

# Memo

To: Finance Committee  
Date: March 10, 2017  
From: Janice O'Connell, Assembly Clerk   
Re: Assembly Proposed Budget FY18 – Commissioners Reductions

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The Commissioners' proposed budget for FY18 was submitted to the Assembly with two reductions to Assembly line accounts.

#1)

- A \$15,000 reduction was made to Account #0011302-5235 (budget book page 8) for Legal Services in the amount of \$15,000.
- This was a new budget line being proposed for FY18.
- Request was made to appropriate \$15,000 for Special Legal Counsel should the need arise for Special Legal Counsel.
- Amount requested was predicated on the average annual legal expense history for the Assembly.
- In the past, requests for funds for Special Legal Counsel have been made through the Commissioners Office and were not denied.

#2)

- A \$15,750 reduction was made to Account #0011302-5239 for Professional Services (budget book page 8).
- This was NOT a new budget line item for FY18.
- This budget item has been used exclusively for stenographic services for regular Assembly meetings (approximately 24 per year) and on rare occasions public hearings.
- The process to select a stenographer/company to perform this task is done by RFP annually. The contract is awarded and approved by the Commissioners.
- The cost for stenographic services is comparable to what the state pays for court reporters/transcribers. The Assembly is charged a flat rate appearance fee and \$3.00 per transcription page.
- On May 2, 1990 the Assembly began using a stenographer on an experimental basis to see if it would work out. A reason cited, in the verbatim transcript, was to allow the Clerk to be more creative now and into the future. Apparently the experiment was successful and will continue through FY17. Verbatim comment in 5/2/90 Journal reflects Clerk would

have more time available to do other tasks versus spending large amounts of time doing minutes.

- Although it can be said that a verbatim transcript or stenographic services are not legally required of the Assembly by any laws in Massachusetts, there is evidence that court proceedings, depositions, etc. are taken verbatim.
- The Assembly has been advised that state of the art technology, including audio and video recording, will be available in the new Assembly headquarters. I want to make sure you understand that this state of the art system will NOT produce a transcript for the Clerk or the Assembly. It will be very similar to what we have now. And in all likelihood the Clerk will be charged with starting and stopping the new audio video system. I imagine the new technology provides for the elimination of an IT person to be present for each meeting if it can be handled by the Clerk with the flip of a switch.....it may or may not be that simple. Reliability of system like this is in question.
- Relying on this new technology may come at a cost. Failures have been known to happen and there will be no backup to work from if that is the case.
- The Clerk has a lot of responsibility and things to tend to while the meeting is happening. Taking minutes with or without the assistance of audio video technology will be challenging and may produce an end product that is the not what you are accustomed to receiving.
- This year the state courts in Massachusetts started to install digital state of the art recording that could replace court stenographers. An independent investigation by several media outlets revealed there are plenty of flaws (inaccuracies) in this state of the art system they are using.
- The state's digital recordings of proceedings are being forwarded to a company in Arizona called "For the Record". It is also alleged that this company is forwarding the transcripts to the Country of INDIA for much less cost and thereby increasing the company's profit margin. But the quality of the product is inferior. Cost savings and the quality of the end product have been questioned.
- The Barnstable County legislative arm of government (the Assembly) is similar to the federal model.
- At the federal level a Congressional Record is kept. The record is a public account of all the legislative debate and wrangling that happens every day in Washington. The record is a substantially verbatim account of all discussions occurring on the floor of Congress.
- The Assembly passes laws....different from the Executive branch whom is the policy makers. The discussion, rationale, arguments, wrangling, etc. that support the passage or rejection of laws coming forward to the Assembly can be found in the Journal of Proceedings – the verbatim record.
- A transition to meeting minutes will NOT produce the same record. Elimination of this verbatim record in this form of government is not advised. This was also emphasized by County Counsel at the Assembly meeting on 3/1/17. It may not be required by law but deemed to be of high importance at the Congressional level and in the past history of the Assembly as well.
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