is a benefit to the community, to the County, to laying out what accepted conduct is, and I think that might be a great leadership thing for the Commissioners to continue to delve into.

So, I appreciate the conversation, but I really think that when there are -- when you layout the level of expectation of the behavior, then that just right away gives you a, you know, kind of a line in the sand that both people won't want to step over.

Commissioner CAKOUNES: I agree 100 percent and, please, I want to make sure everyone understands what happened. I, personally, was not in favor of the statement of ethical behavior that was presented. There was just a number of small things that I didn't like about it. And, again, there was a question about if we were to vote this, how does it become implemented and is it actually something that is enforceable.

That's why I leaned towards a statement of professional behavior that will be given to all, all public officials within the County, and ask them if they would like to read it and sign it themselves. They don't have to. It's not something that the County Commissioners are implementing.

I mean you've got to remember now if we were to implement a document that says that the Assembly of Delegates were going to act in a certain manner, and once they stepped over that line, we were going to remove them; you can't do that. There's no mechanism to do that. We've been down that road. There have been arguments between the Commissioners and Assembly members on the Assembly members' behaviors and vice versa.

So I thought it better to -- because I agree with you 100 percent. It's really nice to have a document that an individual can refer to from time to time laying out how the general public expects you to behave. And you can read and you can say, "Yes. I, Leo Cakounes, pledge to act like this" and sign it.

It means nothing but it's something that we can go back to and refer to when you have that urge, you can go back and go, oh, wait a minute, maybe I shouldn't do that because I signed this.

So that's where I think we're headed with it. I can't say for sure but it is going to be back on our agenda.

Speaker MCAULIFFE: I think part of the problem is the County doesn't have a resource to go to get trained. When you become a school committee member, the Mass. Association of School Committees runs a workshop onboard on how to behave like a school committee member.

When you become a Selectman, the Mass. Municipal Association has an onboard workshop as well, and you get trained in what's appropriate. They give you a written handbook or they give you written little code of conducts and you read through it.

Now, as you said, you can't make sure that someone's going to do that but

at least you have that in writing.

I'm not aware of anything at the County level that provides that kind of training or that hands on, you know, you only have authority when you're at the table. You don't have the authority to speak as an individual. All those things that people who have been trained or been on boards know about.

So, I think it would be worthwhile to have the Mass. Association of School Committees has little thing they sent out and it is their code of conduct, and it tells you, you know, don't do anything unless you're at the table, you know, that kind of thing. So that might be worth considering. Whether someone signs it or not, just to have the expectation.

Commissioner CAKOUNES: With that said, I would really like to, and I'm glad everybody is interested in this subject, but it is -- the one that was presented to us is in our packet. It is online at our August 23rd meeting.

If you cannot find it, let Janice know, and I'll make sure that she gets a copy of it. Again, this has not been voted, but it, certainly, it's got a lot in it and a lot of stuff that I agree with that goes to professional conduct, and I think it can be easily tweaked. I'm just not sure exactly how the motion is going to be made and how would we approve it. Because, again, I could not vote for something that's approved as this is how you're going to act.

I mean suggest it, whatever. I guess we're playing with words, but I've just got to be careful because, again, I don't think we --

Speaker MCAULIFFE: Deb than Ron.

Deputy Speaker MCCUTCHEON: I would just like to note for the record that I agree with Ms. Moran about that something with some teeth needs to be done about this.

With respect to the level of publicity that the Commissioners are attracting most recently, has any of it been reviewed by anybody before it gets sent to the newspapers, I mean, virtually a daily basis?

Speaker MCAULIFFE: No.

Commissioner CAKOUNES: The only thing that gets sent -- the only thing that has been sent to the press that has not been reviewed by the County Commissioners was a press release that I released in regards to the fact of saying that the shark plan had not been reviewed by the board, and the board has no intentions of reviewing it because no one asked us to put it on the agenda.

Now I gave that press release without authorization of anybody. I did that on my own. But, again, that was not an opinion, that was not my personal thoughts, or it wasn't even the County Commissioners' thoughts; it was fact. Fact that the plan had not been reviewed by us, and the plan was not on any either -- even near future agenda.

Now anyone else's press releases to as far as I know, they have not been released as reference to the board of Commissioners or as Barnstable County. They're being released as a private individual who happens to be a County Commissioner.

Now if the press or person reading the article, which happens, someone sees Leo Cakounes, County Commissioner, says do this, this, and this. All of a sudden, the town of Barnstable is getting hundreds of phone calls.

So that's something that I don't think, again, I'm not sure what the answer

is; we have no way of circumventing that.

Deputy Speaker MCCUTCHEON: I wasn't asking whether you had had that particular press release approved. I was asking about the ones, the myriad of ones that are appearing in the newspaper virtually daily. I get that newspaper and --

Commissioner CAKOUNES: No. None are reviewed by the County Commissioners.

Deputy Speaker MCCUTCHEON: Okay. Now --

Commissioner CAKOUNES: Or neither supported by them or approved or denied by them, the County Commissioners as a body.

Deputy Speaker MCCUTCHEON: And has there been any instruction to this individual that he's not to identify himself as a member of the board of Commissioners?

Commissioner CAKOUNES: I have no discussions with my fellow County Commissioners at all. I don't know if staff has.

Speaker MCAULIFFE: I want to cut you off here.

Commissioner CAKOUNES: So, yes.

Speaker MCAULIFFE: I think we're talking about an individual.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: And I think we need to move on because I think that this is not the place.

Commissioner CAKOUNES: We can work on the ethics thing together though. I would appreciate a lot of people's input on that because, again, please know that I was for it; I just didn't like the way it was presented. It needs to be presented in a matter that gives us guidelines and gives us, as all elected officials, how you act properly. I guess I didn't realize -- some people come to us without municipal --

Speaker MCAULIFFE: Experience.

Commissioner CAKOUNES: -- experience, and that's not a bad thing. It's just that's how they ended up here. Personally, I've talked at a number of town meetings, so I know what to say and not. I know when to shut up.

Speaker MCAULIFFE: Ron.

Commissioner CAKOUNES: Ron's rolling his eyes.

Mr. BERGSTROM: Yes, I'd just like to say that I agree that there should be -- we should discuss a code of professional conduct and was acceptable and unacceptable behavior in an elected official. And if we do come up with it, I think we should send it up to the federal government, particularly the executive branch.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: They'll have a Twitter and Twitter contest.

Speaker MCAULIFFE: Let's leave politics out of here.

Commissioner CAKOUNES: I took up too much of your time. I'm very sorry.

Speaker MCAULIFFE: That's okay. Ed, did you have something?

Mr. MCMANUS: Well, one other comment. As elected officials, you know, there is no -- we don't have a County code of conduct that's enforceable. But there are a number of chapters of Massachusetts General Law that as elected officials --

Commissioner CAKOUNES: Absolutely.

Mr. MCMANUS: -- having our behavior --

Commissioner CAKOUNES: Absolutely.

Mr. MCMANUS: -- the whole Ethics Commission. You know, if we do something as an elected official that adversely affects the working environment of subordinate employees in the County, we're subject to the same sort of lawsuits that any "boss" would be, you know.

The issue of the recent kerfuffle over the sharks; I mean you can argue that there was a creation of a hostile work environment by one official.

Commissioner CAKOUNES: Well, again, you're a 100 percent right.

Speaker MCAULIFFE: We're going to move on from this topic.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: We've spent enough time on it.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Thank you.

Commissioner CAKOUNES: Nothing else?

Speaker MCAULIFFE: No. Thank you very much.

Communications from Jack Yunits and Mary McIsaac

Speaker MCAULIFFE: The next item is communication and discussion from our County Administrator Jack Yunits and Finance Director Mary McIsaac regarding the County bond rating and a brief update on the Early Retirement Incentive Program.

And I think that I've been having many conversations with the past speaker about the issues of how the County used to be run, and how the County's being run going forward. And he and I both agree that past is past, but we are very, very fortunate that we have Mary McIsaac and Jack Yunits and our County Commissioners and also the staff who have just worked miracles from taking us from sort of an unconventional, perhaps, little cavalier operation in terms of our finances in how we ran things to trying to get it by the books.

And a AA bond rating is a homerun as far as I'm concerned having been involved in bonding sorts of things and bond counsel. So I think that you have done an outstanding job. I can't say enough. I know Mary's had her nose to the grindstone from the minute she got here. But thank you for really working miracles.

Administrator YUNITS: Thank you, Madam Speaker. I'll just briefly say that Mary has been obsessively compulsive about doing this and getting it right and deserves 90 percent of it, the applause, for all her efforts.

You know everybody's -- all the elected officials have pitched in and supported us and told us that strong fiscal management was critically important to each and every one of you. So, we had that kind of support; it makes it a little bit easier. Department heads pitched in.

I think our year-end numbers are going to be good because they didn't spend frivolously and they turned back a lot of money to us.

So, with that, I'll turn it back to Mary because we are going out for our first bond purchase tomorrow, bond sale tomorrow.

Speaker MCAULIFFE: Thank you.

Finance Director MCISAAC: So thank you, Jack, and thank you for the support. We appreciate it. It's been a long probably good year of work towards this, and we originally slated to sell last September, and before that the original estimate I think was May, last May. But we quickly realized that there was so much work to do that we really couldn't go out into the bond market and expect to be entertained as credible and viable candidates, you know, basically as new issuers because having been out of the bond market so long, the analyst considered us a new issuer.

So I'm very pleased to say that a week ago -- two weeks ago this past Tuesday, we had two analysts from S&P for the entire day, and we talked all day. You know, we basically spent a lot of time strategizing about how to present the County financially and from a lot of other perspectives.

And one of the things we did during the visit was we brought them to certain places. For instance, we brought them out to Dennis and had them talk with the people who run the Aquaculture Research Corporation to just have them understand and more than conceptualize what Barnstable County Regional Government does and what its purpose is, and how it serves its people.

So we thought we had a very successful day. We were really well received by them. They asked a lot of questions. We spent a lot of time talking about numbers, talking about process, talking about what we were doing to overcome everything that they are reading about. And, trust me, they read everything.

And we had open and honest discussions about the state auditor's report, you know, what our research had produced, what results, you know, we had received in terms of their report and our plan to make sure that that doesn't happen again.

We talked about the lawsuit with the town of Barnstable, and we were frank and open and honest about that and about what it means to the County, what it means to the finances.

And we spent a lot of time talking about budgeting and talking about sort of the historical institutionalized practices here that are not good practices and best practices. And how we're moving the ball forward, you know, one step at a time.

And in the areas where it was most impactful for us to be ready to talk to them were balancing the budget, not using reserves, understanding the importance of reserves and retaining them and planning to use them, and thereafter planning how you would replenish them after their use.

So a lot of different conversations in that day, a very long day, but they were very pleased, and we were very happy to see them come back with a AA rating for us with a stable outlook. We felt strongly that that was a great first step for Barnstable County coming back into the market, and we go from there.

So we have our first sale tomorrow, and 4.3 million of bonds and almost another million in the form of a band, which after their sale will cover most of the County's capital spending backwards from '17 through '14. So most of that will be all cleaned up in terms of the deficit going forward. And then we'll work on the older deficit spending that remains on the books.

But it's a great step forward in terms of our financials and what we're going to look like going forward with our audited financials.

And, so, I'm very happy, very happy.

Speaker MCAULIFFE: So the bond is to cover past -- the debt eras. So there isn't any, essentially, new spending in the bond?

Finance Director MCISAAC: Well, there is. You know, 4.38 million, 2 million of it is our dredge.

Speaker MCAULIFFE: Okay.

Finance Director MCISAAC: So there is some current capital spending that's been approved in the more recent years, but there's also spending that we could gather into this bond issue under a tax exempt series and cover some of the spending that has occurred in the past.

Speaker MCAULIFFE: So other than the dredge pretty much, it's paying ourselves back our debt, trying to fill up the hole we've created.

Finance Director MCISAAC: It is, basically, because most of the borrowing, at least for the bond -- the proceeds of the bond issue is related to spending that's actually occurred at this point. Only for several authorizations are we borrowing for projects that are happening right now that we haven't technically paid the bill yet.

Speaker MCAULIFFE: So, why don't we take questions on this, and then we'll go to the early retirement -- is that all right to stay on top?

Finance Director MCISAAC: Sure, whatever you'd like.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: On the dredge, is it anticipated that the payments on the bond will be made out of revenues?

Finance Director MCISAAC: The Dredge Enterprise Fund will cover the principal and interest payments for the dredge, yes.

Mr. MCMANUS: All right. Great.

Speaker MCAULIFFE: Yes. Ron.

Mr. BERGSTROM: Yes, Mary, I looked at this, and one of the recurring themes is that -- now, I'll quote here, "The stable outlook reflects our view of Barnstable County's robust tax base with strong property wealth and income indicators."

Now this runs through the whole document. And if this were the case in the town of Chatham or another town, they would look at the property base and look at the willingness of the people to access the tax rate and say, "Oh, you guys, you know, you could raise the money if you need it."

Finance Director MCISAAC: Sure.

Mr. BERGSTROM: What I don't see in here is the fact that there are limitations in our ability to --

Finance Director MCISAAC: No. They do talk about the limitation, yes. They talked specifically about 2-1/2 percent and how we're limited. And so that we don't have the ability to maybe keep up with rising costs the way someone else is so that they're pointing out that there's more diligence and greater and more critical planning involved in keeping the budget balance going forward because of how costs are rising and our ability to raise revenue is limited. And they do talk about that.

Mr. BERGSTROM: They do talk about it, but it seems that that's a big issue, the fact that we're subject to rising costs.

Finance Director MCISAAC: Yes.

Mr. BERGSTROM: But yet our ability to meet those projections are limited.

Finance Director MCISAAC: Right. But we also have the ability here to acquire grant revenues that are grants that are regional grants that help subsidize our cost. It's not always -- it's predictable that we get them in terms of federal money and in terms of state money. Every year we get about \$3 million worth of federal money to spend. And, so, which helps mitigate our cost that we budget; it doesn't help everything, but it's an additional supplement to our limited revenue sources that we have, and they factor that in.

Mr. BERGSTROM: Yes, just one other thing is that over the course of the past year or so, there's been a lot of negative discussion about the County's fiscal situation.

Finance Director MCISAAC: Sure.

Mr. BERGSTROM: And it's been in the press.

Finance Director MCISAAC: Yes.

Mr. BERGSTROM: And the Commissioners read us the riot act when they submitted the budget, you know, and so on and so forth. And yet we have this document saying, geez, you have a good surplus. You know, you showed a surplus in 2017.

I mean I understand a lot of it is due to your efforts. But I'm trying to find a way to counteract in the public's eye the information that we're getting. We're getting all sorts of bad information.

Finance Director MCISAAC: Right.

Mr. BERGSTROM: But when somebody looks at it who knows what they're doing, they say, well, we're not in bad shape at all. So what would --

Finance Director MCISAAC: Well, so this S&P summary should help you with that.

Mr. BERGSTROM: Yes. Okay.

Administrator YUNITS: When we talk about surplus, remember that the excise tax is 52 percent of our gross revenue. So unless we have a stable cushion in reserve, we don't have a lot of money to withstand another recession. We saw that in what happened in the last 10 years when they had to use reserves to balance budgets.

So that we'd like to see not less than \$3 million always being in a reserve account to buttress that probability. Generally, it happens every 8 or 9 years we'll be in recession, and you know we're in year 9 now.

So we're happy we have surplus monies but we're not happy with the amount in our reserves.

Speaker MCAULIFFE: All right. Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Ms. McIsaac, Mr. Yunits. You just touched upon the discussions you've had in some of the past practices that have been corrected. Could you highlight some of the changes that have been implemented to ensure that previous practices are not repeated?

Finance Director MCISAAC: Well, in the budget process itself, it seemed as though at an increase -- alarmingly increasing rate, there were submissions of budgets that didn't have any restrictions on their proposals. And so revenues were matched to expenditures rather than defining really what your revenue stream is and what your expectation is in limiting your expenditures and your appropriations to really what you can

afford based on what you're going to collect.

And I would consider that that was one of the biggest things we did. We also eliminated -- moved forward to structurally balancing our budget, which meant we weren't balancing it on the back of any balances we had in reserves.

We're looking at '19 probably being our third year of a structurally balanced budget. And even though reserves are there for your use when you need them, it's important for the analysts and for external viewers of our financials and our practices to understand that when we use reserves, it's a planned use. It's not just to balance your budget. It's not to do the next latest greatest thing that everybody's talking about.

And you have written policies and procedures for that, and that's what we hope to develop over the next year is written policies regarding all of those things so that you stay within your structure because your policies mandate that.

Mr. KILLION: Thank you. I think you answered my question because I was going to say beyond what you've done to improve the situation for us going forward, what would be in place to ensure that when you move on that people that come in beyond you work within that same framework?

Finance Director MCISAAC: Right. And you need to have that going forward. Any entity really needs to see a structure and the set of procedures that have been adopted and accepted. And there are mechanisms to make sure that they're followed. And so that they, you know, they're there when people come and go.

And that's the important thing because you can't always predict the composition of even say your finance department. And so other departments that might have jurisdiction over great wealth in your community or your entity, so you need to protect the whole organization from sort of fluctuations in staff and structure and, you know, people's opinions of what's more important than something else. So your policies and procedures will always help you do that.

Administrator YUNITS: And as the Chairman already mentioned, the new hiring policy that we've put in play that the Commissioners approved last meeting, which will be part and parcel of the Early Retirement Plan, assuming you put it in play. But the hiring policy is in play regardless of the Early Retirement Plan. And it gives -- it really raises the bar for department heads to come in and justify why they need to fill a position.

And the other thing that Mary has done is she's actually been able to show, by the new accounting methods she put in play, the department heads exactly what their functions really do cost from factoring in everything from electricity to OPEB responsibilities per department, so they can see the actual cost of some of these things before they apply for grants that are going to lose us money. These are some of the things we put in play.

And the other thing we put in play is we've been reducing our budget dramatically through attrition. I think we're down 12 to 14 positions presently before the Early Retirement Plan is even considered, and we have no intention of filling those positions.

So these are the kind of things that we're going to continue to roll over going forward. There will be a number of policies and procedures we'll be bringing to the Commissioners. We're working, hopefully, be working with the Chairman and Steve Tebo to come up with a Capital Improvement Policy, Capital Improvement Plan. That

hasn't been in play.

Right now, our capital investments seem to be a patchwork of what's hot and what's not, rather than actually having a 3 to 5-year plan.

In addition to that, we'll be doing reserve policies. And the kind of policies the state auditor recommended we implement. And the S&P saw that we have a lot of these in draft and they were favorably impressed.

Speaker MCAULIFFE: I guess the bottom line is there's a new sheriff in town. There's a new sheriff in town in terms of how the County handles its money and does its budgeting. And it's not the way we've always done it, which is good news for everyone.

Administrator YUNITS: I think he made that very clear, didn't he, the first week in January?

Speaker MCAULIFFE: I didn't mean Leo specifically. I meant all of us because we all participate and that goes to this table too going along with your presenting some of your policies, your budget messages and everything, and keeping us apprised of them so that when we are looking at budgets, we know that we have restrictions and limits and that you're looking at things on a cost-centered basis. So we're trying to make the departments accountable and financially independent and looking for revenues to support these things.

All right. How about the Early Retirement? Did you have anything more you wanted to say about that or?

Administrator YUNITS: It's still being reviewed by the Retirement Board, the legal staff. It was going to get referred back to them anyway, so Mary sent it over. But we're prepared. The packets are ready to go to the delegation.

And it really will come down to the final numbers, as the Chairman already alluded to, if every positions got to be replaced, there's no cost savings, but there's a cost of implementing it at \$283,000 a year; it's not worth it.

But if the savings can greatly exceed the \$283,000 which they probably can if we do it right and that will depend on who goes and when, then we'll come back and we'd make a recommendation to the Commissioners that we go with it.

So there's still two steps, the legislative step and then we go back to the Commissioners and actually show them the numbers.

Speaker MCAULIFFE: Right. It's not like when you have teachers and you fire the top or the top retires at the top pay rate and you bring in someone at a lower pay rate because some of your retired people are people who come in at the top salary. So you have to be really careful about who retires and the cost that they're going to cost you as well as the replacement.

Administrator YUNITS: Yes, and when you look at Steve Tebo's department where on an average 80 percent of their cost are those who just get reimbursed by the Commonwealth, there's not a huge savings to losing those positions.

And Paul Niedzwiecki's case, statutorily he has to have certain positions filled under the Charter.

Speaker MCAULIFFE: Right.

Administrator YUNITS: So that these are the kind of things we have to look at carefully, and Leo's been always very cautious about being too enthusiastic in

support of this until we see those numbers.

Speaker MCAULIFFE: Anything else? Well, thank you. So we will probably be seeing you again very soon in terms of the audits, the State and then the County audit to get all the money stuff teed out so that when you go into your budget process we're informed.

But thank you, so much, for --

Administrator YUNITS: Thank you.

Speaker MCAULIFFE: -- pulling us along to a AA rating.

Finance Director MCISAAC: You're welcome. Thank you.

Speaker MCAULIFFE: Do we have any public officials who would like to address --

Communications from Members of the Public

Speaker MCAULIFFE: And now members of the Public. If you would just state your name and make sure the microphone is on.

Ms. JUDY THOMAS: Sure. Well, what an interesting meeting today. I am Judy Thomas from the League of Women Voters. And so one of the first things I want to say is with regard to this vote on October 24th, the League being very interested in having well-informed voters is if there's anything we can do to help you, we would be more than willing to do that.

And so my question with regard to that is should the voter service person be in touch with you, Madam Speaker, or who?

Speaker MCAULIFFE: I would say be in touch with the Superintendent of schools at Cape Tech.

Ms. JUDY THOMAS: Okay.

Speaker MCAULIFFE: Because I know each town's going to have to get the word out that he may have, you know, some broader -- we don't really have any say over it.

Ms. JUDY THOMAS: Okay.

Speaker MCAULIFFE: It's a town by town vote.

Ms. JUDY THOMAS: Okay.

Speaker MCAULIFFE: But we had him here for informational purposes.

Ms. JUDY THOMAS: I understand that.

Speaker MCAULIFFE: But not because we have any authority.

Ms. JUDY THOMAS: Okay. But I do appreciate the members bringing to our attention -- my attention anyway that it's going to be a not simple thing.

So what I am here to speak about though is that, once again, the issue of County government structure has arisen this time particularly at the size of the Executive branch.

The proposal before you 17-01, which will be introduced shortly; right, Ron, to raise the number of the Board of Commissioners from 3 to 5 members seeks to address a very real problem as has often been noted, that the board's work can be hampered in the absence of one member is absolutely true.

In addition, someone pointed out that it is impossible for one Commissioner to have any kind of a discussion outside of a meeting with another Commissioner without breaking the Open Meetings law. And, certainly, there could be other problems.

While the latter argument regarding the Open Meetings law is based on facts regarding the open -- that law, we believe that as a weak argument and could easily result in decreased transparency in the work of the board.

Some of the members of this body will remember previous statements of the Cape League to the Assembly, statements which came about following the League's study of County structure that's resulted in a consensus position. Our position then and now remains that the Board of Commissioners be eliminated, replaced by a strong executive, and that the size of the legislative body be reduced and elected regionally. And we know that's not on the table at this time.

The proposal on the table is not something we can support or oppose as we have no position on it. And we do really want to acknowledge that we see the problem that it is trying to address.

In the winter of 2016, two members of the Assembly presented two options for restructuring, both of which called for the elimination of the Board of Commissioners. At that time, we along with many others, gave testimony. We then observed and felt that neither proposal resulted in the kind of thorough discussion, and I want to emphasize this, the word "thorough" that the proposal should have had. It was our opinion that many speakers had good points to be made. And there was next to no discussion on these points. The proposals seemed to have been dead on arrival, no close examination needed.

Now we wondered how that could happen. Were none of the points made by the many speakers, some of whom you will remember had quite a bit of experience with County government, worthy of review or worthy of comment or being addressed.

What we urge at the present time then is a very thorough discussion, a close examination of the proposal by Mr. Bergstrom. This would include not only the pros, as for sure they will be stated by its advocates, but also the cons. Every potential solution to a problem has its helpful aspects as this one does. But there are almost always some negative consequences, those unintended consequences as well.

Without a thorough discussion and open-minded discussion about possible solution, especially from members of this body who might be newer, the proposal will not get the in-depth understanding it deserves.

For transparency reasons, this discussion should be held at an Assembly meeting where the Assembly, a body of 15, is not in terms of the Open Meetings law under the same restrictions as a three-member board, so that two or more members can have conversations prior to meeting.

The League would particularly appreciate, and I'm so sorry to see Mr. Princi leave, but hear the comments from Ms. McCutcheon and Mr. Princi who preferred a different solution just over a year ago in terms of the elimination of the board.

To adopt a proposal because it is the only one politically feasible may be something that at times needs to be done. But that in itself is no reason to have a full -- not to have a full discussion in public. Surely, for something as significant as this Charter change, a full discussion would be time well spent and in the public interest.

So we hope a vote will not be taken at this particular meeting, and that the discussion points, however they turn out, will be mulled over, slept on, and then have at a future meeting another discussion and then the vote.

So, we wish you a good and thorough and contemplative discussion as you have word to this resolution.

Thank you.

Speaker MCAULIFFE: Thank you, very much.

Ms. JUDY THOMAS: Thank you.

Speaker MCAULIFFE: Is there anyone else from the public? Thank you.

Assembly Convenes

Proposed Resolution 17-01:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Speaker MCAULIFFE: All right. The Assembly is conveyed, and our first item we have sort of segued into the Proposed Resolution 17-01, which is County government restructure, 3 to 5 Commissioners.

To set this up, I need to say a couple of things. One is 17-01 has already been voted on. It was approved by the Assembly of Delegates as Resolution 13-01 on

February 6, 2013. It's a resolution which means it's an opinion of the Assembly. It doesn't really have any teeth or any authority, but that's what that Assembly voted.

Now Mr. Bergstrom will speak for himself, but he has proposed the same resolution. So it's a resolution. It's an opinion. So if, in fact, we do decide that this is something that we want to push or go forward because we didn't do anything after the initial vote, then we have a couple of options.

We have the option of putting forth an ordinance, which has teeth. It's not just an opinion, and the ordinance can go forward and it can be made to the County Commissioners and, potentially, to go the route of the legislative route.

The other issue that's coming up is we will have to have a Charter review every five years. We did a review, I think, about four or five years ago. Have you already checked the dates?

Clerk O'CONNELL: '13-'14.

Speaker MCAULIFFE: '13-'14. We don't have to wait five years. So if this is something that the Assembly is interested in pursuing, the next decision is do you want to pursue it on its own, or do you want to pull it in with a Charter review and have this be part of a consideration of a Charter Review Committee where you then have ample opportunity for a lot of discussion, a lot of input. You have Assembly members and non-Assembly members on the -- you have representation from Cape-wide to discuss not only Charter issues but the governmental issues.

So that's sort of how I'm framing this. So what do you want to do, Ron?

Mr. BERGSTROM: Well, it gets complicated. For a while there I felt guilty because I hadn't done anything with the resolution that was originally submitted by then Delegate Cakounes.

But in reviewing the County Counsel's opinion, it seems to me that once the resolution was passed, it was then incumbent on those people who supported it to then submit an ordinance. In other words, we said what we wanted to do, and then there had to be a follow-up, not necessarily by the Speaker but by whoever presented the ordinance.

I thought that we had voted actually to go ahead with it but apparently not, apparently not, so my memory's faulty. I'm guilty of plagiarism. I knew that this was submitted before and the primary -- and I'm bringing it up again and I'll move it because I think there are different people sitting in these seats now. You know, this affects all of us, and we've all had a chance to see County government. So we've seen the pros and cons that were discussed by the representative of the League of Woman Voters.

So I will, in that case, move Resolution 17-01.

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Mr. BERGSTROM: Moved and seconded.

Speaker MCAULIFFE: Okay. So, any further -- yes, go ahead, and this is with the understanding that this is a resolution.

Mr. BERGSTROM: Right. You know, some of the problems with the current system have been brought up how no two people can speak to each other, and if one member is absent it's difficult to take a vote.

But the primary reason I think this is important is because I believe that elected officials should be tied back to the people who vote for them. There should be

accountability, you know. And the more remote we are from the people who elect, the less people feel that they have any say.

So if you elect countywide a County Commissioner and you're sitting there in Eastham or Sandwich and you're saying what do I have to say about this? I have 1 percent of the vote, and they'll be elected by the people in Barnstable and Falmouth.

So by having regions, having five Commissioners voted by region I think it gives it a higher profile to the office. People are aware of who their County Commissioner is. They're aware of the particular issues that come up in their district. In other words, the issues in Provincetown and Orleans are much different, for instance, than the issues, for instance, in Falmouth or Barnstable as we've seen today.

So I think from that standpoint it's a good idea. And I also think that as much as we might say, well, with three Commissioners maybe the problems we faced was because of who was sitting in those seats but that could be a recurring problem. If you only have three and you get a couple people who are not able to work with each other or have an agenda or something like that, that can happen again and again.

Five, it's less likely that you're going to get that kind of a problem because usually you have four reasonable people, you know. Or all you need is three actually and we can come up with that.

So those are some of the reasons and, you know, I think that the pros and cons of this are probably apparent to most of us sitting here, so I don't have to go on.

But I just think that at this point a five-member board is much more efficient, it's less problematic, and it represents the people who elect us better than a countywide election, at-large election.

And I have to say that I have run for County Commissioner countywide and it's not much fun. I mean it's a huge district, and you're competing with attention to the president, the senators, congressmen and so on, and people come down to the end of that ballot and they don't know who you are. They have more of a chance of knowing who you are if you're running in a smaller district.

So those are the points that I'd like to make.

Speaker MCAULIFFE: Susan.

Ms. MORAN: Sure. I certainly appreciate all of Ron's, you know, the history and why he brought it up again and, certainly, there are some new members, but I appreciate more that the Chair's suggestion in doing a review of the form of government along with the Charter review for many reasons.

When you look at County government and the level of functionality in the recent past and as we move ahead toward more good things in the future, you've now got the AA bond rating. You now have a budget system that's more accountable and more organized and led by Commissioner Cakounes.

The other thing is this survey in terms of asking the towns what should County government be doing for your town. You know, what is the best way for your money to be spent? And it's like any other larger business, you want to every now and then check with your customers about how, you know, about your service rating and to make sure that it's good and it's serving in the most economical and customer-service friendly way that could be.

So for those reasons, I think that the Assembly would really have a very

foundational important participation in that overall reorganization and should incorporate the lease suggestion as well looking at alternative forms that now that we kind of have bolstered all of our foundational elements, I think we want to look at whether the Charter is serving all of those elements well.

What we've been doing most recently is, you know, kind of picking out one or two issues, and I think as those issues have come up that it might make more sense as the chair suggested to look at it more globally and that really can be only be done through Charter review I think.

Thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. May I ask a question about the Charter review? How long will that take typically?

Speaker MCAULIFFE: Well, that gets -- this is why it has -- any Charter amendments that a Charter Review Committee determines need to be made have to be approved by the legislator and at the ballot box.

So there's a whole timing issue in terms of if we start now probably 2020. Do you think that's a reasonable guess, Ron, if we started a Charter review this fall?

Mr. BERGSTROM: Well, you can see it depends on --

Speaker MCAULIFFE: I don't --

Mr. BERGSTROM: -- if we did a complete Charter review, you're right. We probably would not make it in time for the 2018. There are provisions in the Charter that changes can be made to the existing structure that don't have to go through a complete Charter review, those specific changes that can come from the Assembly directly to the legislature. But that's -- and that's a little bit of a contradictory language in the Charter.

But, yes, a comprehensive review would have to go to 2020. And then any changes in the method of operation and the term of office couldn't take place in 2020 because you wouldn't know whether the Charter was -- unless you wanted to run for two offices at the same time. You can't assume that voters are going to approve it, so you'd have to, for instance, if they change the Assembly, you'd be running for your Assembly seat the way we have it now, but then it would also be on the ballot to change that, and that wouldn't happen until the next election, which would be '22, which is five years from now.

Mr. O'MALLEY: Point of information.

Speaker MCAULIFFE: But I don't want this to --

Mr. O'MALLEY: Point of information.

Speaker MCAULIFFE: Just a minute. I don't want this to put people off on a Charter review. I'm just saying that it is a very deliberative lengthy process. And if we rush it, which is what happened the last time; we were under a deadline and we did not do a thorough review.

We dealt with the governmental issue and the governmental piece, and we didn't get to anything else. The governmental piece was not supported that the review committee came up with. And it's because we were under a deadline to have things done by May.

So that's just the, you know --

Ms. GREEN: That's my point, well, I do support a Charter review. This issue about the structure of County government keeps on coming back.

I want to make a point about the Assembly just really clearly, and from the standpoint of a Delegate and from the standpoint of being the public coming to County government about several issues starting in 2010; the Assembly of Delegates was the only County body that listened to the public.

And the reason why, I believe, is that there are 15 Delegates and there are people that represent each town on the Assembly of Delegates. And I think it's an incredibly important body.

As far as the Commissioners are concerned, I think that -- I'm very mixed about three versus five. I do see that there are issues in the current situation. Will that repeat again? I don't know.

But I do think that bumping it up to five would alleviate the issues that I think are present today. And it doesn't mean that we can't change it later while the Charter review is going on.

Speaker MCAULIFFE: Brain.

Mr. O'MALLEY: I wanted to just raise a point of information. If I'm not mistaken, in order for Charter change to appear on the 2018 ballot, we would have to get to it by the second meeting in June.

So it's technically, I think, possible. But what I'm hearing is everybody thinks it's not realistic that we're going to get it all done.

Speaker MCAULIFFE: Especially with the budget.

Mr. O'MALLEY: That --

Speaker MCAULIFFE: It takes time to do the budget.

Mr. O'MALLEY: Exactly with the budget. That said, I would speak in favor of this proposal. I think the concept is right. I think the regional -- I, personally, agree; I would never think about running for a countywide role. I'm staying here because I wouldn't want to do that.

And I think it does help with the conflict of interest, although bear in mind that it means any one Commissioner out of five could speak to one other but not two on the same day because those are serial conversations. So that doesn't really get there.

I do think it's important to go back to what happened the last time and address what is fundamentally a structural problem in how -- in what we faced when we dealt with this. We had two opposing ordinances. And so we couldn't really debate the whole structure. We had to debate one and then we debated the other. People testified around one; people testified around the other. I think the process was difficult.

If this could be relegated to a committee, the committee structure actually allows for a much more open discussion in which there can be back and forth. I mean I know certainly the meetings where we had about the Water Protection Collaborative resulted in a lot of input, a lot of suggestions, and a real, sort of open conversation that our process doesn't very adequately address.

So, my thought would be that this should be part of a bigger structure. We're going to have to do Charter review at some point. We're going to have to tackle this issue. This is part of the whole Charter review.

I would say let's get it started. Let's get a Charter review, ad hoc Charter

Review body going and plan that whether we get it next June or in 2020; it may take that long.

So I guess I'm inclined to say at this point I think we ought to wait on this.

Speaker MCAULIFFE: Chris.

Mr. KANAGA: Thank you. Yes, I have a little different view. I just don't think that this kind of structural revision will ever get done within the scope and time limits imposed on a Charter review.

A Charter review takes the Charter as a whole, and you're really trying to do so many details and deal with so many different things. It's like building a building. You're talking about the windows and the doors and the shingles.

This is more of like the site plan, like the basic site plan for how people are elected and what the structure is. And until you agree on this, a Charter review just can't get it done. And I think it hasn't happened two times since I've been here because of that because it's too big.

This, on the other hand, deals with the basic structure of the government and how it's structured. It may not get passed, but I'm in favor of it because it does something to address the problems we've all seen without trying to deal with all the details so.

Speaker MCAULIFFE: Jim and then Ron.

Mr. KILLION: Thank you, Mr. Speaker. I tend to agree with the Delegate from Orleans that if we want this to happen, it's got to happen now. We can put this on some schedule for three years from now. We will lose interest; people will come and go.

Although, I think perhaps there is room to review some of the Charter. Let's face it, we've had a number of reviews before. You have highlights from that, and we know the issues that concern people.

I think if we created an aggressive schedule to complete the review before the budget started, it could be done. We could look at the issues that have been important to us over the last several years. And we can decide if you want to address those now or move them on to a later date. But we can certainly address this issue and get it on the ballot by June. I don't think that would be a problem whatsoever.

Speaker MCAULIFFE: Speaking of someone who sat on a Charter Review Committee, I'm already getting short of breath. It is a very ponderous process.

Mr. KILLION: I agree, but you have to narrow scope to certain --

Speaker MCAULIFFE: So you're not talking about a full Charter review?

Mr. KILLION: Correct.

Speaker MCAULIFFE: Okay. So a modified Charter review, okay. That I can deal with. Ron.

Mr. BERGSTROM: Yes, as someone else who sat through a Charter review on this very subject, I have to agree with the Delegate from Orleans in that the previous Charter reviews had to deal with technical issues in the Charter, you know, things that had to be corrected; nothing like this has ever come forward.

And the problem we have is that, and this comes from a lot of experience with things like this, so you can take it for what it's worth. You have to start out with a proposal. You can't go out and say, well, we're going to go out to the community, and we're going to say what they say. We'll let a thousand voices speak. You can't do that.

Somebody has to, you know, nobody has to -- Martin Luther has to pin the changes to the door of the Cathedral and say this is what I want to do because, otherwise, it just dissolves into a big debate over a lot of different things.

So things can be -- this is why I made this -- here's our proposal. What do we think? Do we want to do it or not? And, yes, there's a lot of pieces involved, but it's pretty cut and dry. And once we decide we want to do that, we say this is what we propose to do. We propose to go from three to five. Then you go out to the community and you say, "What do you think?" Like the legislature, you know, they don't have a session where they discuss -- well, let's discuss healthcare today. They have a bill. The bill is presented and then they discuss that.

So that's what I'm trying to do. I'm trying to get concrete proposals on the table. This is the obvious one because we've run into problems recently with the Commissioners and say, "Should we go to five?"

And, you know, I think we can do it by -- we could do it by 2018. If it becomes a comprehensive Charter review, I know of multiple organizations, nice organizations like the League of Women Voters and not-so-nice organizations that would weigh in and it could deteriorate into a big debate over a lot of things which are not germane really to the issues that we face.

So, anyway, that's my rant for the day.

Speaker MCAULIFFE: Deborah and then Ed.

Deputy Speaker MCCUTCHEON: I haven't been in this august body that long, but I have learned one thing. In order to get anything done here, you have to really, really push. There was a report that was done about CLC that was like pulling teeth, and I'm not a dentist.

I think that if you want to have Charter review, you could probably have something ready to go to the legislature to a vote by the fall if you have somebody who's willing to push it, and you have people who are willing to be on a committee and commit their time, and that requires people to be organized, and it requires people to do some work. And if you're not going to do it, let's not bother.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: I seconded this motion, and I agree with Chris, Delegate from Orleans, that trying to do the entire Charter at once is just a rather overwhelming task. And a lot of what you would be doing in the Charter review are sort of small technical issues that may or may not stay the same depending on what form or structure of the governmental body would be.

And so I think this proposal and one of the things that's in the proposal for the resolution that I like best is the last paragraph which talks about taking -- if it's passed, charging a subcommittee to bring back a specific ordinance -- written out ordinance that takes into consideration all those different parts of the Charter that would have to be changed if you went to detailing out this form of a structure.

And I think, personally, that's probably the most realistic way we can go. And either we get to that point and have agreement over it or not, and it either gets enacted or not. And then you will be able to look at all of the other minor technical issues and see -- take a look at them and how they need to be corrected or changed to fit in with the new structure.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: Thank you, Madam Speaker. I think this is something that's long overdue. I think that what we see happening with the Commissioners, too often there's a standstill.

So I think a five-member Commissioner -- number of five would make it function the best for the residents. And I think that's most of all what's important to me.

Along with the Charter changes, absolutely overdue; I think we need to have some more definitive roles -- rules as to what the position and the rights in the job of the Delegates and the Commissioners clearly better outlined.

I didn't think that Counsel Troy did a very good job at all the last time he was here with his definitions because he left me with no answers. So, I think it's long overdue. I'd like to see both done but, more importantly, I'd like to see the Commissioners changed to five.

Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, I'd like to ask the Clerk for a count of the vote; what is the percentage of the population we have in the house?

Clerk O'CONNELL: Can you give me a second, Ron?

Speaker MCAULIFFE: While she's looking it up, the last review committee, Charter Review Committee started with coming up with a governmental structure with the understanding that it made no sense to review a Charter and then change the governmental structure and have to change the Charter again.

So we thought we would -- so we spent a lot of time and we polled the community. We went around Capewide. We did a lot of, you know, we did outreach. It took time and we came up with a governmental structure which did not pass the Assembly, which that's fine.

But it was time well spent because we did not go into the rest of the Charter. So, unfortunately, we didn't have the rest of the Charter looked at. But I think the way to start is, as you're suggesting, start with the governmental structure. See if that's going to fly and then things will flow from that.

What's the count?

Clerk O'CONNELL: We have 65.38 percent of the Delegates present, and you have 34.62 absent at this point.

Mr. BERGSTROM: That includes Patrick Princi leaving?

Clerk O'CONNELL: Correct.

Mr. BERGSTROM: Okay. Well, I mean I don't know if this -- this is an important issue obviously, and I know it's new to some of the people. I mean I'm willing to table this for the future. I know we table everything when we can't make a decision, but the question is should we make a decision with --

Speaker MCAULIFFE: Well, if we get a supportive vote, I think we go -- I think that our next step is an ordinance because then that's the -- it's more than just an opinion.

Mr. BERGSTROM: Well, I'll tell you what. I'll not table it because even if we don't get a supportive --

Speaker MCAULIFFE: You can come forward with the ordinance.

Mr. BERGSTROM: We already have it. We already have an approved ordinance on the table. So, it would be my fall back.

Commissioner CAKOUNES: Don't take the chance. Pull it.

Mr. BERGSTROM: All right. So I'm happy the way this is right now.

Speaker MCAULIFFE: So you want to --

Mr. BERGSTROM: We'll go for a vote on this.

Speaker MCAULIFFE: Okay. All right.

Roll Call Vote on Proposed Resolution 17-01:

Voting "Yes" (58.80%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown).

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

Absent (34.62%): Mary Chaffee (4.55% - Brewster), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 17-01 passes with 58.80 percent of the Delegates voting yes; 6.58 percent voting no; and 34.62 percent are absent; now known as Resolution 17-04.

Resolution 17-04:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Speaker MCAULIFFE: Okay. So our job next will be to come up with an ordinance to carry this forward.

All right. And thank you for the input because I will be putting together a Charter Review Committee, but we'll be dealing with this first.

Are there any committee reports? No committees.

Report from the Clerk

Speaker MCAULIFFE: Okay. Report from the clerk.

Clerk O'CONNELL: Just a reminder at the next meeting we will, again, have the opportunity to have our Delegates come forward and take individual photographs, if they would like. I will have Sonia here a little bit prior to the meeting.

And just a reminder that I happened to notice the annual conference in January, the dates have been set; January 19th and 20th. And the registration forms are now available. So be thinking about that because I'll be asking the delegates who intend on participating and looking for commitment sometime in November.

That's all I have to report today.

Other Business

Speaker MCAULIFFE: Our next item under "Other Business" is the selection of Assembly's special counsel for interpretation of some Home Rule Charter questions. Yes.

Ms. MORAN: Quick question, I don't see anyone unfamiliar in the group. I wonder if they were asked to come to speak to the Assembly or were they not?

Speaker MCAULIFFE: No, they weren't. I had asked for input from the Assembly because we're essentially just submitting two questions to them. This isn't, to my mind, a hiring of special counsel. This was hiring someone to do a task, to answer two questions or a couple of questions. That's why I haven't scheduled them to come.

Ms. MORAN: Oh. I think they are very important questions. I think we may have questions going forward. So even though it's a narrow area, you know, in terms of hiring, I wonder if there's a way to table this and ask them if they would be available. That's just a question.

Speaker MCAULIFFE: That's fine. We did send out a request to six people and only heard back from two. I think it's a small task.

Yes, Ron.

Mr. BERGSTROM: Yes, you know, one of the respondents, and I'm sure they're both qualified says, "Not to exceed five hours." Well, we've debated some of the problems with the Charter for days.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: And, also, I mean I think a thorough review would go back to the minutes of the original Charter commission. I mean you're talking about what would the people who set up the Charter, what was their attitude toward relationships? I mean that's a lot of work, but, I mean, how else are you going to know?

I mean, we had the man who wrote the Charter sitting in front of us, and he had all sorts of objections to the way that we do business now.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: That he thought were inconsistent with the original Charter. I'm suggesting that it takes a hundred hours, but can you do it in five hours? I mean, I find that hard to imagine.

Speaker MCAULIFFE: Well, this is just the questions that were put out there that we wanted, perhaps, a more immediate quick answer to. Maybe there isn't an immediate quick answer. And the questions, essentially, go to the authority of the Assembly in terms of how much authority we do have in the budget process.

And it's a matter of interpretation. County Counsel feels one way; some Assembly members feel another and want a second opinion.

So, I'm fine tabling this because, frankly, I haven't gotten any input from anyone on who they would prefer. I did hear from Mary, and she just sent me her research but no selection. So, it just -- it would leave it up to me.

Yes, Brian.

Mr. O'MALLEY: So, I've read both these sets of CVs and gone to the websites for both of these attorneys and, I mean, I think they're both pretty competent people, and I certainly don't intend. I mean I have my own choice at this point between the two of them, but I don't think we're at that point.

It seems to me the process should be we should invite them down here, have a chance to ask questions. I think we should feed them probably the nugget of the question that was most vexing to us this budget season, which is do we -- as you read the Charter, give us your impressions about whether we have a right to reinsert a budget line that was taken out by the Board of Commissioners and let's hear how much sense their response makes. I mean just feed it to them 10 days ahead of time so they've got kind of a timeframe to answer. And then other things are going to come up.

I don't really feel that it's entirely fair to judge these two individuals just based on their résumé.

Speaker MCAULIFFE: All right. I was just going for a researched answer from an independent person. I wasn't going for an interview of special counsel for the Assembly.

Mr. O'MALLEY: Right.

Speaker MCAULIFFE: And, yes, you know, that's another option if the Assembly wants to go that way, but you need to be prepared if our counsel doesn't agree with County Counsel for government coming to a --

Mr. O'MALLEY: We get to decide that.

Speaker MCAULIFFE: No, no one gets to decide because you'll have two lawyers going at it. I'm just --

Deputy Speaker MCCUTCHEON: Full employment for lawyers.

Speaker MCAULIFFE: Full employment for lawyers. All right. But I thought this was to get a couple of questions answered. I didn't realize that people had expectations that there would be more -- there would be interactions.

So, personally, I feel to bring people in just for a small job is not going to be worth their time, and they're going to say thanks, but no thanks, because we've already had four out of the six say thanks, but no thanks.

Deputy Speaker MCCUTCHEON: Can I?

Speaker MCAULIFFE: Yes.

Deputy Speaker MCCUTCHEON: I agree with you because it's a small task. But I wouldn't hire somebody for anything that I didn't see something written, something. So ask them one little question and let's see what, you know, some people can't spell.

Speaker MCAULIFFE: Okay. So, we'll continue this. I just didn't know going from here if anybody had any strong opinions and no one does so.

Yes, Lilli-Ann.

Ms. GREEN: If we're ready to move on?

Speaker MCAULIFFE: Yes.

Ms. GREEN: As far as other business is concerned, I would like to request an item for a future agenda. And that would be to invite the Massachusetts State Legislature to come before us, explain --

Speaker MCAULIFFE: You mean our delegates?

Ms. GREEN: Oh, yes.

Yes, not that legislature but our senators and our state representatives and those who would like to join us to explain some of the bills that might pertain to us and have us -- give us an opportunity to ask them questions.

Thank you.

Speaker MCAULIFFE: Sure. And for them, it might be an issue of timing too. Sometimes they're available and sometimes they're not.

Did I see a hand down there? Yes, Ed.

Mr. MCMANUS: Yes. Just a reminder that this Friday is the annual or the monthly meeting -- beginning of the new year, the monthly Selectmen's Association, and I know the invitation got out late but if you still want to come, please feel free to come.

It's being held at the Daniel Webster Inn, and the topic is have Mr. Cakounes and Mr. Yunits who are going to talk about County services and current services, services they're working on, and then looking to the future what services potentially that the County could be doing in terms of assisting towns and their needs. So, that's one thing.

And the other thing is one of the activities I have been involved in in my town for now eight years; if anybody wants to take over the job, feel free. It's the Annual Harwich Cranberry Festival on the weekend of the 16th and 17th.

On the 16th, we have in the afternoon a wonderful music lineup and which will be ending with the return of the Harwich Cranberry Festival fireworks show. Thank

you of the sponsorship of the Chamber of Commerce.

Beach Day is the 8th, and if you want to come to that, you can enjoy petting the farm animal petting zoo that's provided by Leo Cakounes and family.

Speaker MCAULIFFE: Anything else? I'll accept a motion.

Mr. BERGSTROM: Move to adjourn.

Speaker MCAULIFFE: Thank you. We are adjourn.

Whereupon, it was moved to adjourn the Assembly of Delegates at 6:15 p.m.

Submitted by:

Janice O'Connell, Clerk
Assembly of Delegates

List of materials used and submitted at the meeting:

- Business Calendar of 9/6/17
- Unapproved Journal of Proceedings of 8/16/17
- Cape Cod Regional Technical School Building Project presentation
- Barnstable County Bond Rating
- Proposed Resolution 17-01
- Proposed Resolution 13-01 (reference document)
- County Counsel email opinion regarding Proposed Resolution 17-01
- List of Attorneys and resumes regarding Assembly Special Counsel consideration