Call to Order

Speaker MCAULIFFE: It's 4 o'clock. I'm going to call to order the meeting of the Cape Cod Regional Government. This is the Assembly of Delegates. It’s Wednesday, January 17th, 2018, at 4:00 p.m.

Is there anyone recording the meeting other than our regular recording?

Thank you.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Will the Clerk please call the roll?

Roll Call

Roll Call Attendance (97.27%): Edward Atwood (2.30 – Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), 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), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Arrived Late (2.73%): Christopher Kanaga (2.73% - Orleans - @ 4:30 P.M.).

Clerk O’CONNELL: Madam Speaker, you have a quorum with 97.27 percent of the Delegates present; 2.73 percent absent.

Speaker MCAULIFFE: Thank you, very much.

Approval of the Calendar of Business

Speaker MCAULIFFE: Approval of calendar of business; is there a motion?

Mr. O'MALLEY: So moved.

Speaker MCAULIFFE: Any discussion or comments? All those in favor?

Aye.

Speaker MCAULIFFE: Okay. The calendar is approved.
Approval of Journal of Proceedings of January 17, 2018

Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I have found no substantive need for corrections; I move approval as distributed.

Speaker MCAULIFFE: Is there a second?

Ms. MORAN: Second.

Speaker MCAULIFFE: Yes, Mary.

Ms. CHAFFEE: Thank you, Madam Speaker. I have one minor correction to make, please, on page 8, line 4. Instead of “That’s for being here,” that should be “Thanks for being here.”


Speaker MCAULIFFE: Any opposed? It passes unanimously.

Summary: Communications and Report from the Board of Regional Commissioners

- Commissioner Cakounes updated assembly on Board actions on 1/2 and 1/3/18.
- Commissioner Cakounes was elected as Chairperson and Ronald Beaty was elected as the Vice-Chairperson.
- Commissioners approved Ordinance 17-13 (BCEDC).
- Commissioners reviewed department budgets including the Assembly of Delegates and the capital budget.
- Received resignation letter from CCC Executive Director Paul Niedzwiecki.
- New dredge completed.

Details

Speaker MCAULIFFE: Communications and report on County issues from the Board of Regional Commissioners. And we have the Proposed Ordinance for the capital budget, which I believe is not coming forward today.

Commissioner CAKOUNES: No.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: And I'll include that in my report, Madam Speaker.

Thank you for having me. I’m going to try to go through this relatively quickly. I apologize ahead of time. If you, all, remember back on January 2 or January 3 I believe it was, we had your form of a public hearing. It went on for quite some time.

I, at that time, expressed that I kept my comments and reports relatively short so that you could get on with your business because the room was filled with people. So I will ask your indulgence again. I’m going to go back and just recap very quickly on a couple of meetings and then try to bring you up to speed to today.

Speaker MCAULIFFE: Leo, the hearing isn’t scheduled until 4:30, so you can take a breath.

Commissioner CAKOUNES: Don't tell me to take my time.

Speaker MCAULIFFE: No. I’m not saying take your time. I’m just saying
Commissioner CAKOUNES: Dr. O'Malley's got his hand on the buzzer already; I can see it.

Speaker MCAULIFFE: I'm not saying take your time. I'm just saying I think you can fit things in.

Commissioner CAKOUNES: Yes, no problem. And, again, I may have already reported some of this stuff, but I just want to go over it again because it's important.

Back on January 2 we did meet. By Charter, the County Commissioners have to meet the first business day of the new year. We did a new election of officers. I am the continuing chair, and Commissioner Beaty is vice chair, and Commissioner Flynn is just a County Commissioner. We do not have a clerk. I thought for some reason we had a clerk but we don't.

At that time, we took up the appointments of the County Commissioners, and we came up with a draft. We did not vote it. We did not vote it because Commissioner Flynn had the flu and missed the subsequent next meeting too. And then, subsequently, we got into the budget hearings. So as of this time right now, we still have not voted our County Commissioners appointments.

And just to remind all of you, that's things like who the County Commissioners appointment to CVEC is; the retirement health board, and I looked at all the requirements under those and the appointments are actually until a new person is appointed. So we legally are okay with that.

Commissioner Flynn was in today. I did not put it on the agenda today, again, because you will hear shortly today's agenda was very lengthy. We’re in the middle of budget hearings, and I just didn't want to take any time with that. So we'll be putting that on the Commissioners’ agenda and addressing that in the near future.

Furthermore, on the 2nd, we actually had a second meeting. The first one was a reorg meeting, and the second meeting is when we actually began our finance budget hearings, if you will. The Finance Department, County Commissioners, and the County Dredge all came before us at that time.

We also approved, and I think I did mention this to you previously, that we did approve the new Cape Cod Economic Development Council ordinance that was approved by your board I think back at the end of December. So that is on, approved, and moving forward.

The letters have gone out to subsequent organizations looking for nominations, along with thank you notes to the people who served on the very long-standing Economic Development Council, which now is no longer in effect because of the new ordinance that has taken place.

So if any of you have anyone that may be interested in that, please contact Owen or myself. I'll be very happy to give you -- we have a nice, new standard form for people to fill out who would like to either nominate someone or who would like to apply for themselves to serve on not only that committee but other committees that we try to fill. And it also allows for them to attach, if they would like, a résumé if they feel that that might sway our decision.

So that is out and I encourage all of you to let your towns know because we will be looking to formulate that board officially as soon as we get enough applicants in.

We did approve a number of minutes, which we always do, and we had some quite lengthy things that we normally do this time of year. I won’t get into them in
depth, but there were some recalculation, if you will, of a number of different grants that come through for the Preservation Wellness Trust Fund. So we had to go back and there’s a number of motions that go back and reallocate those funds into the proper positions that they should be. Again, I won’t go down that whole list. It’s on our agenda. You’re welcome to look at it, by the way.

And we also entered into a contract or I should say did a bid awards for the shellfish propagation or buying the shellfish for the different towns. And I think that’s about it.

We did have also an extension to an amendment of agreement with the Cape Cod -- through the Cape Cod Housing and Economic Development. At that time, the Cape Cod Commission was involved in it, which, again, raised the maximum of that agreement by $65,000.00. So there were just some housekeeping situations that we took on on our January 2 meeting.

That brings us to January 10, which would be a meeting that I have not reported to you at all on. January 10, again, we were in the midst of our budget hearings. We heard the Health, Children’s Cove, Human Services, the Registry of Deeds, Facilities, and the Assembly of Delegates. We also approved a number of minutes for the January 2 meeting, both the special meeting or the reorganization meeting and the regular meeting, which I just reported on.

On that date of January 10, we did receive an official resignation letter. We kind of all knew it was coming before that, but we got a presentation from Paul Niedzwiecki who gave us an official notification, if you will, that he was resigning and moving on to a new position. I know all of you are aware of that; it’s been in the press.

And we also scheduled for that meeting a discussion on how the new search for the new director was going to take place as per not only our Charter but as per the statute that created the Cape Cod Commission. Just for laying out, if you will, for my fellow commissioners and the public where we were going with that.

We constantly have been updated on the new dredge, and I’ll even jump forward to today because I’m not going to tell you what the update was back on the 10th because that’s old news. But as of today on the dredge, the dredge is completed. It has passed all the requirements for what I’m going to call a sitting-in-place trial run. Everything is working. The pump head’s turning, spinning, things are going up and down. Everything’s great.

We will be scheduling to move it to a location, so we can actually do a physical test on it and, for lack of a better term, pump sand through it. So we’re going to probably do something in Falmouth only because it happens to be something that’s on the dredge schedule and it is close to where the dredge is now, and we’re hoping that that will probably happen within the next two weeks.

So the dredge is complete. We have not officially taken over 100 percent possession of it yet because we are running it through its test before we do that. So good news on the dredge though.

Once again, we brought up on the 10th the appointments and had a little bit of disagreement on some of them so that, again, has been put on hold, as I mentioned earlier. And by appointments, I mean the County Commissioners appointments or liaisons, however you want to -- they are actually appointments though to the different various committees.

And then a number of different commissioners’ actions as always.
approved Jack's timesheets. We actually did do some renewals of contracts, which is very, very common for this time of year. We did the crack sealing renewals. We did the drainage items the towns, various towns have to buy. And we also did the -- anything related to actual roadwork.

So those, again, are contracts that are usually renewed up to and through March 31st of 2019. And this is something, again, we do on a yearly basis.

We also had or I had exercised -- no, sorry, the commissioners executed the discharge of a mortgage through the HOME mortgage program. I always get confused, the mortgage discharges which all the commissioners sign, and the septic betterment ones that only I sign as chair, and today I signed about 50 of those.

So that fast-forward’s us to today. Once again, continuing in the budget hearings. We had a lengthy, lengthy meeting today. In fact, I don't think I’ve been out of a meeting since about 9 o'clock this morning. Officially, ours started at 10 and then I actually just left a meeting with the county counsel and department heads on some other matters. So I’ve be going straight all day.

But today we had the capital budget. And, Madam Speaker, you mentioned that when I walked in. We had all intentions on voting and approving the capital budget today. There are not any issues with it. It's very, very simple for 2019. There’s only two items on it. You will have a chance to review it. The reason why I did not take a vote on it and move it forward today is because there was a question on an “Ask” by the Cape Cod Commission. And the Cape Cod Commission was not on our scheduled meeting today. They will be on our scheduled meetings next week.

So what I decided to do was bring back the capital plan, have it on the agenda so that we can have a discussion with the Cape Cod Commission on their “Ask” for a capital item, and then we will be voting it next week. And Janice will get it as soon as we vote it. And so you guys will have it -- be able to review it for your following meeting. I didn’t think that waiting an extra week on our end because we meet every week and you guys only meet every two weeks would make a huge impact.

So it’s my apologies for that but I just thought it would be the best practice to hold onto that for one more week.

Health and Environment came in front of us; the Fire Training Academy or Information Technology, the Cooperative Extension, and the Resource Development. Again, Mary Pat was there today but Commissioner Flynn was with us today. We did, I know I’ve repeated this twice, but I’ll say it again, we did not again do anything on our appointments because, again, of the lengthy agenda. We will do that when we have a little bit lighter agenda.

We did some authorization for the allocations of the Cape Cod Environmental Protection Fund which, basically, is an exercise that the Cape Cod Commission does. To remind all of you, the Cape Cod Commission operates kind of under an Enterprise Fund, if you will. They collect their own tax, and they -- when they get extra monies or monies that they don't have allocated, they have a practice that they move it into certain funds, restricted and nonrestricted funds, an exercise that we do every year and we did it today.

We had a couple of requests for some unpaid leave and also an extension of vacation time. And then, as I said, I signed a lot of certificates of dissolving septic betterments.

With that said, I think that brings us up to speed. The only other thing I
would like to add, if I may, Madam Speaker, is that you probably saw in the news that not only has Mr. Niedzwiecki, the Executive Director of the Cape Cod Commission, given us a formal notice that he’s leaving.

Under the state statute that created the Cape Cod Commission, the Executive Committee of the Cape Cod Commission is required to meet and make a determination on whether they want to go out for a full-blown, what I would refer to as a full-blown, search for a new director, or if they want to move somebody up internally. I'm sorry; I've got a frog in my throat.

I did get a letter from the executive committee. They did meet last week. I received it too late to put it on the agenda for this week because of the holiday on Monday, and I always forget what we have to do when there’s a holiday. I have to add my agenda on Thursday as opposed to Friday afternoon.

So, anyhow, when I received the letter, it was too late to put it on the agenda. I will be putting it on the next week agenda.

But the recommendation from the executive committee is to hire or I should say move up internally on an acting director's -- executive director's position, Kristy Senatori.

And I believe -- I don't have the document in front of me, but I believe it's -- we’ll be looking at it probably in October to see how good of a job she's doing, what do you call it, evaluation. And at that time, the executive committee will make a determination if they are happy with her services and they want to continue or if they want to go out for a full-blown search.

So I think that's it. I hope I explained the executive director thing on the Cape Cod Commission clear enough. We will be taking it up next week. The County Commissioners will determine whether they want to, by vote of the majority of the board, agree with the executive committee's decision, or if they want to force somehow the executive committee to go out for a search.

So that's where we sit.

Speaker MCAULIFFE: Any -- Ron.

Mr. BERGSTROM: Yes, Leo, do I gather when you hear the various components of the presentations on the various components of the budget, you do not take an individual stand at each one at the time?

Commissioner CAKOUNES: No, we do not.

Mr. BERGSTROM: Okay. So you basically have got to wait until you put together the entire budget and then approve that: is that how it works?

Commissioner CAKOUNES: Actually, I’m going to use the same process, and I say “I” because I’m the chair and I’m the guy that’s putting the meetings together. I was very, very pleased with the process that we used last year. It was the first time that I’ve seen it used at the County Commissioners’ level.

Basically, we’re going to take one day and we’re going to vote each individual line item.

Mr. BERGSTROM: Okay.

Commissioner CAKOUNES: And not each individual line item, each individual department by line items. So I’ll have the department's number, their total, and I’ll ask my fellow commissioners if they have any amendments to that particular line item. If they do, we’ll take them at that time, a motion, and it will be seconded. We’ll discuss that amendment and it will either be up or down.
If it’s not passed, then we’ll stay with the original number that I have. If it is passed and I deduct that number, then we will vote a new total for that particular department. And I go through all -- I believe, there’s 18 different line items that we will go through.

Mr. BERGSTROM: All right. Just in line with the later discussion and the public hearing, it puts you in an awkward position because, as it stands now, you present the budget and the recommendations, the amendments from your fellow commissioners would have to come as a complete surprise. You wouldn't know they were coming; am I right?

Commissioner CAKOUNES: Are you talking about department heads?
Mr. BERGSTROM: No. I’m talking about you would say that someone on the board of commissioners would have to amend the budget --
Commissioner CAKOUNES: Yes.
Mr. BERGSTROM: -- from what has been presented.
Commissioner CAKOUNES: Yes.
Mr. BERGSTROM: And neither of you -- none of you would know what that is; am I right about that? How would you know?
Commissioner CAKOUNES: I'm not sure I follow you. On not this coming Wednesday but the next Wednesday, I’m going to open the meeting.
Mr. BERGSTROM: Right. You’re going to -- let’s say you take the Assembly.
Commissioner CAKOUNES: I’m going to say, okay, Health Department -- all right -- the Assembly, Assembly line item 105, whatever the number is.
Mr. BERGSTROM: Yes.
Commissioner CAKOUNES: The request in front of us is for $250,000.00.
Mr. BERGSTROM: All right. So somebody --
Commissioner CAKOUNES: Are there any amendments?
Mr. BERGSTROM: Right. So if somebody stands up and says they want to double that to 500.
Commissioner CAKOUNES: There’s no somebody. I’m only talking to my fellow commissioners.
Mr. BERGSTROM: Right. But you would not know that that is coming until it’s actually presented.
Commissioner CAKOUNES: That’s correct.
Mr. BERGSTROM: Okay. That’s all.
Commissioner CAKOUNES: That’s correct. Now I, personally, as one Commissioner have notified during the budget process that there are areas that I'm looking at and things that I want to do. So I would argue that my ideas are already kind of out there. I'm not sure of my fellow commissioners, but there was a number of occasions where I have questioned items in a budget line item that was presented to us, and I had said, gee, I’d really like to look at maybe doing this and this and this.
Mr. BERGSTROM: Okay.
Commissioner CAKOUNES: And it does two things for me. It not only gave my fellow commissioners a heads up on my thoughts, but I clearly do not want to do anything that would not let a department head know that I’m not thinking about changing their budget without giving them an opportunity to be there.
Mr. BERGSTROM: And you’ve done this at -- at a public hearing?
Commissioner CAKOUNES: My ideas, yes.
Mr. BERGSTROM: Okay.
Commissioner CAKOUNES: My personal ideas.
Mr. BERGSTROM: Okay.
Commissioner CAKOUNES: I’m not talking for my fellow commissioners. But on my personal ideas, yes, I have. I have let people know where I’m headed on different items.
Mr. BERGSTROM: At an open meeting or public hearing?
Commissioner CAKOUNES: At an open public meeting, yes.
Anything else?
Speaker MCAULIFFE: Anyone have questions?
Okay. Two things.
Commissioner CAKOUNES: Yes.
Speaker MCAULIFFE: The reason we were pushing for the capital budget is the Charter.
Commissioner CAKOUNES: I know. I'm sorry.
Commissioner CAKOUNES: I said it today; the Charter requires that we have it 30 days before the budget and, you know --
Speaker MCAULIFFE: I am, yes, just trying to check the boxes off. What I don't want is I don't want it to push the submission of the regular budget.
Commissioner CAKOUNES: It won’t.
Speaker MCAULIFFE: Okay. So you’re still tracking for the 7th. That’s all. I care about the regular budget because I know the capital is not that lengthy.
Commissioner CAKOUNES: The capital is only two items.
Speaker MCAULIFFE: Yes.
Commissioner CAKOUNES: Two departments have asked for new capital expenditures this year. And one will be funded within the budget, and the other one is proposed to be a bond issuance. It's only $200,000.00, and they have shown that they can hopefully pay for that $200,000.00 bond issuance within revenues -- anticipated in revenues. So you’ll have some interesting discussion on that one. But, again, it's not an awful lot of money, and it certainly improves the facility quite a bit so.
Speaker MCAULIFFE: And then I’ve been getting calls from some Assembly members on some items that have been mentioned in the past, and that we haven’t really followed up on. So I’m not going to follow up on them today because they’re not on the agenda.
But I’ll check our agenda for the next meeting. But in the next two meetings, the leases, if we could get an update on CLC, the grant committee that was talked about, just some questions that have been discussed in this room. We just haven't kind of gotten to the end of the discussion on some of those.
Commissioner CAKOUNES: I could touch on all three of them, but I’ll do it when you have it on the agenda, if you’d like. The only thing I will say because we’ve said it before is on the CLC issue that I’m waiting for Mary and I to come in and do a presentation to you guys.
Speaker MCAULIFFE: Right.
Commissioner CAKOUNES: And I will be contacting you or Janice and letting you know when Mary can do that. I don't want to be here alone on that one.
Speaker MCAULIFFE: Right.
Commissioner CAKOUNES: I want her to back me up on some of those issues.

Speaker MCAULIFFE: But those are just the topics that, going forward, I think people are asking me questions.
Commissioner CAKOUNES: Yes. I will -- I do feel comfortable and don't feel that I’d be violating Open Meeting Law by telling you that the lease situation is ongoing, and I’ve spent the last three hours with staff and the attorneys, and we are very close to coming forward with some information on that.
Speaker MCAULIFFE: Good.
Commissioner CAKOUNES: A daunting, daunting amount of paperwork. That much.

Speaker MCAULIFFE: So maybe perhaps that can go on the agenda when you feel like you have something concrete to report. It doesn't have to be on the next meeting. I’m getting, you know, questions from Assembly people. We haven't heard --
Commissioner CAKOUNES: I would feel comfortable having given you that information when I give it to my board, if you don't mind.
Speaker MCAULIFFE: No, that’s fine.
Commissioner CAKOUNES: Because there may be some legal issues that I don't want discussed publicly at this time on that.
Speaker MCAULIFFE: Okay.
Commissioner CAKOUNES: So I’m even hesitating making a full report to my own board until I get everything worked out with the lawyers and then we’ll do it at that time.

Speaker MCAULIFFE: Okay.
Commissioner CAKOUNES: It's all good though. I just want to let you know that.

Speaker MCAULIFFE: Good.
Commissioner CAKOUNES: And we’re not throwing anyone out of the assisted living place. Please, make sure the press knows that. It's not going to happen.
Speaker MCAULIFFE: Lilli-Ann.
Ms. GREEN: Thank you, Madam Speaker. And I presume the legal issues are not going to hold up with getting the information about CLC?
Commissioner CAKOUNES: It has nothing to do with the CLC. The legal issues have nothing to do with CLC.

Ms. GREEN: So as soon as you can get us the information about CLC, we would all appreciate it so we can review it.
Commissioner CAKOUNES: Pressure Mary for that because I'm pressuring her, and I certainly will make sure to try to get it to you.

Speaker MCAULIFFE: And I asked you too.
Commissioner CAKOUNES: Yes. There’s a lot going on over there right now. We're trying.

Speaker MCAULIFFE: Anything else? Okay. Thank you, very much.
Commissioner CAKOUNES: All right. Thanks. Appreciate it.
Speaker MCAULIFFE: All right. We have about five minutes before we can go into --

Commissioner CAKOUNES: I didn’t take long enough.
Speaker MCAULIFFE: Anything else you wanted to say?

Speaker MCAULIFFE: Before we get to the hearing, are there any public officials -- communications from public officials? All right.

Speaker MCAULIFFE: The hearing is set for 4:30. Any communications from members of the public who are here just specifically for the public hearing? That would be out of order. Are you here for the public hearing?

Mr. JOE GLYNN: Yes.

Speaker MCAULIFFE: Okay. Then I’ll have you speak during the public hearing. I was just trying to kind of get the agenda cleared because we have about three minutes or four minutes. Let me check the official time; five minutes.

So I'm going to suspend the meeting for five minutes, and we will re-adjourn at 4:30. That will be the Public Hearing.

(Meeting recessed at 4:25 p.m.)
(Meeting reconvened at 4:30 p.m.)

Public Hearing on Proposed Ordinance 17-14 to amend the Barnstable County Home Rule Charter, Article 3: Section 3-1, “Composition, Term of Office” and 3-9 if a vacancy occurs in the office of a member of the Board of Regional Commissioners during the term for which the member is chosen.

Speaker MCAULIFFE: All right. It's 4:30. I’m going to read part of the announcement for the Public Hearing. On January 17, 2018, at 4:30 p.m., the Assembly of Delegates will hold a Public Hearing on Proposed County Ordinance 17–14 to amend the Barnstable County Home Rule Charter, Article 3: Section 3-1, “Composition, Term of Office” and 3-9 if a vacancy occurs in the office of a member of the Board of Regional Commissioners during the term for which the member is chosen.

The Public Hearing is held here, 6A in Barnstable. And anyone wishing to testify orally is welcomed to do so. We do have a sign-up sheet, and I will go through the sign-up sheet. But if anyone else who hasn't signed up wishes to testify, they’re welcomed to testify as well.

The full text has been distributed to the Town Clerk in each town of Barnstable County and is available from the office of the Assembly of Delegates.

I’m not going to read the whole ordinance into the record, but the gist of the ordinance is that the Board of Regional Commissioners would be increased from three members to five members, and there would be a different structure as to how they would be representing, rather than Cape-wide representation, there would be different districts.

So it's a change in the structure of the executive branch increasing the Board of Regional Commissioners from 3 to 5.

And we’re here to hear public comment. We have one person signed up and will Joe Glynn please come forward.

Mr. JOE GLYNN: Great. Thank you. Joe Glynn, Yarmouth. First, I come in peace. I think with your previous contentious or even questionable ones, pound for pound, somebody might be more worried about just me than what you had previously.

But I want to thank you for bringing up this resolution. I think it's very
important to not only County government but reflective of all our people on the Cape, all our representation. I think there’s a down ballot and an up-ballot ability to influence all elections. And I think if we get this, for lack of a better term, we form a more perfect union with County government and with all the government. But I think that it’s very important that we address this. I thank you for bringing it forward. I will not get in the weeds about particulars, but I have researched it.

The things that I would propose you might have questions on. I'm wide open and the Clerk has my address and my phone number, so feel free to get in the weeds yourself.

I think that all of you as an Assembly can do a great deal of improvement and almost like a rebranding of your public perception in what goes forward to have solutions in the County.

And I think you should be detailed. I think that things like recalls and other things that you don’t have specifically on this agenda, you might want to get deeper and have more public hearings. And if you’re going to do it, it’s been a long time, and I’m not being sarcastic when I say that it’s -- it’s about time. I thank you for doing it. But if you’re going to do it, do it right, do it all the way. Be comprehensive about it.

If you pick out something and you go through the motions and you go through everything and you don't fix it, or the public doesn't see a change, you’re going to have some of the same problems that I think you have.

And I think many of you know that there is a perception issue. And the perception in the interaction of the public is vitally important, and I think the more people that we get involved -- I think that's why the expansion of the commissioners is important because the more people you have involved, you’re a regional committee so you understand the problems with regional government.

But if you have five towns, you know, in the proposal, which I’m all for, upper, lower, and mid-Cape regional representatives, then you understand those groups. I would go further to kind of have a bicameral set of things because I think if we rebrand this, and I’m using branding as just a term, but people don't understand what you do. I think all of you know that. I think that if we rebrand this and you guys -- when people hear the word “Assembly,” or they heard the word “Delegates,” or they heard the word “Commissioners,” it’s confusing to them. The Assembly could be just an assembly of people. Delegates, people start thinking of political parties, and the commissioners, you have the County Commission and you have other Human Rights Commission and other commissions. So it adds some confusion.

I would call yourselves representative while we’re doing this so you clear up confusion. I would call the current commissioners managers. There’s county managers throughout the country. When people think of a manger, they think of an executive branch. And I think that you should have those three regional --

I think we should also look at the staggering of the elections. Right now, you have two and one of the commissioners. Also, you guys run nonpartisan; they run in a partisan election but it's a free-for-all and the primary doesn't make a difference. That's confusing to everybody. And I think that if you set it up more like state government and federal government where we have representatives, we have managers; I would propose three and three and do the --change the period of four years. I would go to either three years or two years and stagger them.

Now some people say, well, you’re going to have three at-large
commissioners and three regionals, that’s six, that’s an even number. I would say that that at-large commissioner that got the most votes would be the chair, and then you’d go back to an odd amount. He would only vote during those periods of a tie, but he would do the agenda, and he would set things that, you know, Leo is doing right now.

But that's for all you guys to work out. I just want everybody to say going forward if the public understands this, the dynamics change of how we elect people, people understand it, they come forward, they get involved. You know, the more people you have on the ballot, there’s two more families. If you’ve got two people on the ballot, there’s two more families that are coming out to vote. There’s more people coming out to vote. Everybody agrees. I haven’t heard anybody disagree with the regional approach.

So if you guys go forward with just even the regional commissioners, I think that's a positive step in the eyes of the public. But I would go further, like I said before. I would go in depth. It's been a long time coming. I think you guys put your nose to the grindstone and really work it from the differences between, you know, whether you have a primary, whether you have at-large, whether you have partisan or nonpartisan; those are all-inclusive to people understanding. Because if we do, we’re going to get interaction, we’re going to get balance, and we’re going to get dialog, and that’s going to improve county government.

So, thank you, again, for letting me speak. If there's any questions either now or later, feel free because I have looked at the different variations on how to, you know, toggle through. I really think you can get close to perfect, and I think many people agree that it's far from perfect now.

Speaker MCAULIFFE: Thank you, very much.
Mr. JOE GLYNN: Thank you.
Speaker MCAULIFFE: I only had one person signed up. Is there anyone else? Yes. I’ll go to the public first. Yes. Would you give us your name and your town, please?

Ms. MARGARET RICE-MOIR: My name is Margaret Rice-Moir. I live in Brewster. So I wanted to rise in support of this resolution. I wanted to support the gentleman who spoke before me.

I have been very disturbed by the kind of childish, inappropriate, kind of sophomoric behavior that I’ve observed going on with members of the commission. I think that most people don't behave that way.

And so my own feeling is very simple that if we increase the number of people we have on the commission, we have an opportunity to draw in people who can engage in more mature civil discourse, and who can, I think, engage without the same kind of harsh rhetoric.

So I would be in support of increasing the commission. I don't think it's a full answer to some of the difficulties, but I think it certainly is a start.

Speaker MCAULIFFE: Thank you, very much. And then Leo; are you here as a citizen?

Mr. LEO CAKOUNES: I don’t know. I guess I’m here as a County Commissioner; I don't know. No, I’m here as a citizen. I’m not speaking for the commissioners. I’m speaking for myself as a member of the public; however, I am a County Commissioner.
A couple things, the young lady’s last comments; I would urge you as leaders not to do anything, anything at all which goes to changing the county government or any government or any legislation because of the actions of one individual. That’s not how we designed government, and that’s not how we should react to make a better government.

And regardless of whether you agree or disagree with an individual’s actions, we should not be trying to change government because of it. And I just wanted to say that in response to the young lady’s comments.

Other than that, that’s no surprise to all of you that I, obviously, support going to five County Commissioners. I think it’s a great idea. I brought it forward a number of years ago and it went nowhere at that time.

However, I do have a problem with the ordinance the way it's currently drafted. I do not think its all-encompassing; I don’t think it’s clear enough. I think that if we’re going to move forward with an action of this magnitude that we have to do our due diligence and clearly spell out a lot of unanswered questions; things like when does this take effect, the exact date and time? What happens to the person who is running for the seat which is up this November that is a four-year seat? An individual’s going to be running for that. They’re going to be running with full anticipations of if they win to serving four years. Is it legal to after two years to tell them they’re not a commissioner anymore? Questions like that need to be answered.

Also, the delineations of the areas in which we’ll be voting for these. I, personally, do not agree with the first speaker. To change to go to five and then to have two of them or any number of them be elected Cape-wide is, to me, personally, a ludicrous idea.

One of the reasons why I support this is it’s daunting to run for a seat from Bourne to Provincetown. As a matter of fact, I believe there’s only one other seat that encompasses that entire area and that's the sheriff, and he’s elected every six years. Even our state senator doesn’t have to run from Bourne to Provincetown. Certainly our state reps don’t.

My point is that this particular ordinance, I think, should have clearly stated what our intentions are. Are we going to follow the state rep seats and the delineations of where they are elected? And as, again, the first speaker said, Joe said, “It's not clear as to how we’re going to stagger them.” I would presume you would have two, two, and then one like most selectmen do. But if we’re going to stay with the state election, our hands are bound to the only every two years.

So we may have to take some time to think out of the box, and I’m going to use Joe’s term again when he talks about rebranding. If we really want to think out-of-the-box and move here, we may have to step away from the state election process. If we step away from the state election process, that will give us and open the door for a different opportunity. We’re not bound by holding an election every two years. We can hold an election just like your town does for the selectmen in a certain time of year. We could say May or whenever. It will be maybe in conjunction with the towns’ elections. I don't know. These are things that we need to talk about and need to be discussed. Believe me, I have no answers on that.

Partisan/nonpartisan is another one that I’m not sure if it’s clearly defined in the ordinance as it’s written before you.

I hate to say it, but I'll just conclude by saying I think going to five County
Commissioners voted on regionally in five regional areas is a good move for the County. But, quite frankly, I don't think that the ordinance in front of you defines it good enough for us to vote it today to move forward.

Whether that triggers a full-blown Charter review again -- might be the way to go. If you go that way, I will tell you that it's going to be different this time around than the last time around, and the reason is the County is on the cusp of having in the position to adopt changes.

We have an executive director that just left the Cape Cod Commission. We’re looking at possibly even getting a new one or bringing up somebody internally. We have already made a number of changes here in the County complex and through our own departments. It may be time to sit back again and take another constructive look at the whole thing.

But I don't want to move something forward just because it's in front of us. So, thank you, and I appreciate your time.

Speaker MCAULIFFE: Thank you. Is there anyone else in the public who wishes to comment on the Proposed Ordinance 17-14? All right. With that then, we will close the hearing.

(Public Hearing closed.)

Speaker MCAULIFFE: And there was one person here who did want to address the Assembly as a member of the public and not related to the hearing. And even though I already glossed over that topic, we will take that person now.

Communications from Members of the Public

Mr. FRED SCHILPP: My name is Fred Schilpp, and I’m from Barnstable, and I was a Delegate to the Assembly from Truro about six or seven years ago. So I’m more used to being over in one of those seats listening rather than sitting here talking.

But I did -- I was here a couple of weeks ago for the Sheriff Cummings public meeting. And I came out of it somewhat disappointed, and I thought I would share some of my disappointments and notes with you purely as a constructive, nothing personal or meant.

But I think, you know, and I'll start with one of my things I was going to talk about later, but when I was a Delegate, we were constantly trying to figure out ways to involve the public in the Assembly of Delegates.

We were always feeling that most of the public didn’t know what we do and what the County departments do, and we were always looking for ways to try and educate and bring them in and discuss more of that.

We were all very proud of our departments and the work of the departments, and we wanted to share that work so people would understand how important much of the work of the County is.

So, this seemed to me to be a great opportunity because there were a lot of people who were interested in the topic two weeks ago. And I think a lot of people felt that this was a chance for the public to speak out on that issue, which they didn't have an opportunity.

And I think Dr. O'Malley -- Dr. O'Malley felt that, and I know this from
having talked to him later or talked to John later, that this was an opportunity that the Assembly was giving to the people.

So some of my notes are I arrived here around 3:45 and, at that point, people were being rerouted because the room was filled so that -- and people were being told that they could go up to the Harbor Room and watch the proceedings.

And I must say that, you know, when I was there, there was 67 people up in the room. But down here, when I was down here for a while out talking in the lobby, most of the people, at least twice that many people went back home again because they didn't want to go into a separate room. They wanted to be a part of the proceedings, and I think that was unfortunate. There were a lot of people not happy about that.

There were also three people from the press who were not let in. There were two from the Cape Cod Times and one from the Falmouth Register or Falmouth newspaper. And I called a couple of the Delegates that I had their phone but they were in the room and their phones were shut off just to alert them that, you know, I don't think we're trying to keep press out of this room. I don't know why we would want to. A couple of those press people came up to the Harbor Room.

The room above could have been configured (sic). There was about 67 people, maybe half of those people were seated and half of them were standing in the back because it wasn't configured in a way to allow more people to sit, and that room does hold a lot of people. It just wasn't -- it was set up as a seminar room at that point.

But I just thought we lost an opportunity to show what the Assembly of Delegates can do and how we represent our towns.

I didn't understand why Sheriff Cummings left before the public comments, and I think when he did leave up there he was booed for leaving the room because not only did they not have a chance, but the public didn't get a chance to talk to him and get some feedback.

In terms of the other speakers, the first speaker was the Trump -- identified himself as a moderate speaker who I can tell you drew no applause; silence. I stayed for the next six speakers and they were getting great applause. In fact, the first one got a standing ovation from the crowd. You guys missed out on that, the opportunity to hear what people were thinking on the subject.

And I think, you know, most of the people up there, my impression was they were local from Barnstable and surrounding communities. And as I found out, the vote of these communities was when it was against or for the sheriff's idea of taking on the ICE assignment. But the people up there were very much against it.

So, I don't know if this is proper for me to speak, you know, to all of you about my own feelings about this, but I will until you stop me; okay?

Speaker MCAULIFFE: I will give you five more minutes.

Mr. FRED SCHILPP: Oh God, I need one more minute.

Speaker MCAULIFFE: -- as a former Delegate, you know, afford you some extra time.

Mr. FRED SCHILPP: No, thank you. I wouldn't know what to say.

Speaker MCAULIFFE: -- as a former Delegate, you know, afford you some extra time.

Mr. FRED SCHILPP: You know, we all know that the Cape economy depends on year-round immigrants in functioning in labor and service areas and many, many jobs on the Cape. Here in Barnstable, we see people who are immigrants talking,
living all the time. And we can't really function at all without these people during the summer. Our tourist seasonal population would not exist without these people.

And I just wonder why we would want to frighten these people, and why we would not want their participation in our community? It seems to me that the sheriff in what I was hearing from him, as all of you were asking your questions and getting your answers, kept backtracking on the idea that this is really -- it's not going to be anything big. We really are going to do this. There’s so few cases where which it would be done.

And you kind of wonder, well, why are you doing it if it’s not that meaningful, and yet it seems to have a fairly larger meaning to the immigrant population on the Cape.

And, as I said, I think they’re very important. Thanks.

Speaker MCAULIFFE: Thank you.

Mr. FRED SCHILPP: Thank you, all. Thank you for listening.

Speaker MCAULIFFE: Yes, it’s not our custom to respond, you know, to public comment, but I would like to call you --

Mr. FRED SCHILPP: Sure.

Speaker MCAULIFFE: -- and just talk to you about some of your concerns and just explain from the perspective of the Speaker how things went the way they were -- they did.

But I certainly heard your comments as a former delegate, and I respect your opinions. And thank you for coming forward, but I would like to perhaps follow-up in a phone conversation.

Mr. FRED SCHILPP: Absolutely. I’ll give the secretary my number.

Speaker MCAULIFFE: Or give it to Janice, that would be great.

Mr. FRED SCHILPP: Yes, sure.

Speaker MCAULIFFE: Thank you.

Mr. FRED SCHILPP: Thanks. Thank you.

**Assembly Convenes**

**Proposed Ordinance 17-14:**

We, the Barnstable County Assembly of Delegates petition the legislature to approve and place on the ballot at the next biennial state election a restructuring of the current County Government model to effect the following changes in the Executive Branch model:

**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.

**THE CAPE COD REGIONAL GOVERNMENT KNOWN AS BARNSTABLE COUNTY hereby ordains:**

To amend the Barnstable County Home Rule Charter Article 3: Section 3-1 and 3-9 as follows

**ARTICLE 3 – EXECUTIVE BRANCH**

Section 3-1. Board of Regional Commissioners

*Delete sentence*
(a) Composition, Term of Office – The executive powers of the Cape Cod regional government shall be exercised by a board of regional commissioners consisting of three members.

Substitute with sentences

(a) Composition, Term of Office – The executive powers of the Cape Cod regional government shall be exercised by a board of regional commissioners consisting of five members. One member of the board of regional commissioners shall be elected by and from the voters in each of five districts representing approximately twenty percent of the population of Barnstable County. Any voter of the district from which election is sought shall be eligible to hold the office of commissioner who at the time of election has been a resident of the district for a period of one year or more. A commissioner who during a term of office moves from the district from which elected shall forthwith be deemed to have resigned and the office shall be declared vacant by the remaining members of the board of regional commissioners.

Section 3-9. Vacancy in Office of Board of Regional Commissioners

Delete sentences

If a vacancy occurs in the office of member of the board of regional commissioners during the term for which a member is chosen, the assembly of delegates shall order the office to be filled at the next regular biennial state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Substitute with sentences

If a vacancy occurs in the office of member of the board of regional commissioners during the term for which a member is chosen, the assembly of delegates shall order the office to be filled at the next regular biennial state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Forthwith when a vacancy in the office of board of regional commissioners occurs, the assembly of delegates shall act to temporarily fill such vacancy by electing some suitable person, a resident of the district in which the vacancy occurs, who shall serve in such office until a successor is chosen at the next biennial state election.

Speaker MCAULIFFE: Now we will convene the Assembly. There’s a discussion on Proposed Ordinance 17-14. The matter was just before us in the hearing. And this is Ron Bergstrom. You’re on, Ron.

Mr. BERGSTROM: All right. First of all, I'd like to address Commissioner Cakounes' comments. He's absolutely right. You know, even though something like this is enormously complicated; it’s a legal issue. I mean we’re going to the legislature with the law. It’s going to be written into the laws of Massachusetts, so you have to be careful.
I had a discussion, and some of you were here, with our attorney, Attorney Troy, about the powers of the Assembly. And there seemed to be a contradiction in the Charter.

The Charter says that the Assembly shall act by ordinance or resolution. However, in the section where it speaks about Charter changes, it says we shall submit a petition to the legislature.

So in the brief discussion we had, it was decided that what we would do is we would pass an ordinance and that ordinance would then, in a sense, create a petition that we’d send to the legislature.

The concept of the five commissioners is pretty straightforward. There are issues that Leo brought up. But I didn’t feel competent to send a petition to the legislature— in other words, to have us vote on a specific legal document to send up to the legislature. I think that’s going to have to be done only through the intercession or the help of the County Attorney and, perhaps, the Secretary of the Commonwealth where they know what we can do and what we can’t do.

So today, we’re going to discuss -- I’d rather have us discuss whether we think the general concept of this is a good idea, and then, in turn, if we do, we can have such a petition written up in legalese and then bring it back before the Assembly, and then we could vote on that.

Now, I’ll tell you briefly, of course when people say “briefly,” it usually means they’re going to go on. I will tell you that I believe the primary reasons that I think we should support this and right on the top of the list is it brings the elected officials closer to the people who elect them.

I mean historically when you have a race for County Commissioner, there’s almost as many blanks as there is for individual candidates. People get down to the end of the ballot; they don’t know who we are, you know, they don’t know what we do, maybe, and so they say, “Well, I’m not going to vote on this. I have no clue,” or unless I’ll vote for some superficial reason like, well, you know, this sounds like a nice name or, you know, he’s Irish and so am I.

Commissioner CAKOUNES: He’s got a cow.

Mr. BERGSTROM: He’s a farmer or something like that. But you should have -- and we can’t expect people to pay attention to everything we do. You know you say, “Well, how come nobody knows what the County does?” Well, think about your life before you got involved with local politics. I mean do you know who the Registry of Deeds is? Do you know who the Registry of Probate? I mean people have jobs and families and stuff, and they just can’t pay attention to the minutia of local government.

What they can do and what the framers decided when they formed the Constitution is you send somebody you know and trust and respect and they do that. You send somebody to the County Commission who they said, look, I’ve got a life. You want to do this, stand for office; I know you or at least I’ll get to know you because you’ll campaign, and then you can take care of that aspect of local government.

Now, Leo was absolutely right. When you run from Bourne to Provincetown that’s very difficult. It’s also very difficult for the guy from Provincetown to talk to someone who’s running from Bourne.

So with smaller precincts -- with smaller precincts, you give the candidates an opportunity to canvass the towns, send their message out to introduce themselves. Maybe you already know them already, maybe they’ve been selectmen or they’ve done
something in the district.

So the public gets a chance to say, okay, I know this person or several people, you know, there will be other candidates, and I could make it at least somewhat informed decision as to who should represent me on the Board of County Commissioners. So that's one reason.

The other reason, I think, goes to what I talked to Commissioner Cakounes about earlier, three makes a very awkward situation. They can't even talk in the hallway about County government. You know, they can’t. They can’t say, gees, you know, with another commissioner and say, you know, I think we should do this or that; you can’t do it and it becomes very awkward.

The towns on the Cape, Chatham and most of the other towns had a three-member board 30 years ago and they all went to five members with a strong manager for that reason and they thought it was better that there were clear lines of authority. So I think that the five makes a lot more sense than three.

So those are two reasons right there. Now, I have conceptualized the answers to some of Leo's questions, for instance, the precincts. We discussed this before in previous iteration of the Charter Commission. We can divide up the County into five precincts without going through town borders. You know, you can figure it out: Mashpee/Falmouth, Barnstable would be its own precinct, everything from Harwich and Brewster all the way to Provincetown would be one, Yarmouth/Dennis would be one, and Sandwich and Bourne would be one. And they would all -- I think the least would be 17.6 percent and the most would be 21-something.

So we could make it even closer by dividing the two precincts in Brewster, but I talked to the Brewster rep about that and she wasn't very happy about it. So it really comes down to whether the Secretary of the Commonwealth will accept those numbers as being close enough to be considered equal, you know, because, obviously, it's not to going to be totally equal. So that's the answer to that.

As far as the elections go and all of this could be changed, you know, if we vote on this. My idea is that in the next election we’ll have one Commissioner elected and we’ll also have, if this passes, a petition on the ballot.

Okay. If that petition passes, we’ll still have a three-member board for two years. At the end of those -- at the expiration of those two years in the election of 2020, the commissioner who was elected two years before will then be, for the next two years, become the commissioner from the district in which he resides.

So let's say, theoretically, the next commissioner in 2018 comes from Harwich, okay. He’ll serve two years on the current board, and then the new board would not come into effect until 2020. So then he’ll serve an additional two years as the commissioner from that district, the district from Brewster/Harwich all the way up to Provincetown. Meanwhile, the other four commissioners will be elected to four-year terms.

Now there’s a glitch there. You should stagger them. So I mean if you could draw lots and stuff to decide who goes for a two-year term and who goes for a four-year term. So that I haven’t -- that’s a little bit of an issue.

Outside of that, I want to tell you something else too is that I had a discussion with one of the Delegates but, previously, we had a Charter Commission and we sat here for a couple months. You were on it.

Speaker MCAULIFFE: It was almost a year.
Mr. BERGSTROM: Yes, and at the end of those months, we decided to go
forward with a different iteration of -- a different organization. I won’t go into it because it
was complicated. But it passed the committee 6 to 1, okay. I voted against it, okay.
Everybody looked at me. I was at the end of the table and looked at me and said, “Are
you” --

Speaker MCAULIFFE: Because you didn't think it was going to pass.

Mr. BERGSTROM: Oh, man, the dirty looks. But when it came down to
the actual presenting it to the Assembly, I voted to put it on the ballot. What we’re doing is
we’re asking -- we’re not voting to change County government. We're asking to put a
proposal on the ballot that people can vote for, and I felt that that was important.
It failed, unfortunately, those of you who weren’t here by a single
percentage point. So I don’t want any complaints from the people from Provincetown and
Truro and stuff to say that they don't make a difference because they did that day. I think it
failed 50.90 percent to 49.10.

So, anyway, that’s for now as much as I -- I’m running out of -- my throat’s
awful scratchy so.

Speaker MCAULIFFE: All right. So, basically, what you’re saying is the
details can be worked out when we do the legal language with consulting help --
Mr. BERGSTROM: Right.

Speaker MCAULIFFE: -- for a formal petition. This before us is to go
forward to formulate that petition and the details.

Mr. BERGSTROM: Because the last thing you want is -- you don’t want is
to have -- to send a petition up there or send something up there and all of a sudden for
legal reasons they say --

Speaker MCAULIFFE: It’s not going to --

Mr. BERGSTROM: -- well, we can’t support this because the districts are
not balanced enough or some other reason. So that’s where I’m at.

Speaker MCAULIFFE: Now are you making a motion to put this on the
floor?

Mr. BERGSTROM: I'll move to put on the floor 17-14.

Speaker MCAULIFFE: Is there a second?

Mr. KANAGA: Second.

Speaker MCAULIFFE: Now, any comments or discussion?

Yes, Linda.

Ms. ZUERN: I am totally in disagreement with this ordinance. First of all,
if you're starting to divide up Cape Cod into districts, if you just think about what that is
going to mean. If you have Falmouth with Mashpee, Falmouth has more population. You
could sort of count on Falmouth getting their commissioner in before Mashpee, you know,
gets control of that position.

If Barnstable has its own district, that means that Barnstable always has a
Commissioner. Now we happen to have a Commissioner from Barnstable but he was voted
on Cape-wide. So he has support Cape-wide.

But if you go with this plan, it means that every single year you have a
commissioner from Barnstable. We already have a wonderful delegate on the Assembly
but he has at least 20 percent of the vote. So that means that County government not only
has 20 percent of the vote on the Assembly but has 20 percent of the vote on the Cape Cod
-- on the commissioners if we have five people.
So, I think if you just look at what that's really going to mean if the smaller towns down Cape -- you're competing with people in Brewster; do you think you're ever going to have a Commissioner from Wellfleet or Provincetown if you have a higher population in Brewster who’s going to get their people out to support somebody from their town?

And I also think once those people are appointed or elected, I think it's going to be mostly the people of that town that are going to support that commissioner. They’re not going to have a whole lot of support from other towns.

So I just see a lot of problems with this. I don't think that right now we need to increase to five commissioners just because the three commissioners right now can't talk to each other. I really don't want five commissioners talking 2 by 2 with each other either. I like it the way it is right now.

And I watched the commissioners’ meeting; I know they haven’t been able to decide things, you know, behind someone else's back. So before we go ahead, I think we really need to look at what this really means.

Thank you.

Speaker MCAULIFFE: Did you want to speak, Patrick, or you just --

Mr. PRINCI: Well, I'll let someone else speak.


Mr. KILLION: Thank you, Madam Speaker. I’ve actually had a few people approach me and talk to me about restructuring because we’ve certainly discussed it here many, many times over the last several years. And I have met no one who’s interested in expanding the size of government adding people in any way.

My question is what problem are we really solving by doing this? If we’re going to undertake this measure and add two more seats, one of the reasons I heard is to make it easier to run for office, and that seems to me like a pretty poor reason to add seats to the county.

I don't recall any time when we actually had a blank ballot for a County Commissioner when we couldn't find anyone who was willing to run Cape-wide. I understand it’s difficult and running for office shouldn’t necessarily be easy.

And I’ve also heard the arguments that two commissioners can't speak to one another outside of the public hearing, and I’m not sure why that is necessarily an issue. No one has come out at any time over the last several years and said, you know, we couldn’t get this done because we weren’t able to speak outside of public hearing. It will hurt the county.

To the opposite to my original point, people would rather see the government get smaller. And one of the options we discussed here was actually eliminating the County Commissioners, appointing a strong Administrator, and leaving the Assembly intact to represent the towns which, I think, is actually a more functional option than to just making the County Commissioners at larger board.

So to that degree, unless someone could come up with a really solid reason to expand the County Commissioners, I, again, will be opposed to this measure as well.

Thank you.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: I want to thank Fred for coming here today.

Speaker MCAULIFFE: Is it on?
Deputy Speaker MCCUTCHEON: Yes, it is.
Speaker MCAULIFFE: Okay.
Deputy Speaker MCCUTCHEON: I want to thank Mr. Schilpp for coming here today. He always lends a note of clarity to his discussions.

One of the things that I think we should all consider is the matter just raised by the last delegate to speak. I think that by far the better remedy would be to treat this business like a business and have a strong corporate manager, a CEO, and a strong financial manager, a CFO, and have a Board of Directors with the subcommittees we have now that envision, you know, examine the budgets and examine the policies and put forward things for the entire board to vote on.

I think Mr. Cakounes is a good manager. I think that's why he's doing a good job as the head of the County Commissioners. But I think we've got another manager that is the way that we should go to structure a more responsive government here.

I do think that you can change -- make that change without having to guarantee people a job. And I really feel that it's the dysfunction that we experience now is because it has existed for a long time in the -- (cell phone interruption) -- in the relations between the Assembly and the Commissioners.

I would point out that ever since I've been on this commission and until Leo was chair of the Commissioners, there had been a habit of the commissioners of not telling us things, just avoiding telling the Assembly because they didn't want us to ask too many questions.

Well, that’s exactly the thing we need to avoid in public government and that we can avoid by the kind of restructuring that's being talked about here.

And I apologize for my telephone.
Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: I think that some pretty important comments have been offered here this morning -- today. Pretty clearly the number three for this board is awkward, but I take real note of Chairman Cakounes’ perspective that you don't change the organization or the whole structure because right now some of the individuals operating and sitting in those chairs are not getting things done. So I want to be a little cautious.

I certainly think five would be a much more effective number, but I also cannot get past the question do we really need the board of commissioners? Is it not completely feasible for this body to take on the role of being the representative government for this regional -- for this regional government. I mean we, after all, represent by our very nature diffusely all the parts of the Cape.

Number two, we have committee structures that are in place and, in fact, we’ll begin our annual process of reviewing each department’s budget and the back-and-forth that goes on there period.

There has been a question raised over the years, and I've contributed to the question of, well, what's the relevance of the Assembly when we’re simply kind of rubber stamping the budget that’s already been presented to us.

I think, in fact, this body has a good claim to being a better place where that budget could be developed, worked through, and discussed, and debated.

The process of debate that goes on at committee hearings is actually quite substantive and I appreciate it. I think it's a place where there’s real discussion and things can be done.

So I guess where I'm at with this proposed ordinance is that I will support it
because I would rather see five than the three we have now. But I also believe that this should be a part in a larger discussion of relooking at how we organize our County government.

And I certainly think that the prior speaker proposed this sort of business model of a board, this board of a strong executive and a robust committee structure to deal with it. I've been in places where not-for-profit organizations that employ that model with boards of up to 21 people, and I found it functional.

So I don't think our size precludes that in any way. So I'll leave it with that.

Speaker MCAULIFFE: John.

Mr. OHMAN: I sometimes feel like I’m piling on here but, you know, most governments are not necessarily business model, but we do have -- the Assembly can be the legislative branch of government, and we have a redundancy on the executive side. We have a strong County manager and we have a strong County Commission. They, essentially, are doing the same thing. It's redundant.

So I think that instead of voting for five or keeping three and for my (Indiscernible) vote zero and get into this century as soon as we can.

Speaker MCAULIFFE: Susan.

Ms. MORAN: My comment’s going to be short because I really appreciate, especially Delegate Ohman’s comment right there. You know, I think that determination that the legislative branch of the government could not even add a line item to the budget really suggested that there was no point at all, you know, since the main job is the budget. It just seemed antithetical to me.

And in terms of the finances which Commissioner Cakounes has really worked, you know, mightily, to contain and to make profitable and practical going forward, which the entire Cape every town depends on; I think those efforts have been, you know, show good trend and have been successful to date.

But I think that we can skinny down further by eliminating the commissioners as has been suggested, having a strong legislative branch with a County Administrator that has the same talent that we’re used to at the moment.

So I just kind of, as John says, pile on.

Speaker MCAULIFFE: Just a sec. I want to make sure everyone who hasn't had a chance to speak.

Speaker MCAULIFFE: Oh, I'm sorry, Mary. Ron’s blocking you.

Ms. CHAFFEE: Thank you. I think there's some merit in considering this primarily because it enhances the representational democracy element in the commissioners. And I think there is value in looking at having smaller districts with a specific commissioner that represents that district so that there’s more of a connection and relationship or opportunity for a relationship between the commissioner for that district and the voters in that district.

Thank you.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: I believe that we should have a full comprehensive Charter review. It seems that whenever we talk about Charter issues at the Assembly level, we talked just basically about the form and the structure and how many elected officials we’re going to have. And we don't really get into the nuts and bolts components of the Charter that really need to be addressed.

I mean you look back; I believe it was 1987 when this Charter was
originated. It was the audits that came out and cited many problems based on a lot of it that our attorney spoke up for. Well, that's what the Charter allows us to do.

The commissioners and the executive branch have done an excellent job in addressing those issues with the Charter, I'm sorry, the audit.

But let's look at finances and where we're at right now. There was a recent report from our finance director telling us that health insurance benefits for employees are going to be going up 12 percent. Next year, those benefits could go up another 12 percent. We're talking about potential early retirements, not filling those positions.

Now the resource in our County is our people, and that resource is the resource that delivers the services to the towns and the residents of the region. So what we're talking about doing here is adding two more employees, in essence, at roughly $30,000.00 combined a year and a health insurance policy at 12 percent increases every year.

It seems as if we're sort of being hypocritical here by telling our workforce that we're not going to hire or give them support, likely having them work harder at the jobs that they already work hard at and then add more decision-makers.

So, basically, we would have 20 elected officials representing this region; 15 Delegates and 5 County Commissioners. The capital budget in Barnstable, the town I represent, is much larger than the operating budget for the County. We have 13 Town Councilors and a strong Town Manager.

I agree that we should have strong County management making those executive decisions and have a legislative branch. And I'll go back to -- some may remember a few years ago I proposed that we have -- either eliminate the County Commissioners or the Assembly and have the legislative branch of either 5 to 7 representing the regions, regions that encompass the watersheds which is basically going to be the biggest issue facing the region over the next 10 to 15 years.

I was told, you know, earlier to do the right thing; the right thing is having the people in our community decide how we're governed.

The wrong thing is having us decide how the people are governed, and I've always said that. I mean I was criticized in the past when I came forward with that Charter changes. It didn't even get -- it wasn't even ready to get enough votes to even put it on the ballot because it basically eliminated a lot of positions including my own. I was criticized that I was working with special interest. Well, the special interests were interests of Chambers of Commerce, the special interest of the Association for the Preservation of Cape Cod, two polar opposite interest and also interest with the League of Women Voters, a nonpartisan advocacy group in the region.

There weren't special interests of the elected officials in the County. There was special interest representing different issues that are important to this region.

I do still feel that it's important that we give the voters a decision as to how they want to be governed. Putting something like this on the ballot would do that; however, I don't know if we could possibly hold off on it and decide whether or not we would have enough time to put together another Charter review group of outside people that could work towards putting together solutions to make this County run better.

Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, well, having gone through a previous Charter Review Committees and having read letters to the editor and comments and so on about
how County government’s not functioning the way it is, sitting down with the Star Chamber telling -- not Star Chamber, what do they call themselves? The Business Roundtable --

Mr. BERGSTROM: -- and having them explain how everything -- they want efficiency in government and so on. You know, we beat this to death.

And as I said I think a month or two ago or three when I presented this, I said, “You know, the perfect is the enemy of the good,” and I wanted to present something we could agree on. In other words, I’m picking the low-hanging fruit. Here’s something, at least one thing, where we could get together on. We need more County Commissioners because I think the current -- the three of them are inherently dysfunctional regardless of who’s sitting in those seats.

So, I mean, yes, we could go do the whole thing over again but there’s no guarantee that the 15 of us are going to agree on something.

And let me say one thing about getting rid of the County Commissioners I think would be a great idea in the practice. But the fact is that we are one of the few remaining counties of Massachusetts. They get rid of them all the time; they have in the past.

Barnstable County’s been around since 1685. We’ve tried to change the name to the Cape Cod Regional Government and so on. We start to get away from the County model. In other words, rather than become a traditional County, we’ve now become this other form of government that sort of sit between the state and the towns. And the further we go down that direction, the more the rest of the citizens of Massachusetts are going to look at us and say, “What is this?” You know, “Is it a County? Is it not a County? What is it? Another regional government?” I mean I just don't want to get too far away from the model that’s been -- that we’ve had for 300 years.

And as far as, you know, I know one of the delegates said well we’re trying -- we’re not expanding the government. I mean we’re going to have a budget and it’s going to be the same whether we have five or three, maybe a little more as Pat says.

What I’m trying to do is bring the government closer to the people, trying to bring it down to where you know who you’re voting for, that that person has a chance to tell you who they are and to campaign in a reasonable manner so that someone can make an educated decision as to who they want representing the County.

You know, I’ve been doing this for 10 years and it’s rare that anyone ever comes up to me and says, hey, you know, I see you took a vote the other day and I really disagree with it, and I think you’re a chowder-head, and I don’t disagree with it, except in the last week, two weeks I’ve had people come up to me that I never saw before and say, you know, I saw you and heard what you said at that meeting and I think it’s really great, you know, so it made me feel good.

So at least somebody is paying attention. But I think more people would pay attention especially to what the County Commissioners say if they had more of a voice in deciding who their commissioner is.

We could reinvent the wheel again, but it didn't work the first time, and you find when you go down that road that it becomes very complicated to get too far. I’m trying to take baby steps here. So, it may not be a baby step but that’s --

Speaker MCAULIFFE: Chris.

Mr. KANAGA: Yes, thank you. I’m going to take a page out of Leo's book and start by saying, “I'm just a simple landscaper from Orleans.”
I, honestly, think five is better than three. I think we all probably agree that the three is not a good option, and I think zero is better than three.

And so I’m in favor of this just as much as I would be in favor of zero. So I’m going to vote in favor of this because this is what we have in front of us, and it’s better than where we are.

Speaker MCAULIFFE: Anyone else want to comment? Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I have just a few comments. This is a big issue, and it’s something I’ve thought a lot about. I have a couple different points of view. I do really strongly believe in the checks and balances of the executive branch and the legislative branch.

I struggle with the situation that’s before us now. It’s not working with the three that are in the offices right now. And I am loath to vote for five just because this is not working.

However, what I am struggling with, too, is the fact that I sit on this branch of County government and sometimes I feel like I’m not able to do the job that I was elected to do. For instance, with the termination agreement with the Cape Light Compact. We were told that things were going to come before us, and then it got maneuvered so what should have come before us, which was promised to come before us, didn’t come before us. And the whole situation has transpired sort of under the wire, and we still don’t have the accounting for it even though it’s over and done with.

You know, I think that’s just wrong because we weren’t able to do the job that we were elected to do in that instance. Also, the fact that we can’t add line items back into the budget. I think there’s something inherently wrong with a lot of what we’re faced with.

And I’m not entirely certain that having five commissioners is going to change that fundamental structure. And, seriously, I think I’m going to vote against this because I don’t think it’s going to resolve the issues that I think we need to resolve.

Thank you.

Speaker MCAULIFFE: Anyone else? Okay. I’ll take Ed then Tom.

Mr. MCMANUS: I’m sort of in the position of agreeing with everybody. I see the problem, you know, having been a selectman and a city council member and worked on a five-member board, a school committee member, it’s a very good model and it works very good in terms of two members being able to work on and develop a proposal and toss it back and forth to each other and work out the kinks before throwing something that isn’t ready for prime time out on the table and getting embarrassed because that’s simply what happens a lot of times.

On the other hand, I think we have an Administrator of the County, and I, you know, in the situation of the town, you have a board of selectmen that oversee an Administrator. That could be the model for the Assembly of Delegates without having a county commission -- a set of County Commissioners.

The other issue is though, I think, you know, Leo is right; other members have made the point that we just can’t change the structure that that change reverberates to many other facets in the Charter. So it would take a rather large overall look at the Charter to implement whatever plan.

And if we are looking at changing the model of government -- governance, I think, you know what, it would probably be a two-step process of deciding on what the model is that we want to look at and then designating a, you know, probably not a Charter
Review Committee in the sense that is mentioned in the Charter, but a Charter Review Committee that we appoint to put together the best thoughts on what needs -- what would need to change in the Charter to enact the governance vision that has gained whatever, the majority support of the Assembly.

Personally, I thought about this quite a bit, and Lilli’s point of not being able to, as an Assembly member, have an impact and be able to do certain parts of the job because you get basically maneuvered out the decision-making process either by language in the Charter or by just being left out of the discussion leads me to think that if we want to have our representatives from our towns have impact and meaningful participation in how the County is organized and acts and what it does, then probably moving towards a government structure that eliminates the County Commissioners is the way to do that.

Speaker MCAULIFFE:  Tom.

Mr. O’HARA:  Thank you, Madam Chair.  So after sitting back and listening quite a bit to everybody, I think there’s a lot of valid points here across the board.  I don't think I'm ready at this time to move forward with anything.  There’s clearly a lot of work that needs be further pursued.

I think, you know, that time and time again -- I think Linda brought up a great -- a valid point with the population, the bigger town would always have their commissioner in place.  I think it's just the way people vote today.

But I think that's where we play a role in the election of the commissioners because each of us, we represent a town, and we should talk to our residents and let them know who we should vote -- who we think they should vote for, who’s the strongest candidate that works with this commission.  I think that hasn’t been done.  I’ve never seen that happen where the Delegates have reached out and worked with or I don’t know how many people in this committee report to their selectmen and stand before them and tell them what's going on as a Delegate so that the residents are informed as to what's taking place and how votes are being taken and who’s moving and what's going on.

And I will tell you that before I came in, I was thinking that five is the way to go because, clearly, it's not functioning properly right now, whether it be an illness, someone might be out or not available to attend for a few weeks; there’s a disagreement between one another, things get -- it's a standoff, and it's not working to the best interest of the community as a whole.

And for that reason, I was thinking that the five was better, but there's been some valid points made that this going to five instead of three; is that going to fix everything?  I don't know the answer to that.

And I would move that we postpone any action on this at this time because I just don’t feel comfortable, and I really believe that there’s a lot of information that’s lacking.

Speaker MCAULIFFE:  Is there a second?

Mr. O’MALLEY:  Second.

Speaker MCAULIFFE:  So this is on the motion to postpone, so we will do a roll call on the motion to postpone.  I think it’s nondebatable that's why I cutoff.

**Roll Call Vote to Postpone Action on Proposed Ordinance 17-14**

Voting “YES” (63.56%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), E.
Clerk O’CONNELL: Madam Speaker, on the motion to postpone action on Proposed Ordinance 17–14 passes with 63.56 percent of the Delegates voting yes; 36.44 percent voting no.

(Motion to postpone passed.)

Mr. BERGSTROM: Madam Speaker, can I just say something quickly?
Speaker MCAULIFFE: Yes.
Mr. BERGSTROM: I mentioned the previous Charter Review Committee. I don't know how long that was ago but it --
Speaker MCAULIFFE: That's my next item.
Mr. BERGSTROM: Okay.
Speaker MCAULIFFE: Yes. We have a report from the Clerk, and part of her report can be that I’ve asked Janice to initiate the steps and procedures for a Charter review.

I think that what I would like to bring before -- I need to do some homework because I've never done it, and I think what I need to do is figure out do you want to do a full-on Charter review, which is an official big-time, lots of people, municipal representation full Charter; it could take a year or more if you do a full Charter review the way it was done two Charter reviews ago.

Or, we do what someone had suggested about the Assembly does a -- puts together a Charter review. They can still have outside representation but also perhaps more targeted or more limited in terms of not the whole Charter.

So those are things that I want to look into very quickly, bring before you for topics for discussion. Do you want to -- this is what a full Charter looks like, review looks like, and this is what a more limited -- and the last time we did a limited Charter review, I believe, Ron when you were Speaker.

Mr. BERGSTROM: Yes, I just want to say it’s five years, I think, is what we -- mandatory five years.
Speaker MCAULIFFE: And we’re --
Mr. BERGSTROM: Coming close.
Speaker MCAULIFFE: -- coming close but we can do it sooner, but I think it’s every five years. But I don't know the last time it was a limited Charter review. It was not an entire --

Mr. BERGSTROM: Well, it was actually -- it wasn’t -- it was -- it wasn’t the five-year, in other words, it wasn’t mandated by the Charter you do a full Charter review.

Speaker MCAULIFFE: Right.
Mr. BERGSTROM: What happened was it was a Charter review that was precipitated, I think, by Leo’s suggestion to go to five. So we decided to do a complete
Charter review.

But then it was decided that we couldn't go any further with the details of the Charter review; this is the internal deliberations of the committee decided, well, we had to deal with the issue of structure first.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: And then when that failed, the whole -- the rest of it just sort of disappeared.

Speaker MCAULIFFE: Well, we were spending almost a year on it and it was like we ran out of time and we got, all right, this will get postponed again. And we’ll discuss this when it’s on an agenda, and we can discuss the pros and cons of doing a full, in depth Charter review or a smaller Charter review.

Susan.

Ms. MORAN: Just a question. When you talk about a smaller Charter review, I just want to clarify that you’re talking about the specifics that Delegate McManus outlined that deals specifically --

Speaker MCAULIFFE: I need to find out if we can do something -- I need to do my homework to find out what the options are. But something like as he suggested about, well, let’s look at these areas, or do we want to just take the Charter, turn it over to a group of people and say, “Please review.” We can certainly give input if we want. “These are the areas that we believe need to be looked at closely, come up with your recommendations.” There would be representation from the Assembly, but there would definitely be outside participation as well.

So this is coming forward. Janice and I said, “So, how do we do a Charter review,” and she says, “I’ve only done the one that we did.” So she and I have to figure out how to go forward from here.

And I didn't want to say that before the vote on the ordinance because I didn't want to taint the discussion or the conclusions, and it turned out people wanted to postpone anyway.

So we’re going in the right direction.

**Summary: Report from the Clerk**

- Submission of signed vehicle use policy acknowledgement from delegates.
- FY19 Assembly budget review schedule.
- MMA Annual Conference.
- Timely submission of conference receipts.

**Details**

Speaker MCAULIFFE: So we have a report from the Clerk.

Clerk O'CONNELL: Certainly, just a few minor matters. With a few exceptions, I think I have received the Vehicle Use Policy from all of the Delegates. And if you have not submitted that yet or anything that’s in your folder that has a yellow tag that says, “Sign,” I really need to get that today from you. I'm still missing just a few.

And just a reminder that I did forward to you the budget review schedule for FY19. I haven't heard -- I got a few thumbs-up and nothing else, and I’m presuming that if I don't hear from you it’s good to go.

With the anticipation that the Commissioners will deliver the budget to the Assembly earlier than we have received it certainly in my tenure here, I think it makes
sense that you’re going to start looking at it sooner.

So take a look at that and with a couple of exceptions, all of the budget review meetings are scheduled to take place prior to an Assembly meeting. So there are two meetings in February when the committees will meet on an off-assembly meeting day but, other than that, it’s all done prior to Assembly meetings.

And lastly, the municipal conference, the Massachusetts Municipal Conference is being held towards the end of this week in Boston. There is a very strong contingency from the Assembly that is attending. It’s a wonderful opportunity to go and learn about new things and bring ideas and concepts back to your colleagues. That's what it's all about. It's professional development. And there isn’t a whole heck of a lot of opportunity for that, especially for Delegates.

So I just, with that, and I want to remind the participants, the people who are attending, anything that is reimbursable needs to be clearly identified, identifiable to me and finance as to what it is, what it's for, the dates, a vendor, whether it's a sandwich that you pick up for lunch, a parking receipt, and make sure that over the course of -- or maybe the next several weeks after the conference is over that you manage to get those to me so I can get them processed in a timely manner.

And that's all I have to report today.

Speaker MCAULIFFE: Thank you.

Summary: Other Business

- Review and reminder regarding County’s Remote Participation Policy
- Cape Cod League of Women Voters Forum on 1/22/18 and County participation: County Government 101.

Details

Speaker MCAULIFFE: Is there other business? Oh, I have listed the county policy on remote participation. So let me just quickly talk about that.

We’ve had quite a bit of remote participation, and people who have been on the receiving end, on the calling-in end have said sometimes it’s difficult to follow what's going on in the meeting, that’s why there’s delayed responses.

So, particularly when we have remote participation, I’m going to remind people pull your microphones forward, please speak clearly, please try and speak loudly so that people can hear you because it's very challenging to put the time in to participate and then not be able follow the meeting. And I know that the people who have done it recently have had some difficulty.

So, if I tell you to speak up or pull your microphone closer, it's with remote participation and not -- and also, just a reminder, have you distributed the policy to everyone?

You can just read it over, but there are reasons that I'm supposed to or the person calling in, one of us is supposed to state the reason for that participation, which I have been remiss in doing.

So it's Number 5 on the policy; its personal illness, personal disability, emergency, military service, or geographic distance. So I’m supposed to state that. It’s almost like when you go into executive session you’re supposed to state the reason.

So I will start doing that, and if everyone would just read the policy as a
reminder to remote participation.

And I will just continue before I go to other people. The League of Women Voters is doing an educational forum on Monday, January 22, from 6 to 8:00 p.m. at the Dennis Media Center to educate the public on county government.

And Leo Cakounes, Jack Yunits, and John Ohman will be representing the County, and it's going to be televised and replayed to give general information about what the County does and to explain what the various branches of the county government do.

So the League’s intent is to try and get a, you know, kind of a televised loop going so that people can see it regularly and, hopefully, I’ll follow up with the League that they could make it available to the other public channels in other towns because sometimes the public channels don’t cross town lines.

So I thought that was great of everyone who is participating. Thank you.

And I think that's --

Mr. O’MALLEY: Madam Speaker, will there be some email reminder about that conference?

Speaker MCAULIFFE: The conference on Monday?

Mr. O’MALLEY: The League of Women Voters.

Speaker MCAULIFFE: Sure. We can send that out.

Mr. O’MALLEY: Just put out a reminder.

Speaker MCAULIFFE: It's Monday.

Mr. O’MALLEY: Monday?

Speaker MCAULIFFE: 6 to 8 p.m., Monday the 22nd, I believe.

Mr. O’MALLEY: Next Monday, okay.

Speaker MCAULIFFE: Yes, 6 to 8 p.m.

Mr. O’MALLEY: All right.

Speaker MCAULIFFE: And the last -- Anyone else? I’ll take a motion.

Deputy Speaker MCCUTCHEON: Motion to adjourn.

Speaker MCAULIFFE: We’re adjourned. Thank you.

Whereupon, it was moved to adjourn the Assembly of Delegates at 5:50 p.m.

Submitted by:

Janice O’Connell, Clerk
Assembly of Delegates

List of materials used and submitted at the meeting:

- Business Calendar of 1/17/18
- Unapproved Journal of Proceedings of 1/3/18
- Public Hearing Notice: Proposed Ordinance 17-14
- Home Rule Charter
- Remote Participation Policy
- Proposed Ordinance 17-14