

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
Barnstable County Complex
East Wing Conference Center @ 4:00 PM
3195 Main Street, Route 6A
Barnstable, MA 02630

APPROVED Journal of Proceedings - June 19, 2019

Call to Order

Speaker MCAULIFFE: Welcome to the Cape Cod Regional Government, Assembly of Delegates. **It's Wednesday, June 19th, 4 p.m., and we are in the Barnstable County Complex, the East Wing Conference Room.**

And I'd like to start the meeting 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.)

Roll Call Attendance

Speaker MCAULIFFE: Will the Clerk please call the roll?

Clerk O'CONNELL: Thank you. Today, I don't believe we have any remote participants. And the electronic boxes that you have in front of you have been tested and checked. So you can press the green button to indicate that you are present either immediately or after I call your name.

Present (74.06%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Arrived Late (21.85%): Deborah McCutcheon (0.93% Truro – arrived @ 4:20 pm), Patrick Princi (20.92% - Barnstable – arrived at 4:30 pm).

Left Early (20.92%): Patrick Princi (20.92% - Barnstable – left at 5:35 pm).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O'Malley (1.36% - Provincetown).

Clerk O'CONNELL: **Madam Speaker, you have a quorum with 74.06 percent of the Delegates present; 25.94 percent are absent.**

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business

Speaker MCAULIFFE: Approval of the Calendar of Business, which is our agenda.

Delegate GREEN: So moved.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye. Any opposed?
It passes unanimously.

Approval of the Journal of Proceedings of June 5, 2019

Speaker MCAULIFFE: Next is the approval of the Journal of June 5, 2019; is there a motion to accept?

Delegate CHAFFEE: Move to accept.

Speaker MCAULIFFE: Is there a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye. Any opposed? Any abstentions? Thank you. **Approved.**

Summary of Communications from the Board of Regional Commissioners

- **Commissioner Bergstrom and Beaty updates Delegates on board actions of June 12th and 19th, 2019**
- **Updates regarding the current Cape Cod License Plate marketing mechanism and process**
- **Cape Cod Commission administers the EDC**
- **Dip in revenue over the last few years due mostly to the availability of other license plates**
- **Reported that Gerard Martin, the Deputy DEP Director in charge of cleanups is doing everything he can to help make a smooth transition as far as permitting to see that the Fire Training Academy can get up at Joint Base**
- **Commissioners reappointed Laura Shufelt to the Barnstable County Home Consortium Advisory Committee**
- **Execution of a contract with Ellicott Dredges for the supply and delivery of a new dredge**

Speaker MCAULIFFE: Next is our communications from the Regional Commissioners. They are already at the table; Commissioner Bergstrom and Commissioner Beaty, welcome.

Commissioner BERGSTROM: Good afternoon.

Speaker MCAULIFFE: Good afternoon.

Commissioner BERGSTROM: We've had two meetings since we last were here; the 12th and the 19th. Neither one of them lasted very long. I think this morning's meeting lasted 20 minutes, so we set a record and a lot of that was signing things that we had to sign.

But we did do a few things; at the 12th, we reviewed and updated the current Cape Cod License Plate marketing mechanism and process including the County's contract with the Cape Cod Chamber of Commerce. Apparently, a lot of these have been left aside for a number of months in the transition, and so we kind of had to get up to speed. Wendy Northcross was there to explain the mechanism by which the membership is decided and the County's role in it. I could give you the update, but I think Ron is the representative to the -- to the --

Commissioner BEATY: EDC.

Commissioner BERGSTROM: -- EDC so maybe he has a little more. Anything to add?

Commissioner BEATY: At the last EDC meeting a couple weeks ago as Sue Moran knows, as she's our Chair, it came up during the meeting about the marketing, how the

plate's marketed and whatnot, so that kind of jogged my memory. So I asked for it to be put on the Commissioners' Agenda.

And I'm sort of lucky it did because the contract with the Chamber of Commerce was signed back in 2016 and it was due, coincidentally, the end of this month. So we caught that.

And it was explained like when the License Plate Fund's come in, it's divvied up between four different entities in Barnstable County; the Chamber of Commerce is a nonprofit which they happened to call the Cape Cod Economic Development Council, Inc., which used to get kind of confused with the counties until we changed it to Barnstable County EDC. And then there's a Lower-Cape entity and then also Nantucket and Dukes County, so maybe that's five.

But, anyway, we get 40 percent of the funds; the Chamber gets 40 percent; then the other 20 percent is divided between the other entities.

And then there's also a Marketing Committee which is pretty much based out of the Chamber of Commerce, and there's representatives from also each of the entities that receive proceeds from the license plate revenue. That apparently is the part that fell to the wayside because we apparently had two persons representing the County that it was unbeknownst to us that one of them -- at least one of them is a former member of the EDC, Allen White, and then the other one was Ed Lambert, the radio personality.

So we had to chase this down and cross our t's and dot our i's and we're in the middle of doing that now. But there's no meetings scheduled of this marketing committee for at least three months, and I guess we're trying to put it in line with the EDC, which is also not due to meet, I think, for a few months anyway, three or four months or something like that. So we're trying to -- in the interim, we're going to try to clean everything up.

Commissioner BERGSTROM: Yes.

Speaker MCAULIFFE: How much money did the license -- the Cape and Islands plates bring in?

Commissioner BERGSTROM: It was 2 million.

Speaker MCAULIFFE: Two million?

Commissioner BERGSTROM: They said two million over the last --

COMMISSIONER BEATY: Twenty --

Commissioner BERGSTROM: -- some odd years.

Speaker MCAULIFFE: Oh, so we don't have an annual revenue?

Commissioner BERGSTROM: You know, I'm trying to think whether that was --

Commissioner BEATY: Well what we have -- I can tell you -- do you want to know what's in the account for the County?

Speaker MCAULIFFE: No, I just wondered, you know, it's 40 percent, 40 percent and --

Commissioner BEATY: She said over the last 20 years approximately the gross was \$20 million, and they had to spend 2 million in advertising.

Speaker MCAULIFFE: Okay. So 20 years, 20 million, so maybe a million a year?

Commissioner BEATY: Right. But then they spend a hundred thousand a year in advertise -- for marketing it.

Speaker MCAULIFFE: Okay. I just was wondering what kind of numbers we were talking.

COMMISSIONER BEATY: Yes.

Commissioner BERGSTROM: Yes. And the County is basically -- the Cape Cod Commission is basically administering the EDC is my understanding.

COMMISSIONER BEATY: Right.

Commissioner BERGSTROM: It used to be a paid administrator but now the Cape Cod Commission has taken over that function.

COMMISSIONER BEATY: They staff it.

Commissioner BERGSTROM: They staff it and they do do all the -- so that --

Speaker MCAULIFFE: Hold on. Yes, Tom. Delegate O'Hara.

Delegate O'HARA: Thank you, Chair. Do they have commercial plates available on the Cape and Islands? You mentioned the Chamber and I was just thinking do any --

Commissioner BEATY: To my knowledge it's just -- it's a CI and then the number. Then it came up last August they had an auction for a new series IC and then the numbers so.

Delegate O'HARA: I'm just thinking as a source of revenue for Cape Cod.

COMMISSIONER BEATY: I think they have --

Delegate O'HARA: I mean a lot of people with pickup trucks would be more than happy to spend the additional dollars if they knew they were supporting the Cape Cod community.

COMMISSIONER BEATY: Yes, my understanding it's just like a straight -- like a vanity plate.

Delegate O'HARA: Is it worth asking?

Commissioner BEATY: Sure.

Delegate O'HARA: Thank you.

Commissioner BERGSTROM: The revenue, they did mention there's been a dip in revenue over the last few years and due mostly they anticipate because of the availability of other license plates: Bruins license plates, the Patriots license plates, the Red Sox license plates.

Delegate O'HARA: All of those.

Commissioner BERGSTROM: They're all there. So there's competition for those plates.

Delegate O'HARA: Yes, nope.

Commissioner BERGSTROM: But not significantly but it is down a little bit over the last few years.

Delegate O'HARA: Sure. Great. Thank you.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: There it goes. Just a follow-up and a question to Mr. Beaty. You and I had discussed, I think from previous years, the possibility of point-of-sale for cars in any advertising because in the past it's come up that the sales have been down because we're not working with the dealers anymore the way apparently it had been done years ago. So I was just curious if that idea came up today?

Commissioner BEATY: No.

Commissioner BERGSTROM: Not today.

Commissioner BEATY: We had it on our agenda, but we postponed it because of all the last-minute information. What I've done is I approached the Cape Cod Commission because there was some question whether or not even if we wanted to keep the contract with

the Chamber for the time being, they said -- Gail Hanley said it's probably best to do that. But if I recall that at our meeting last week she suggested instead of having a three-year contract that's renewable each time maybe it's best for the timing to do it one year at a time so that we're not stuck in the long term if we want to change our minds.

And then I checked with former Commissioner Cakounes about -- there were plans on doing something with the marketing mechanism as a follow-up to the revamp of the EDC but that fell to the wayside.

And this morning Wendy Northcross called me and filled in some gaps about what was going on, and that's when I decided that it's best to postpone so we can talk to you -- right to the EDC and more with the Commissioners and see what we want to do.

Deputy Speaker MORAN: Thank you.

Commissioner BERGSTROM: Okay. Then after that, we had an update on issues related to the Barnstable County Fire and Rescue Training Academy. Once again, I'm going to turn it over to Ron who had some conversations, I guess. Did you have conversations with the DEP?

Commissioner BEATY: I did.

Commissioner BERGSTROM: Okay.

So --

COMMISSIONER BEATY: Again, there were some loose ends that needed to be wrapped up because at our May 8th meeting, we had a discussion and a vote and as a result of testimony we had from the Cape Cod -- the various Cape Cod Fire Chiefs, the Chairman -- the President of the Barnstable County Fire Chiefs' Association as well as about five or six other chiefs from around the Cape came and expressed their concerns about shutting the water off at the Fire Training Academy.

So in deference to them, we said that we would approach DEP and the Barnstable Town Council to see if they had any flexibility if we delayed shutting off the water. So after a number of weeks, that did not transpire. The administrator and the staff -- they're just overloaded with everything that's been going on.

So I contacted DEP after consulting with County Legal Counsel to make sure that it was okay for me to do so. So DEP scheduled a telephone conference probably about two weeks ago, and they told me I could invite other parties that may want to participate. So I did invite the Fire Chiefs so if they wanted to directly communicate their concerns, the Chiefs decided to take part in that.

So what I wound up having -- I had a very productive and cordial discussion with DEP. Essentially, we decided that there's no upside -- there wouldn't be any upside to it, rescinding the decision. However, if circumstances warranted if it had some urgency, they would not look negatively upon it. They made clear that they never asked for the shut off of the water, but the public perception at this point it's the cat's out of the bag and everybody seems to be on board with a phased transition, a one to three-year transition of hopefully getting the Fire Training Academy out to the Base. One of the Greg -- I think his name's Greg Martin -- Gerard Martin, the Deputy DEP Director who's in charge of cleanups and whatnot, said he's doing everything in his power to help make it a smooth transition as far as permitting to see that the Fire Training Academy can get up at the Base.

But right now, there is nothing firm in writing. Everybody wants to see this happen, but I think there's a lot of permitting that has to be done. There's a lot of hoops that have to

be jumped through, and they have to find funding to do it and it's a lot of money too. So we left it at that. So everything is in place and we're moving forward.

Commissioner BERGSTROM: Yes, I think two things came out of the discussion that we had is that apparently, I mean, DEP is struggling with this as well. They don't have the standards set to judge. So they really don't have the authority right now to demand us to do anything, although you can read between the lines and it won't be too long before they will have those standards and they will take some action. So we've been forward-thinking in the actions we've taken and the actions that Jack has taken.

The other thing is that while this was going on the Fire Chiefs at their monthly meeting voted not to go forward any more than the shut off which I think is June 17. So after giving the presentation to us, I think you might've been here, they decided that it's best for all concerned that they simply voluntarily stop and adhere to the shut off that we implemented so.

Right now everybody's in a holding pattern. We're committed to the program, committed to the program but how we're going to make it go forward is still in the working stage. Although Jack, who is on vacation now; I envy him but -- I think he's in Europe, but he's in constant contact with people at the Base and also the Fire Chiefs so it's being worked on. It's a work in progress.

There were a couple minor things we did. We authorized the reappointment of Laura Shufelt to the Barnstable County Home Consortium Advisory Committee representing the Town of Barnstable.

We authorized the approval of a grounds request from Harbor to the Bay, Inc., to use the County Complex Parking Lot on September 14th, 2019, in conjunction with the 16th Annual Harbor to the Bay AIDS Benefit Bike Ride.

And we authorized the execution of a contract with Ellicott Dredges for the supply and delivery of a new dredge. I think it was 1.3 million.

COMMISSIONER BEATY: Yes.

Commissioner BERGSTROM: 1.3 million so that was something that, hopefully, it will -- I mean, it's already going to be -- its June; we talked about a September delivery date but I have a feeling we're going to have to wait and see how quickly we can get that.

Okay. That brings us to today. On our agenda was the license plate -- the marketing appointment that Ron mentioned. However, we tabled that because of the confusion that's going on.

What else did we do?

COMMISSIONER BEATY: We had Commissioners' Actions.

Commissioner BERGSTROM: Yes, Commissioners' Actions. I'm shuffling papers here. Forgive me. Here we are. I'll start using a computer.

We kind of re-upped the SHINE Program. We gave an updated contractor authorized signatory form for the upcoming contracts in Fiscal Year 2020 for the grants from the Massachusetts Executive Office of Elder Affairs to the Human Services Department to support activities related to Serving the Health Insurance Needs of Everyone. Gees, I didn't know what that acronym stood for. So the SHINE Program is Serving the Health Insurance Needs of Everyone. So, I hope you're all familiar with that program because it's a good program. People who have accessed it have nothing but good things to say about it.

We created a new fund to receive some more money from the Massachusetts

Department of Public Health to the Community Department of Health and Environment increasing the contract amount by \$122,000 to \$213,500 and extending the duration through June 30, 2020.

Then we had a couple of minor -- well, we had the Sea Grant Program for the amount of \$985,500 through January 31, 2020. And a minor contract for Concrete Products and that's pretty much it. We were gone by 10:20 am.

Speaker MCAULIFFE: That's a record. That's a record breaker.

Commissioner BERGSTROM: So let that be a lesson to you, Mrs. Speaker.

Speaker MCAULIFFE: Any questions of the Commissioners? Okay. Seeing none. Thank you, very much, for your report. Oh, I'm sorry. John -- Delegate Ohman did you have

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Delegate OHMAN: Yes. Thank you, Madam Speaker. I just wanted to get back to the advertising budget.

Commissioner BERGSTROM: Right.

Delegate OHMAN: It's been 2 million over 20. So it's about --

Commissioner BERGSTROM: 20 million over 20 --

Delegate OHMAN: The advertising budget was 2 million.

Commissioner BERGSTROM: The advertising is 2 million.

Delegate OHMAN: It's about 10 percent.

Commissioner BERGSTROM: It's about 10 percent.

Delegate OHMAN: And you said that a radio disc jockey has influence over how that's --

Commissioner BERGSTROM: I didn't say that.

Delegate OHMAN: Commissioner Beaty.

Commissioner BEATY: So that was one of the concerns that -- it wasn't verbalized but there was some question that because he is on that committee and there's a possibility he gets paid to do that, so that's what we're looking into.

I had asked somebody to inquire with Mr. Lambert and I never, you know, heard back, and that's kind of -- I was also inquiring with Wendy Northcross. So that's one of the things that we need to -- it just fell through the crack so with the revamp and everything else. So, yeah, that's got to be straightened out.

Commissioner BERGSTROM: Yes, I don't think that that came up during the Commissioners' meeting. I think it probably came up as a conversation during the EDC meeting which Mr. Lambert wasn't mentioned and the actual makeup and the personnel of the marketing committee wasn't discussed.

COMMISSIONER BEATY: Yes, the marketing committee is actually controlled by Wendy Northcross at the Chamber since they have the contract with the County and they like to have representation from all the different parties that pay in like the advertising but the marketing budget is a hundred thousand a year, and I think we pay thirty -- what is it? I think currently we've been paying 32,000 a year to the Chamber to take care of it for us. So that's been our portion of that hundred thousand.

But then again -- and the marketing committee only meets about once or twice a year. That's what she told me this morning. But it's something that we have to follow up on.

Delegate OHMAN: Really, it does sound like there's something that could be improved on there --

COMMISSIONER BEATY: Yes.

Commissioner BERGSTROM: Well that came up --

Delegate OHMAN: -- in the near future.

COMMISSIONER BEATY: It just came up out of pure -- just a fluke.

Commissioner BERGSTROM: Yes, that came up as we discussed the whole -- the entire program. There's nothing dishonest, you know, nothing going on. It's just that it's been left alone for a while.

The other thing that came up which I guess is sort of good news as I look at it is they're going to restore the grant program. Remember, we used to give individual grants to start-up businesses and so on. They stopped doing that a couple years ago and now they're going to re-up doing that program. So that's where some of the money is going to go.

Speaker MCAULIFFE: Thank you. Did you have anything? Delegate Moran wanted to clarify something.

Deputy Speaker MORAN: Sure. Just a clarification for Mr. Bergstrom; there was no discussion about any individual at the EDC. During the grant discussion which was down for about a year and is now about to get up and running again, the question I think, Mr. Beaty, might have been one to initially raise it in terms of advertising was really the only side discussion with respect to the Commissioners. So we just wanted to be able to work together on that going forward and be sure that the advertising would fit the program as its revving up.

And also that some of the ideas of the EDC members, for example, point of sale marketing so that that's something that -- that was the end of the discussion at EDC. So we'll wait until the Commissioners do their part and then get back. Thank you.

Commissioner BERGSTROM: Yes, I just wanted to bring up the fact that I didn't hear Mr. Lambert's name or the name of anybody else who's on the -- I don't know who's on it.

Commissioner BEATY: Wendy Northcross at the meeting last week mentioned the two people who were representing Barnstable County -- she said, "Wearing the hats of Barnstable County" and it was Ed Lambert and Allen White. Allen White I know, and I happen to know that he used to be on the old EDC. So he's a nice, good man, businessman and property owner in Hyannis, and he's always been very supportive of the County and the program -- the license plate program and the EDC. But, apparently, he's still, you know, thinks he's representing the County. So until somebody tells him different, I guess that's how it's been.

Commissioner BERGSTROM: Richard Neitz was there also.

COMMISSIONER BEATY: Yes.

Commissioner BERGSTROM: He said that he was one of the founding members, one of the beginning members of the Economic Development Council and he spoke highly of it and recommended we continue it and straighten it out.

Speaker MCAULIFFE: Thank you.

Commissioner BERGSTROM: Thank you.

Speaker MCAULIFFE: We will move on to the next item. Are there communications from public officials in the audience?

Communications from members of the public? All right.

Public Hearing on Proposed Ordinance 19-12

Speaker MCAULIFFE: We now have a public hearing scheduled, and this is **public hearing on Proposed Ordinance 19-12, and this is to establish an AmeriCorps Advisory Board.** And this is open to public testimony and the ordinance is fairly straightforward; it's to establish an AmeriCorps Advisory Board and this would also repeal the previous ordinance regarding AmeriCorps and any mention also in the Administrative Code, which is another document by which the County operates, which is another confusing - an aside.

So I'll take any public comment on the AmeriCorps Advisory Board. Welcome.

Mr. ANDREW PLATT: Well, I'm the Program Coordinator for AmeriCorps, so I'm just here to answer any questions you might have about the ordinance.

Speaker MCAULIFFE: Did you want to just give a quick thumbnail of why this is happening and why you're updating?

Mr. ANDREW PLATT: Yes, so the AmeriCorps Advisory Board, it's really been in existence since the start of the program. But looking back, I could not find and other people looking could not find an ordinance that established it. The most I could find is Commissioners' Action in 1999 regarding it.

And this really came about because our last meeting we were unable to make a quorum and we were kind of discussing some of the just ideas for how we could make that work better. We talked about, well, can we have alternates? Can we do anything like that? And we got onto discussion and Commissioner Beaty was there as well and we kind of assembled just an ordinance.

So we want to make sure that we have that. So this has really been a housekeeping to make sure that we have an ordinance on the books for our Advisory Board. They are really where we get our information from the community. The purpose of AmeriCorps Cape Cod is to provide for the critical needs of Barnstable County towns and having those voices from the community to be able to let us know what those are, how those might be changing, how we're doing, and really discuss that with them. It's really that, an Advisory Board, and they don't have any real influence over the program. Formally, it's just to let us know to be that kind of community voice to the staff to kind of let us know what we need to do.

So it's really just a housekeeping; it doesn't change anything about how the boards function. But the only exception is we did add three alternate members. Our 15 members are all full-time employees for various towns and other offices. So it's hard for them to always make meetings, so that's where this whole issue of quorum came up and we wanted to make sure we had the ability to meet.

Speaker MCAULIFFE: So nothing changes, and the board makes recommendations for members to the County Commissioners.

Mr. ANDREW PLATT: Absolutely.

Speaker MCAULIFFE: The County Commissioners are the people who appoint to the board.

Mr. ANDREW PLATT: Yes.

Speaker MCAULIFFE: And you're doing staggered terms as well?

Mr. ANDREW PLATT: Yes, staggered.

Speaker MCAULIFFE: And this is all just what's been going on and you're just codifying it.

Mr. ANDREW PLATT: Yes, it's just kind of memorializing what we've been doing and making sure that we have an ordinance on the books.

Speaker MCAULIFFE: Any comments from the public? Any questions of an AmeriCorps representative? No? All right. Thank you, very much.

Mr. ANDREW PLATT: Thank you.

Speaker MCAULIFFE: I'll close the public hearing on Ordinance 19-12. This will come before the Assembly later on in our meeting for a vote.

Public Hearing on Proposed Ordinance 19-13

Speaker MCAULIFFE: The next item is a **public hearing on Proposed Ordinance 19-13, and this is to repeal Ordinance 98-24 and substitute language in the Administrative Code, and this is regarding Children's Cove.** And we don't have the director Stacy Gallagher. She has an illness in the family, and the County Administrator is on vacation.

We do have County Counsel here, so if anyone has any questions or issues, and, I don't know, Mr. Troy, perhaps you could just give a few sentences on what is happening with this ordinance.

County Counsel TROY: Sure.

Speaker MCAULIFFE: Thank you.

County Counsel TROY: I sat down previously with the Director of Children's Cove several times, and I've also sat down with the County Administrator. The matter was reviewed before the County Commissioners a few weeks back and there was some discussion.

Basically, the idea behind the ordinance is to deal with this situation. There is currently an Advisory Board to the Director of Children's Cove, and there have been issues related to that particular group meeting, and there are issues quite candidly to do with security and there's the issue of whether or not the Open Meeting Law should apply to this advisory group. So that was the task when we met with the County Administrator we first looked at.

And what we did is that we looked at a provision in the Open Meeting Law. It is an exception that is recognized by the attorney general, and it basically says that if the purpose of the Advisory Board is to advise the head of an organization or -- advised them on issues that relate to their decision-making. In other words, issues that the head of the governmental organization can make herself or himself. If that is the case, it's not subject to the Open Meeting Law.

So the purpose of this particular ordinance is to repeal the previous ordinance which has confusion relating to the issue of whether it complies with the Open Meeting Law and it clearly identifies the scope of the duties of the director of the Children's Cove. And, basically, the director of the Children's Cove has broad executive authority.

The advisory group advises the director relating to issues that are within that broad executive authority. And, therefore, it does comport with the Open Meeting Law which is going to allow -- the practical effect is going to allow the Director of Children's Cove to deal with the Advisory Board about issues that she has the authority to decide without the formal posting requirements and without the other onerous requirements of the Open Meeting Law.

And ancillary to that is the fact that when a body is subject to the Open Meeting Law

and there's a complaint filed about an alleged violation of the Open Meeting Law, there is, in the process of responding to the complaint, there is the requirement that the governmental body provide some information by way of response. That type of information in the context of the very sensitive issues that the Children's Cove deals with is inappropriate and not in the best interest of the public and it's not in the best interest of the Children's Cove.

And at our discussion with the County Commissioners, Commissioner Beaty recognized the fact that the Open Meeting Law has changed. The attorney general now has supervision over the Open Meeting Law. There was an amendment that makes this ordinance pertinent and appropriate, and the chair of the County Commissioners also at that time recognized that Children's Cove does deal with some very sensitive family social service issues and that the people involved in that should be protected to the extent we can legally do it.

But beyond that, I don't have any additional information. If you feel that you need information from the Director of Children's Cove, you can reschedule it to that point but that's, basically, my understanding from my participation.

Speaker MCAULIFFE: Thank you. Yes, Delegate Harder.

Delegate HARDER: My problem with this is not the Open Meeting Law aspects of it, but it's the fact that the director is the one assigning the board members, which means there's no oversight of the director at all because, I mean, if the director is above (Indiscernible) and fabulous, that's fine. But this creates a situation where you could get someone in the director's position -- if they stack the board, there's no oversight, there's no accountability.

Speaker MCAULIFFE: Okay. We'll have a time for our comments under our agenda. So this would be -- it would be appropriate to ask questions, but I understand your question and I think that that is an appropriate thing.

So this was a posted public hearing, so we are going forward with the public hearing for comments, questions from us. But when we get to our part of the agenda, we can decide what we want to do at that point.

Yes, Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. I wanted to ask Mr. Troy would there be a problem with this ordinance if the Barnstable County Commissioners shall approve the appointments of the director to the board? I mean would that be an issue or a problem?

County Counsel TROY: Well, it would not be a problem except to the extent that the appointment by the Commissioners might take the body outside of the realm of the exemption. The exception to the rule is that -- the example, for instance, that in the Open Meeting Law guide that they use is one of a school principal who is authorized to appoint another individual in the school system. And the school principal wants to talk in an advisory -- with a group of people who are going to advise her on that.

The decision-making is squarely within her authority or his authority depending on the principal and, therefore, the example given in the Open Meeting Law guide is that that is outside of the Open Meeting Law because the advisory group is not a public body.

The problem when the Commissioners make the appointment or so let's go back to that same example, the school principal; what if the school committee was appointing the committee to assist the school principal in appointing somebody else? Then you have a

problem under the Open Meeting Law that you've created a public body. So I think the problem with that is that, theoretically, it's a sound idea but legally it creates a problem with the exception, because if it is a public body then it is going to have to comply with the Open Meeting Law.

Delegate GREEN: Even if it were -- if the Commissioners were to meet in Executive Session given the privacy issues that they're confronting? So the director would appoint these people with the caveat that the Commissioners could meet in Executive Session and then approve it? So at least there's some checks and balances here.

County Counsel TROY: Well, I don't think that the Commissioners could meet lawfully in Executive Session for that purpose about appointing people to a committee. But I think that the key to -- I understand your concern, but the key to the analysis is this, the director of the Children's Cove stands in the same shoes as the school principal. The director can make the decision right now without any checks and balances. The director doesn't need to talk to anybody else. That's within the authority of the director just as in the example of the school system. The school system allows the principal to make this appointment.

The sole question is are you going to allow the director to be able to consult with other people to assist her in making a decision that she can make without checks and balances?

So in this particular case, I think the idea of checks and balances is appropriate in most instances, but in this particular instance, it does not really apply because the director is authorized to run the Children's Cove and make the decisions that need to be made.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: One kind of practical question and then a question directly on the need for this ordinance. The practical question is whether or not it's contemplated that any minutes of meetings will be kept?

And the second question is there's just really a short mention of what the Advisory Board does. And the mention is advise the director on decisions within the powers and responsibility of the directors.

So I wonder if you have any information on what about the advice mandates this extraordinary level of confidentiality. So, for example, if you're talking about treatment of children, that is confidential information. If you're talking about -- but yet it wouldn't seem to be something within a purview of the advisors to the director. So I'm having a little bit of trouble with the specific examples.

County Counsel TROY: Well, I think that, obviously, the ordinance is crafted within the confines of the Open Meeting Law. And so what the Open Meeting Law when it says that there is an exception, that is exactly what the ordinance reflects. It says that the Advisory Board can assist the director in decisions that the director has already that she can make under the operating rules of the Children's Cove.

Now there has been some discussion and I think its off-field, these types of things are not going to relate to specific cases. These are administrative. If you look at how the Children's Cove is established and if you look under the current ordinance, you see that it is kind of a consortium of different organizations that work together to try to promote the goals that the Children's Cove is intended to serve.

Deputy Speaker MORAN: None of which sounds that it -- like it needs a

confidentiality element to it and that's what I'm driving toward. I'm wondering what is it about the Advisory Council that suggests there's a need for confidentiality of their identity? How is it that they would be under threat, if I understand correctly, that they're not directly involved in treatment or in dealing directly with law enforcement in any of those?

Speaker MCAULIFFE: If I may, this really sounds familiar from my days on the school committee, and it may not be that you're directly involved in children's treatment, but you're involved in things like deciding active shooter drills; you're involved in advising your administrator on what happens if there's an abuser who comes on premises, safe spaces, safe rooms, lockdowns, where communication is? Do you have locks on doors? Do you have phones in rooms? Just basic security things that perhaps an administrator would want advice on.

And I know in my days on the school committee whenever we did talk about physical security in buildings, that was all in Executive Session because you're not going to discuss your security plans or your security issues in the open because then you've let everyone know.

So, I'm just saying that, to me, would be something that I would think would fall under a heightened privacy or not public perspective.

Deputy Speaker MORAN: I agree but that still doesn't address the identities of the board members being confidential, which I understand that's one of the goals, unless I'm misunderstanding that.

Speaker MCAULIFFE: Well, I will tell you, I think with abuse and I think with issues of family dynamics and family violence, I think that there are targets on people's backs. And maybe I'm overly, you know, on the school committee, there were times when we were threatened and that was just the school committee. So I can't imagine what it's like in a social services agency. I mean there were times when we pulled the shades. We had angry employees and had to pull the shades down.

So I'm just -- if I were on that board, I would probably not want it known because of the dynamic of what happens in abuse houses/homes, whatever.

Okay. And we are kind of crossing over into our discussion later, but I think that the questions are directed to Attorney Troy. Who hires and fires the Director? Who is the Director responsible to; do you know?

County Counsel TROY: The director is responsible to the County Administrator.

Speaker MCAULIFFE: Okay. So just like any other department head, there are evaluations, there's oversight. It's not someone who is off necessarily able to do a job that doesn't have accountability to it.

County Counsel TROY: Correct. And if I might add too to another point, if you have concerns about what goes on behind the closed doors of the Advisory Board and you feel that's a significant issue for you, then I recommend that you postpone the discussion to another time where you can talk directly to the directors.

Speaker MCAULIFFE: Right.

County Counsel TROY: I don't have anything specific. I do know this that one of the practical effects of this issue is that the Children's Cove is a locked-door facility. It's not open to the public. It's not open and, therefore, the meetings which are taking place at the Children's Cove are only to people who are permitted access.

So the Open Meeting Law is not going to work for this anyway. So I think as a

practical matter if you have concerns about the ordinance and what the director of the Children's Cove is asked, you should speak with her first. Because I think, ultimately, the only decision that's going to be had is that if you feel that you cannot permit her to have the security that her board feels they should have, then she probably is going to have to make the decisions herself without the board. So if you want to go behind the closed doors and see what exactly those discussions are, then I think you should hear directly from the director. I'm just here because it was not anticipated.

Speaker MCAULIFFE: And that's obviously an option. We're having the opportunity to ask you some questions. But you're right, because of the Director's inability to be here, there may be an inability for the Assembly to halt a vote on the ordinance today. So that's something we can discuss in our meeting. But if there's anything that people feel that Attorney Troy could help us with?

Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: Thank you, Madam Chair. It seems to me that there's a problem here which is a lack of fit between the group of the Children's Cove and their work and us as a group and the County Governance as a group. It strikes me that this is much more appropriately under the protection of the attorney-client privilege, which you would automatically get if they were working for the District Attorney's Office. If Children's Cove was supervised by an arm of the Attorney General's Office, they would have the kind of protection we're talking about here.

When you started talking about active shooters and things like that, I pray to God it never happens here in Barnstable but it might, and I don't think that we're ready for it or even thought about being ready for it if all of this evidence that is being compiled here is potentially subject to public action.

It's just -- it's not an appropriate fit with the work that we do, and I think that we should protect the people that do the advice for the Director, and I think that she should have adequate supervision because I don't know if everybody remembers the child abuse case, the Fells Acre Day Care, where it was about 10 years later, perhaps, almost entirely proven that that had been a hysterical reaction. That's the kind of thing that laypeople are not suited to discern. And what we need to do is to insulate these people, yes, but we should not be supervising them; the Board of Commissioners shouldn't be supervising them; they should be under the rubric of the district attorney. And, you know, I'm certainly no fan of the district attorney or the criminal prosecutor, but I think that this is a place where that professionalism and that level of protection needs to come from.

Speaker MCAULIFFE: All right. Any other questions of Attorney Troy? All right.

Then any public comment on this ordinance? Okay. No members of the public wish to speak, so we **will close the public hearing on Proposed Ordinance 19-13, and this is regarding Children's Cove.** Thank you.

Summary Communication with County Counsel Robert Troy

- **Under the Charter, Section 9 - 4, Charter Review is required at least once in every five years that end in 05 or 00**
- **Barnstable County is the only bicameral regional government in Massachusetts, it has an executive branch and a legislative branch**

- **Examples were provided of other forms of government**
- **The assembly will need to decide if the Charter is fine the way it or if structural changes are desired**
- **Structural changes will require interaction with state legislature and different deadlines versus changes to the Charter that are not structure or relating to any mode of election**
- **Delegates were asked to submit to the Clerk a list of Charter topics to be considered; an analysis of what mechanism would be appropriate could be reviewed at the next Assembly meeting**
- **Knowing what the Assembly wants to do will then determine what kind of process and what kind of timelines to follow**

Speaker MCAULIFFE: Before you go any further, you're the next item on the agenda.

County Counsel TROY: Okay.

Speaker MCAULIFFE: I would like to, before we have Attorney Troy jump in, as you know on our agenda later in the meeting is a Resolution for the formation of a Charter Review Committee. We have been in conversations and the Clerk and Attorney Troy and I have met. I've also had conversations with the Deputy Speaker, and I think how we're going to proceed at this point today is Attorney Troy will present some general governmental types of options for County Government. And the reason for this is we have the option of deciding with this Charter Review are we going to make big recommendations, as we were talking yesterday, are we going to go big? Are we going to do what the last two Charter Review Commissions have done and have proposed governance changes?

If that's the case, we make that decision, and we will proceed probably with subcommittee work on that and then have the work hashed out by a subcommittee or a committee of the Assembly and then brought back to the full Assembly.

We probably would not have governmental discussions at the full Assembly because it's transcribed, a televised meeting and the work product could be very confusing to the product. It could be publicized; it could be politicized.

So I think that if a committee looked at that big topic and then brought back what their best estimate was for the full Assembly within a few months, then the Assembly would have the opportunity then to hash it out at that point.

I think there are concerns about trying to involve the public, trying to use the Assembly but also trying not to have the actual work of what goes on in considering various options being misconstrued or misinterpreted.

So that being said, Attorney Troy will do just some general kind of discussion about Charter Review and about different governmental options. We can decide if we want to go big. We don't even have to decide that today, but we can think about it or we can decide that today. Or if we want to perhaps just stick with a lower key, more let's go through the Charter section by section, clean up the language, make sure everything's on track because we never get to that. We always stop after the big governmental change thing and we never get to correct the Administrative Code/the Charter and everything. So that would be another option, just take that on as a committee works on the executive part of the Charter; a committee works on the Assembly part of the Charter, and then we all come together and

discuss that. So there will be options before you and that's one of the reasons why Attorney Troy wanted to come in today and discuss some general options.

Thank you.

County Counsel TROY: Thank you. So this is just a preliminary kickoff to Charter Review. As you know, under the Charter, Section 9 - 4, Charter Review is required at least once in every five years that end in 05 or 00. So this is 2019 and it's about to become 00 before we know it. So it seems to be an appropriate time to at least begin the process. And so today later in the meeting, the Speaker has proposed a resolution in which it is proposed that the Assembly of Delegates serve as the Charter Review Committee. And that is a resolution that you have, obviously, the authority to discuss and amend and decide as you wish as to whether it's appropriate.

But before that vote, it's important or at least contemporaneous with that vote, it's important to look at the past and to look at the present and see what is your state of mind as the Assembly as to what should be the scope of Charter Review.

So in the past, for instance, there have been some changes which we call "Going Big." They would be changes, for instance, there was a discussion about going from three County Commissioners to five. There was a discussion about creating regional districts. There was a discussion about some other matters that go to the organization of the mode of election. And the question is do you want to look at that -- down that road? Or, do you want to take the position that you think that the current system is, basically, works but that you want to make modifications within the current Charter.

So having said that, as you know when counties were abolished by the legislature because of the scandals primarily in Middlesex County, the legislature allowed a number of different experiments. Barnstable County was the boldest. Barnstable County is the only bicameral Regional Government in Massachusetts, and by bicameral, it has an executive branch and a legislative branch. That is unique. It is actually the same model as the federal and the state government, in almost all state governments, and it is the model by which most of the writings of the Federalists, etcetera, dealt with how government can best deal with the issues before it by having the executive branch which makes executive decisions and a legislative branch which makes legislative decisions.

The legislature approved the experiment for Barnstable County, and as part of that, they also set rules for other counties, said to other counties, "Well, we have some mechanisms that you can employ," and they adopted specific statutory provisions in Chapter 34A, which is the chapter for this that involves reinventing County government, reinventing Regional Government.

So one of them, and the only reason I mention this is just so you know that the legislature has acknowledged that these forms are permissible. So if Barnstable County was interested in looking at that as opposed to its current structure, that would be something that would be available.

The legislature did put in Section 34 -- Chapter 34A in each of the sections that these would not be applicable to Barnstable County but that's because they had already approved the Barnstable County experiment. But there's certainly -- it seems logical and it seems appropriate to suggest that the legislature if it was allowing other counties to do so, if Barnstable County wanted to do that then it could.

So let me give you an example. One would be, an example, is the way County

government runs in Dukes County, in Martha's Vineyard which has, as you know, a lot of towns in a small island. And in that model, which is under Chapter 34A, the County Commissioners from each -- our representatives from each of the towns on the Vineyard and they appoint a County Manager. And the County Manager there, she runs the County; she is the executive body. The County Commissioners are the legislative body. So if you see it's different than this model.

Another model that the legislature has approved is that the legislative body be the County Commissioners, and that the County Commissioners can appoint one of their own to be the County Executive, the County Administrator, the County Manager, whatever you want to say. That is another model.

A third model is that the County Commissioners are the legislative body but that there is an elected manager. Maybe you could call it kind of a County Mayor, and we actually may have someone that can fit that description. So that has the qualification to do it.

So that is essentially some of the choices that you have. But, basically, with a special Act, you can create different models and if you have different permutations of any of these type of things, it's certainly something that you could consider.

So that's the issue; whether you want to "Go Big," that's "Going Big" or whether you want to restrict your review to the current Charter and the current mechanisms.

Now, obviously, the first "Going Big" is more complicated and its more time consuming and more tedious. You have to weigh that.

But in either case, after you make that decision and you can make that as you wish, the Speaker would then appoint committees depending on which decision that you make to study different aspects of whatever of those two approaches that you take.

And, finally, I would say that the idea would be that we would work over the summer with the committees to kind of distill the issues involved in whatever scope of review you decide upon and then meet back, and the full Assembly would then act as the Charter Review Committee, and then you would make all the decisions about all the issues that had been vetted by the committees. That's the proposal.

Speaker MCAULIFFE: Okay. And one of the original proposals was to do away with the Assembly, I believe, and just have the five County Commissioners and the Administrator, that was the first Charter Review Committee, and the Assembly did not approve that.

And then the second one, there were a number of different options but the committee came forward with the 11 districts and a Strong Administrator and the Assembly did not approve that one.

So going forward, it's up to what your appetite will be. So feel free to ask Attorney Troy any questions, and if you want, if we need further involvement, we can also approve to have him speak in our meeting. But if you can think of anything now -- yes, Delegate Princi.

Delegate PRINCI: Thank you, Madam Speaker. So let's just say that we do have the Charter Review and the majority of the people here are in agreement with a lot of the administrative-type provisions within the Charter; however, there might be some discrepancy with the body of the government being County Commissioners, Assembly members. Is there any possible way that instead of just coming out with nothing in that regard, is there a way that you could have on a Charter Review that ends up going to the voters an Option A or an Option B for the voters when it makes it to a ballot meaning, let's say, this is just a

hypothetical, that we were going to have five Commissioners in districts and that was one option, and then there was another option that was presented to the voters that it would just stay the same as it is now? Is that feasible to do? Have you seen that done in your experience?

County Counsel TROY: Well, under the current Charter, there's nothing that restricts the ability of the Charter Review Committee and the Assembly to propose alternative mechanisms. And there is a procedure -- anytime, as you know, when we looked at this last time under Section 9 - 4, if it is -- and we just used the word -- what the word "Big" means is if it -- it's a way of saying that if you're changing the composition mode of election for term of office of the legislative body or the election or the executor or the administrative office, so any of them, if you're structurally changing that, then there is a provision by which you have to go to the legislature and then it goes to the voters. But there's nothing saying that, to answer your question specifically, that if you wanted to pose options for the voters that you could not do that.

Delegate PRINCI: Okay.

Speaker MCAULIFFE: Any other? Yes, Delegate Ohman.

Delegate OHMAN: Thank you. We've gone down this path before of the big changes, and as you mentioned, it would have to go to the legislature and then it would have to go to the voters. And the problem has always been matching the timelines with the part-time legislature being involved.

Would you be able to provide specific deadlines so that as we start going down these choices that we would know the daunting nature of the timelines that we have to do this with the legislature and then the voters both having to have a say?

County Counsel TROY: Right. Well, of course, there is -- if it's going to go on the ballot at the next state biannual election, then there is a provision in the Charter that requires that the Secretary of State be notified not later than the first Wednesday in August of that.

So if you back that up and you move towards today, you see the time is always short. You're a hundred percent correct. It's very compact. But, it is still possible that if there were a consensus among the Assembly about what to do or there were options that wanted to be presented that they could be presented before the beginning of the legislative year in January and that they could be considered by the legislature and that that deadline could be met. So I mean I think that's why the Speaker has kind of set the table today to at least start talking about this because if you're dealing with matters that relate to structure, let's call it "structure," then you are going to have to go to the legislature and you need to respect their timeframe.

Speaker MCAULIFFE: So it almost depends on what the Charter Review Committee is going to take on, what topics.

County Counsel TROY: Exactly.

Speaker MCAULIFFE: And if we take on topics that require ballots or legislative approval, then we will start the clock. If we end up doing more internal cleaning up of language, sort of organizing things and aren't changing things even, let's say we don't even change recall or term limits or anything like that; if we decide to not do that, then we may not be on the ballot or may not be -- require legislative action. So it really is what this body determines.

And the reason I'm putting it before you is the previous two bodies took on huge,

enormous tasks. Each one spent at least a year, a lot of brain power, a lot of sweat equity went into those last two projects. And as you are aware, none of the governmental changes or suggestions were really implemented.

So I'm just trying to respect what has happened in the past but try and -- and it's not to say we can't bring any of those topics up again. Certainly for our reading material, we can have those reports. But I just want to be able to say that we did something this time.

County Counsel TROY: And if I could add that even if you deal with nonstructural issues, the Charter requires that the Assembly take a vote 150 days before the state election in November. So we've done that before too and that's sometime around the beginning of June.

Speaker MCAULIFFE: Next June, yes.

County Counsel TROY: Whether you're doing something structural or nonstructural, time is a waste and the task needs to be looked at.

Speaker MCAULIFFE: That's why if you don't start a year ahead of time, your deadlines start running what you start doing and it is a big rush and it does truncate what you end up doing because you are trying to make a deadline.

Yes, Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker, and this is to Attorney Troy and the Speaker. So the need to differentiate "Big Action" versus "Not Big Action" is -- the differentiation would be "Big Action" would be something that would have to go to the legislature and the voters and "Not Big Action" would be action that we can take on independently?

County Counsel TROY: And go to the voters.

Speaker MCAULIFFE: Go directly to the voters.

County Counsel TROY: It doesn't have to go to the legislature.

Delegate CHAFFEE: And is that important for a reason other than scheduling and planning? Like why are we making this differentiation?

Speaker MCAULIFFE: Because I don't know if the Assembly is happy with the way things are, if they think things could be different or be improved, and this is the opportunity. We only open this door every five years. If you think that everything is functioning the way it should and you don't want to make the big changes, then we can go back and just clean up the language and some of the things that don't -- aren't working right right now. But it's not that I think there's a need for this; I just think that this is the chance to consider it.

Delegate Harder and then Delegate Princi.

Delegate HARDER: How do we determine what's allowed to go directly to the voters and what has to go to the legislature first?

County Counsel TROY: So one idea that I had is that if you, as individual members of the Assembly, transmitted to the Clerk, and it could be done in a confidential basis; we don't need to know who's proposing what, but if you transmitted to the Clerk a list of the things that you're interested in doing and that you think should be considered, then at the next meeting of the Assembly, we could provide you with analysis of what mechanism would be appropriate. So say, this is just -- say that one or more of the Delegates decided that they liked the idea of five Commissioners from a regional district thing, that would be one of the things -- and we know that involves the legislature and we could do that. But some are more technical and tricky. So I would suggest that it would be very helpful particularly since you

have not been given a lot of time to really think about this until today if the Speaker would permit you to communicate that information.

As I say, it's just identification of issues; it can be done confidentially. There's no reason to anyone to be the author, have to be the author of any particular proposal. But if we got a list of things, we could then report back and we could say, "Well, this is what it looks like."

And then you, as the Assembly and as the Charter Review Committee essentially could make a determination as to what path you wanted to go. You'd have out there the issues that everyone -- and then you could vote to proceed as you wished.

Speaker MCAULIFFE: We could also expand it. We do know that there are issues that we put kind of on a list whether its recall or term limits and I've heard other things mentioned. I'm sure everyone has a better memory about some of the things that have come up.

Also, sometimes, if we open it up to citizens who may want to, and certainly we could have a hearing at the beginning as well, a public hearing, invite people to come and speak as well, and that may help frame where we go or not. You just don't know.

But I think that knowing where we want to go will then determine what kind of process and what kind of timelines.

So, yes.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. We received an email with some concerns raised by one of the County Commissioners about whether or not the three of us on the Assembly who serve on our Town Select Boards may participate on the Charter Review. And my question is is that something that I can ask some questions to Attorney Troy now about or would you prefer to have that discussion later?

Speaker MCAULIFFE: Right now I can tell you that every step of this process has been -- we have worked out with County Counsel. And one of the advantages of having Selectmen is you are municipal employees or municipal representatives. I'm sure Attorney Troy will double check because this email came yesterday and just ensure that we were on the path.

But when this whole thing started weeks ago, we had had conversations about how this would work. We had a meeting yesterday with the Clerk and Attorney Troy and myself before the email came. So we, I'm sure, we'll double-check to make sure that we are still on firm ground. But there has not been a move made without consultation with -- yes Attorney Troy.

County Counsel TROY: If I could, Section 9 - 4(a) says that the Committee, meaning the Charter Review Committee shall include representation of municipal officials of the municipalities which comprise the County. And the Assembly has within it municipal officials, municipalities which comprise the County. So I think that is satisfied.

And in addition to the people on the Assembly who are current municipal officials, there are a number of people on the Assembly who had previously served. So I think that the idea is to have the purpose of that particular provision is to make sure that the County when it conducts its Charter Review hears the voices of the municipalities. And, of course, in addition to that, every single person that's in the Assembly has either been elected or appointed by the municipality. So I think that that provision is amply satisfied.

Speaker MCAULIFFE: Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: Thank you. You know, you can take a year to talk over a paragraph and whether it makes sense, or you can take a month. It really depends on who's pushing the issue and how is it getting pushed.

Because, I mean, I think we've all sat through meetings where at the end of the meeting they're still talking about the thing they start with and they haven't made any progress. So I think it's not a question that there's not enough time here. I think it's a question that your time has to be used in a worthwhile manner.

To that end, I would suggest that what really makes sense is to go through the Charter, look for the things that are inconsistent that we know need to be in there like a recall position. And then when you've done all of that, which doesn't have to take as long as you think, you then can look at a revised Charter that it has fixed the big flaws and then you can dig into the little ones that were the big issues that you think the Charter needs to address.

But you certainly couldn't, you know, do it the other way if you get my meaning because you're not -- you're going to end up with a flawed document because there's a lot of places in there where it just simply doesn't make any sense and a bunch of big issues that nobody really understands. Whereas, if you do it the other way, deal with the flaws first, then when you come to the big issues, you've got a common understanding as to what they are and how you're going to at least approach talking about them.

But I strongly urge that there are several people in this group that are -- have what is called a called a whip and a chair. And you're going to need that to move this along because we see in our ordinary conversations on these things that it can take a very long time to get just a little thing of consensus. So I suggest you get somebody who's got a whip and a chair and let's get to work.

Speaker MCAULIFFE: Well, I'm good at setting deadlines and I can move a meeting.

Delegate Moran.

Deputy Speaker MORAN: So big picture it seems that there are two questions before us. One is the form of the County government, and the second is how much of the Charter should be reviewed, whether there are specific issues or, you know, general cleanup.

As to the form of government and it seems to me that would be the first bridge to cross, you know, ask me a couple of years ago, and I think probably most of you remember, it was a pretty consistent topic of public conversation that the form of the government should be reviewed. And why does that come up? I mean it's symptomatic of individual issues in part, and you just don't hear that conversation as much now. So what's the difference? What's happened?

One is there was an extensive financial review of the County. There was the, you know, the attorney general's suggestions, the Commissioners implemented many of those suggestions. There was a complete overhaul of the way the books were kept, separate accounts for separate, you know, initiatives.

So the County since the first discussion of review of the government, the financial house has been swept. So that was -- so one of the impetuses of the review I think has had an improvement which is raise the stature of the County government.

The second one that I recall was really, you know, a behavioral question where the Commissioners decided to address that by having sort of human service policies

reviewed and having folks involved take a look at whether they would comply with the new rules, and that seems to have had the effect of, you know, the public's complaint about the behavior. So it seems to me that those two broad problems that were really prevalent between two years and a year ago are really less so. This is just my personal impression.

So my view, you know, more thought to be given would be the focus, you know, might be more with the implementation in terms of the actual Charter and maybe give some more time. Keep the present government now that the very strong County Administrator has come in and given the form of government a lot more structure and leadership. I mean a lot of times it really depends on who's the people in the office, who's in the office, and as long as you have guidelines that those folks can work under the government works well. And that's something that I think the Charter can -- now that we have the big pieces, you know, of the finances and the human service aspects structured, I think that the Charter can now be the next thing. For example, the implementation by the County Administrator; big problems with the dredges, that's something that is pretty much one of the major reasons that the County even exists and, of course, human service programs and many other things, but the dredge was something that we all heard a lot about. And the fact that we now, as announced by the County Commissioners, have a new dredge coming.

So I guess the thing that I'm noticing is that a lot of the particular issues which brought the public to just pull its hair out and say the County government is not working; let's either fix it, get rid of it, you know.

And I'm also in the back of my mind a little cognizant of is bigger government always better? I mean if there were more County Commissioners that's, of course, more expensive. So it's another layer of expense and that's often considered because Open Meeting Law makes it difficult to work as a County Commissioner because there's only three.

But, again, I think if the voters, you know, vote for the right people who can work in that three-person system, then that probably would work as well. So at this point, I'm thinking that the focus should be more with the implementation of the actual Charter.

Speaker MCAULIFFE: Any further questions for Attorney Troy? Okay.

Assembly Convenes

Speaker MCAULIFFE: So now we will go into -- we will convene the Assembly. Thank you, very much.

Discussion and Vote Proposed Ordinance 19-12:

Whereas...AmeriCorps Cape Cod is a national service program operating through Barnstable County;

Whereas...the AmeriCorps Program focuses on meeting Cape Cod's critical and pressing environmental and disaster response needs;

Whereas...the AmeriCorps Program and its member participants are dedicated to community service through local collaboration;

Now therefore

The Cape Cod regional government, known as Barnstable County, hereby ordains;
Section 1. Establishment of the Barnstable County AmeriCorps Advisory Board

There shall be a Barnstable County AmeriCorps Advisory Board established as a part of Barnstable County government, subject to the rules, regulations, and administrative and budgetary policies and procedures of the County, consistent with the federal grant and regulatory requirements for the AmeriCorps Cape Cod program.

The Barnstable County AmeriCorps Advisory Board shall be established for the purpose of monitoring the AmeriCorps Cape Cod program’s impact within the communities of Barnstable County and provide recommendations to the County for the continuous improvement of the program.

A. Membership and Appointments

The Barnstable County AmeriCorps Advisory Board shall be constituted as follows:

- i. There shall be a total of fifteen (15) members comprised of thirteen (13) members with not more than two (2) additional ex-officio members, along with three (3) alternate members, all of whom shall be appointed by the County Commissioners.**
- ii. Thirteen (13) members shall represent local, regional, state and federal program partners, collaborators, community service organizations, and other stakeholders, including but not limited to town natural resource, conservation, or public works departments, academic institutions, public safety departments, Cape Cod Commission, Massachusetts Department of Conservation and Recreation, Cape Cod National Seashore, and non-governmental organizations.**
- iii. Ex-officio members include a representative of the Barnstable County Commissioners and the Barnstable County Assembly of Delegates, nominated by those respective bodies.**
- iv. Members shall have an understanding of the AmeriCorps Cape Cod focus areas which include natural resource management, disaster preparedness and response, environmental education, and volunteer engagement.**
- v. The Barnstable County AmeriCorps Advisory Board shall solicit member nominations from agencies or organizations outlined in section I(A)(ii) of this ordinance. Nominations shall be recommended to the Barnstable County Commissioners for appointment and shall reflect consideration of a balance of the range of expertise and interests represented on the committee.**
- vi. Committee members shall serve staggered three-year terms so no more than five members’ terms expire each year. Committee members may serve for an unlimited number of terms (term limits not to apply to Ex-officio and Staff members).**
- vii. There shall be three (3) alternate members appointed through the same process as written in section I(A)(ii).**
- viii. A majority of the voting members shall constitute a quorum.**
- ix. At the first meeting of each “program year” (a “program year” begins on August 15th and ends the following calendar year on August 14th), Barnstable County AmeriCorps Advisory Board members shall nominate and elect, by a simple majority of the quorum present, a Chair and a Vice-Chair.**

B. Staffing

The Barnstable County AmeriCorps Cape Cod staff will provide program expertise and administrative support to the Barnstable County AmeriCorps Advisory Board as needed to fulfill the responsibilities outlined in this ordinance.

C. Funding

The Barnstable County AmeriCorps Advisory Board shall not have an annual budget and shall not have any formal authority over the financial management of the Barnstable County AmeriCorps Cape Cod Program.

Section 2. Effective Date

This ordinance is effective immediately upon adoption and replaces all previous ordinances or directives related to the establishment, function and membership of the Barnstable County AmeriCorps Advisory Board.

Speaker MCAULIFFE: The Proposed Ordinance 19-12 and this is to establish an AmeriCorps Advisory Board. Is there any motion to put forward? Yes?

Deputy Speaker MORAN: Second.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Is there any further discussion on the Advisory Board? Yes, Delegate Ohman.

Delegate OHMAN: I just want to let you all know, I love the Advisory Board. I'd like to see it have a little more power and a little more structure. But as a long-term member of that, I will refrain from voting on it.

Speaker MCAULIFFE: Anyone else? Okay. The Clerk will take the vote -- call the vote.

Clerk O'CONNELL: And, again, the voting will begin and your electronic boxes should reflect your options. If you want until I call your name to make your selection, that's fine.

Also, in front of you on the screen, you will see your names listed, corresponding colors depending upon how you're voting, and there will be no charts. There are no charts or graphs. It's going to be the screen with your name, and I think that simplifies it.

Roll Call Vote on Proposed Ordinance 19-12:

Voting "YES" (89.33%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (6.58%): John Ohman (6.58% - Dennis).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O'Malley (1.36% - Provincetown).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 19-12 passes with 89.33 percent of the Delegates voting yes; 6.58 percent voting present; 4.09 are absent, now known as Ordinance 19-11.

Ordinance 19-11

Whereas...AmeriCorps Cape Cod is a national service program operating through Barnstable County;

Whereas...the AmeriCorps Program focuses on meeting Cape Cod's critical and pressing environmental and disaster response needs;

Whereas...the AmeriCorps Program and its member participants are dedicated to community service through local collaboration;

Now therefore

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Establishment of the Barnstable County AmeriCorps Advisory Board

There shall be a Barnstable County AmeriCorps Advisory Board established as a part of Barnstable County government, subject to the rules, regulations, and administrative and budgetary policies and procedures of the County, consistent with the federal grant and regulatory requirements for the AmeriCorps Cape Cod program.

The Barnstable County AmeriCorps Advisory Board shall be established for the purpose of monitoring the AmeriCorps Cape Cod program's impact within the communities of Barnstable County and provide recommendations to the County for the continuous improvement of the program.

D. Membership and Appointments

The Barnstable County AmeriCorps Advisory Board shall be constituted as follows:

- x. There shall be a total of fifteen (15) members comprised of thirteen (13) members with not more than two (2) additional ex-officio members, along with three (3) alternate members, all of whom shall be appointed by the County Commissioners.**
- xi. Thirteen (13) members shall represent local, regional, state and federal program partners, collaborators, community service organizations, and other stakeholders, including but not limited to town natural resource, conservation, or public works departments, academic institutions, public safety departments, Cape Cod Commission, Massachusetts Department of Conservation and Recreation, Cape Cod National Seashore, and non-governmental organizations.**
- xii. Ex-officio members include a representative of the Barnstable County Commissioners and the Barnstable County Assembly of Delegates, nominated by those respective bodies.**
- xiii. Members shall have an understanding of the AmeriCorps Cape Cod focus areas which include natural resource management, disaster preparedness and response, environmental education, and volunteer engagement.**
- xiv. The Barnstable County AmeriCorps Advisory Board shall solicit member nominations from agencies or organizations outlined in section I(A)(ii) of this ordinance. Nominations shall be recommended to the Barnstable County Commissioners for appointment and shall reflect consideration of a balance of the range of expertise and interests represented on the committee.**
- xv. Committee members shall serve staggered three-year terms so no more than five members' terms expire each year. Committee members may serve for an unlimited number of terms (term limits not to apply to Ex-officio and Staff members).**

- xvi. There shall be three (3) alternate members appointed through the same process as written in section I(A)(ii).
- xvii. A majority of the voting members shall constitute a quorum.
- xviii. At the first meeting of each “program year” (a “program year” begins on August 15th and ends the following calendar year on August 14th), Barnstable County AmeriCorps Advisory Board members shall nominate and elect, by a simple majority of the quorum present, a Chair and a Vice-Chair.

E. Staffing

The Barnstable County AmeriCorps Cape Cod staff will provide program expertise and administrative support to the Barnstable County AmeriCorps Advisory Board as needed to fulfill the responsibilities outlined in this ordinance.

F. Funding

The Barnstable County AmeriCorps Advisory Board shall not have an annual budget and shall not have any formal authority over the financial management of the Barnstable County AmeriCorps Cape Cod Program.

Section 2. Effective Date

This ordinance is effective immediately upon adoption and replaces all previous ordinances or directives related to the establishment, function and membership of the Barnstable County AmeriCorps Advisory Board.

Discussion and Vote Proposed Ordinance 19-13

To repeal Ordinance 98-24 and substitute the following language in the Administrative Code of Barnstable County Section 2-13 Children’s Cove

The Cape Cod regional government, known as Barnstable County, *hereby ordains*;
Section 2-13 Children’s Cove

(a) Department Generally

There shall be a Children's Cove and the Islands Advocacy Center under the direction of the Director of Children's Cove. Children’s Cove area of service is the Cape and Islands District Attorney’s Office jurisdictional boundaries: Barnstable, Dukes, and Nantucket counties within the Commonwealth of Massachusetts.

(b) Director of Children's Cove

The Board of County Commissioners shall appoint a Director of Children's Cove.

(c) Children’s Cove Services

Children's Cove: The Cape Cod and the Islands Advocacy Center shall be the Child Advocacy Center located on Cape Cod. This department shall be developed and continued through a working partnership among Barnstable County, the Cape and the Islands District Attorney's Office, the Massachusetts Department of Children and Families, the Massachusetts Department of Mental Health, and Cape Cod Healthcare. Children’s Cove shall house the Sexual Abuse Investigation Network (SAIN) for Barnstable County and provide multidisciplinary investigation into children's sexual abuse. Children’s Cove shall also coordinate the provision of services to victims and their families, provide education to families and the community, fellow professionals and the public on issues concerning the prevention, intervention and investigation of

child sexual abuse, physical abuse, witness to domestic violence and child exploitation and trafficking

To insure confidentiality to those citizens served, special and ongoing investigations, treatment and client history where applicable, Children's Cove, its employees, and advisory board members shall be prohibited, in the interest of public safety, from making unauthorized public communications regarding past and ongoing matters under review by Children's Cove.

(d) Powers and Responsibilities of the Director of Children's Cove

The Director is responsible for and has the power to

- Plan, organize and manage the Cove
- Direct the operations of the facility
- Supervise and train staff and volunteers
- Manage all financial matters of the Cove including department budget, grants, fundraising and required reports
- Ensure compliance with policies and procedures of all program areas and with county policies
- Appoint individuals to an Advisory Board to advise and make recommendations on matters that are within the decision-making power and responsibilities of the Director

The Director of the Children's Cove is authorized to appoint individuals to an Advisory Board for the purpose of advising the Director on decisions that are within the powers and responsibilities of the Director

(e) Barnstable County

Notwithstanding the revised role and responsibilities of the Director and the Board, Children's Cove shall remain a department of Barnstable County Government in all aspects and shall operate in accordance with Barnstable County's administrative and budgetary procedures as devised under its Charter and the Administrative Code including all personnel policy and procedures as approved by the Board of Regional Commissioners. The Director of Children's Cove shall report to the County Administrator and the Director shall update the Board of Regional Commissioners as necessary.

Speaker MCAULIFFE: Thank you. The next Ordinance to be voted is Proposed Ordinance 19-13, and this will repeal Ordinance 98-24 and substitute language in the Barnstable County Administrative Code Section 2-13 Children's Cove.

Is there a motion to put this on the floor?

Deputy Speaker MORAN: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate ZUERN: Second.

Speaker MCAULIFFE: Okay. So now the discussion is what's your pleasure? Do you want to vote this? Do you want to table it until the Executive Director can come in and you can have a little bit more information? I'll take a motion to table if that's your -- if that's what you want, we can vote on that.

Delegate O'HARA: I'm ready to vote on this.

Delegate CHAFFEE: I am too.

Delegate HARDER: I move to table until we talk to the director.

Speaker MCAULIFFE: Okay. So there's a motion to table. We will vote --

Delegate KILLION: Is there a second?

Delegate MCCUTCHEON: Is there a second?

Speaker MCAULIFFE: Does it need a second? I'm not sure. Where's my cheat sheet?

Delegate OHMAN: It does.

Speaker MCAULIFFE: It does? Okay. Thank you. There's a second so let's --

Delegate KILLION: Is there a second?

Delegate CHAFFEE: It sounded like you did second.

Delegate KILLION: No. I was asking if there was one.

Speaker MCAULIFFE: Okay. So this may not to have tabled. It has come in or refer -- no. Okay. I'm not --

Clerk O'CONNELL: Well, you already had a motion on the -- somebody put the ordinance on the floor.

Speaker MCAULIFFE: But you can see -- but it's on the floor but you have to have it on the floor to table it.

Delegate MCCUTCHEON: Motion to table supersedes any motion.

Speaker MCAULIFFE: Yes.

Delegate MCCUTCHEON: It requires a vote.

Speaker MCAULIFFE: It requires a vote.

Delegate MCCUTCHEON: Well, no, it requires a second.

Speaker MCAULIFFE: A second. All right. Is there a second on the motion to table?

Delegate OHMAN: I will second that.

Speaker MCAULIFFE: Okay. There is a second. So we will have a vote on whether to table. If you vote "yes," this will be tabled until the executive director is available for further information. If you vote "no," then we will go ahead with a vote today.

Roll Call Vote on motion to table until Executive Director of Children's Cove can be present to answer questions on Proposed Ordinance 19-13:

Voting "YES" (12.25%): Elizabeth Harder (5.67% - Harwich), John Ohman (6.58% - Dennis).

Voting "NO" (82.73%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (0.93%): Deborah McCutcheon (0.93% Truro).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O'Malley (1.36% - Provincetown).

Clerk O'CONNELL: Madam Speaker, on the motion to table, it fails with 12.25

percent voting yes; 82.73 percent voted no; 0.93 percent voted present; 4.09 percent are absent.

Speaker MCAULIFFE: Thank you. So now we are back to the ordinance itself. Are we ready for a vote on the ordinance?

Yes, Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. **I want to draw the Assembly's attention to the final bullet on the first page, "Appoint individuals to an Advisory Board within the decision-making power and responsibilities of the Director." That exact language follows at the top of page 2. It's redundant.** I'm not sure if that was intentional but it's the same language.

Speaker MCAULIFFE: I don't have it. I have "The Director is responsible for and has the power to plan, organize, and manage the Cove. Direct the operations of the facility. Supervise and train staff and volunteers."

Delegate CHAFFEE: So on page 1.

Speaker MCAULIFFE: Yes.

Delegate CHAFFEE: The stem, "The Director is responsible for and has the power to." The final bullet at the bottom --

Speaker MCAULIFFE: Oh, okay.

Delegate CHAFFEE: -- is "Appoint individuals to an Advisory Board to advise and make recommendations on matters that are within the decision-making power and responsibilities of the Director." And if you turn it over --

Speaker MCAULIFFE: We don't have -- I don't have a turn it over.

Delegate GREEN: That's not on my page either.

Speaker MCAULIFFE: Oh, okay. So it's the bullet and then the --

Delegate CHAFFEE: And then the next statement --

Speaker MCAULIFFE: Okay. Oh, I see.

Delegate CHAFFEE: -- is almost identical.

Speaker MCAULIFFE: So it's almost, I see, grammatical housekeeping kind of --

Clerk O'CONNELL: The paragraph says the same thing as the bullet that's what you're --

Delegate CHAFFEE: As the final bullet.

Speaker MCAULIFFE: So --

Deputy Speaker MORAN: Can we move to amend it?

Speaker MCAULIFFE: Yes. So which one -- they say the same thing.

Clerk O'CONNELL: Keep the bullet, remove the paragraph?

Speaker MCAULIFFE: Yes, and if they want -- if there's some reason they want to add that back. So do you want -- would you like to make a motion to --

Delegate CHAFFEE: I move that we delete the statement -- the statement that does not have a bullet in front of it that follows the bulleted list, the statement that begins, "The Director of the Children's Code is authorized to appoint."

Speaker MCAULIFFE: Is there a second?

Delegate MCCUTCHEON: Second.

Speaker MCAULIFFE: Yes, discussion.

Delegate MCCUTCHEON: I would just like to comment. This is like a

typographical error, you know, not to.....it's a typographical -- we just identified a typographical error.

Speaker MCAULIFFE: Well, it's a double statement. It's more than just a typo. It's a duplicate statement. So I think to clean it up and make it a proper document you take one of the statements out. They say the same thing.

Yes, Delegate Zuern.

Delegate ZUERN: I'm still not sure. Is it this?

Speaker MCAULIFFE: Yes, it's that. Yes.

Delegate ZUERN: To me, that is different. It says the Director --

Speaker MCAULIFFE: But it says the same thing because at the beginning it says, "The director is responsible for and has the power to." So all that first part of that sentence is covered under the bullet. Go back to the previous page where the bullet starts.

Delegate ZUERN: I see that. I just -- I don't see where it says, "On decisions that are within the powers and responsibility of the Director." Is that part of the bulletin?

Deputy Speaker MORAN: Decision-making power.

Speaker MCAULIFFE: So if you go back to the beginning of the bullet.

Delegate ZUERN: Oh, I see. Okay. I see it now.

Speaker MCAULIFFE: That's the first part of the sentence.

Delegate ZUERN: Okay. I see that.

Speaker MCAULIFFE: And then the bullet is the second part of the sentence.

Delegate ZUERN: I just wanted to make sure that was one of the things that still in there.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: It restates it.

Speaker MCAULIFFE: Yes, so we will -- right now the motion is to delete the paragraph without the bullet.

Yes, Delegate Green.

Delegate GREEN: I would feel more comfortable to leave it in just as a restatement. I think it says it just a little bit differently or it brings it all together. So I would feel more comfortable with leaving it in.

I understand what you're saying, Delegate Chaffee, but I really would feel more comfortable with leaving it in.

Speaker MCAULIFFE: Anyone else?

Delegate MCCUTCHEON: Move the question.

Speaker MCAULIFFE: Okay. We'll have the vote. So a "yes" vote would remove that redundant paragraph; a "no" vote would keep it as is.

Roll Call Vote on motion to remove paragraph immediately following the bulleted items in Section (d) of Proposed Ordinance 19-13:

Voting "YES" (25.74%): Mary Chaffee (4.55% - Brewster), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis).

Voting "NO" (66.40%): J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “PRESENT” (3.77%): Deborah McCutcheon (0.93% Truro), Randi Potash (2.84% - Chatham).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O’Malley (1.36% - Provincetown).

Clerk O’CONNELL: Madam Speaker, on the motion to remove the paragraph, it **fails** with 25.74 percent of the Delegates voting yes; 66.40 percent voting no; 3.77 percent voting present; 4.09 present absent.

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: Now a vote on the main Proposed Ordinance 19-13 which we have on the floor. A “yes” vote will approve the ordinance; a “no” vote with disapprove.

Roll Call Vote on Proposed Ordinance 19-13:

Voting “YES” (83.66%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “NO” (12.25%): Elizabeth Harder (5.67% - Harwich), John Ohman (6.58% - Dennis).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O’Malley (1.36% - Provincetown).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 19-13 passes with 83.66 percent of the Delegates voting yes; 12.25 percent voting no; 4.09 percent are absent and known known as Ordinance 19-12.

Ordinance 19-12:

To repeal Ordinance 98-24 and substitute the following language in the Administrative Code of Barnstable County Section 2-13 Children’s Cove

The Cape Cod regional government, known as Barnstable County, *hereby ordains*; Section 2-13 Children’s Cove

(a) Department Generally

There shall be a Children's Cove and the Islands Advocacy Center under the direction of the Director of Children's Cove. Children’s Cove area of service is the Cape and Islands District Attorney’s Office jurisdictional boundaries: Barnstable, Dukes, and Nantucket counties within the Commonwealth of Massachusetts.

(b) Director of Children's Cove

The Board of County Commissioners shall appoint a Director of Children's Cove.

(c) Children’s Cove Services

Children's Cove: The Cape Cod and the Islands Advocacy Center shall be the Child Advocacy Center located on Cape Cod. This department shall be developed and

continued through a working partnership among Barnstable County, the Cape and the Islands District Attorney's Office, the Massachusetts Department of Children and Families, the Massachusetts Department of Mental Health, and Cape Cod Healthcare. Children's Cove shall house the Sexual Abuse Investigation Network (SAIN) for Barnstable County and provide multidisciplinary investigation into children's sexual abuse. Children's Cove shall also coordinate the provision of services to victims and their families, provide education to families and the community, fellow professionals and the public on issues concerning the prevention, intervention and investigation of child sexual abuse, physical abuse, witness to domestic violence and child exploitation and trafficking

To insure confidentiality to those citizens served, special and ongoing investigations, treatment and client history where applicable, Children's Cove, its employees, and advisory board members shall be prohibited, in the interest of public safety, from making unauthorized public communications regarding past and ongoing matters under review by Children's Cove.

(d) Powers and Responsibilities of the Director of Children's Cove

The Director is responsible for and has the power to

- Plan, organize and manage the Cove
- Direct the operations of the facility
- Supervise and train staff and volunteers
- Manage all financial matters of the Cove including department budget, grants, fundraising and required reports
- Ensure compliance with policies and procedures of all program areas and with county policies
- Appoint individuals to an Advisory Board to advise and make recommendations on matters that are within the decision-making power and responsibilities of the Director

The Director of the Children's Cove is authorized to appoint individuals to an Advisory Board for the purpose of advising the Director on decisions that are within the powers and responsibilities of the Director

(e) Barnstable County

Notwithstanding the revised role and responsibilities of the Director and the Board, Children's Cove shall remain a department of Barnstable County Government in all aspects and shall operate in accordance with Barnstable County's administrative and budgetary procedures as devised under its Charter and the Administrative Code including all personnel policy and procedures as approved by the Board of Regional Commissioners. The Director of Children's Cove shall report to the County Administrator and the Director shall update the Board of Regional Commissioners as necessary.

Discussion and Vote Proposed Resolution 19-02

To establish a Charter Review by the Assembly of Delegates, required by Article 9, General Provisions, Section 9-4, Periodic Review, Charter and Ordinances, Subsection (a), Charter/Ordinance Review, of the Barnstable County Home Rule Charter.

BE IT HEREBY RESOLVED by the Barnstable County Assembly of Delegates:

In accordance with Article 9, General Provisions, Section 9-4, Charter and Ordinances, Subsection (a), Charter/Ordinance Review, a Charter Review is hereby established to review the Barnstable County Home Rule Charter, as amended, and Ordinances of the County, for the purpose of determining if any amendments or revisions are necessary or desirable.

Charter Review Committee Members shall be: Mary Chaffee, Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga, James Killion, Suzanne McAuliffe (Chair), Deborah McCutcheon, Susan Moran (Vice-Chair), Thomas O'Hara, John Ohman, Brian O'Malley, Randi Potash, Patrick Princi, and Linda Zuern. The committee's membership reflects representation by municipal officials of the county. Charter Review by the Assembly shall be conducted in conjunction with Assembly Clerk Janice O'Connell and Cape Cod Regional Government Legal Officer Robert S. Troy.

At the conclusion of the Charter Review, committee members will submit proposed changes to the Barnstable County Home Rule Charter in accordance with Section 9-4 (a) of the Charter.

Speaker MCAULIFFE: Thank you. The next item is **Proposed Resolution 19-02, and this is a Resolution submitted by the Speaker to establish the Assembly as the Charter Review** and this is regardless of whatever path we want to take. This is just to get the Assembly established as Charter Review. **So I would move this for consideration.** Is there a second?

Delegate POTASH: Second.

Speaker MCAULIFFE: Any discussion? All right. We'll take a vote.

Roll Call Vote on Proposed Resolution 19-02:

Voting "YES" (95.91%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (4.09%): Christopher Kanaga (2.73% - Orleans), Brian O'Malley (1.36% - Provincetown).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 19-02 passes with 95.91 percent of the Delegates voting yes; 4.09 percent are absent, now known as Resolution 19-02.

Resolution 19-02:

To establish a Charter Review by the Assembly of Delegates, required by Article 9, General Provisions, Section 9-4, Periodic Review, Charter and Ordinances, Subsection (a), Charter/Ordinance Review, of the Barnstable County Home Rule Charter.

BE IT HEREBY RESOLVED by the Barnstable County Assembly of Delegates:

In accordance with Article 9, General Provisions, Section 9-4, Charter and Ordinances, Subsection (a), Charter/Ordinance Review, a Charter Review is hereby established to review the Barnstable County Home Rule Charter, as amended, and Ordinances of the County, for the purpose of determining if any amendments or revisions are necessary or desirable.

Charter Review Committee Members shall be: Mary Chaffee, Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga, James Killion, Suzanne McAuliffe (Chair), Deborah McCutcheon, Susan Moran (Vice-Chair), Thomas O’Hara, John Ohman, Brian O’Malley, Randi Potash, Patrick Princi, and Linda Zuern. The committee’s membership reflects representation by municipal officials of the county. Charter Review by the Assembly shall be conducted in conjunction with Assembly Clerk Janice O’Connell and Cape Cod Regional Government Legal Officer Robert S. Troy.

At the conclusion of the Charter Review, committee members will submit proposed changes to the Barnstable County Home Rule Charter in accordance with Section 9-4 (a) of the Charter.

Summary of Other Business

- **Delegates will send a list to the Clerk of suggested items for Charter Review consideration**
- **No Assembly meeting will be scheduled for 7/3/19 – concerns regarding quorum and to allow delegates time to canvas constituents regarding Charter Review items**
- **Clerk will forward past three Charter Review Reports to Delegates**
- **Delegates can submit a list of topics of interest for future meetings and discussions**

Speaker MCAULIFFE: Thank you. I think just to wrap this resolution up as Attorney Troy suggested, any topics that are of interest to you in terms of the Charter Review, please forward to the Clerk. We will compile them and then we can bring them to the Assembly at our next meeting to kind of figure out if there’s an appetite to do a whole government restructure or if the appetite is to clean up the language in the Charter and the other Administrative Code and was it the governance --

Clerk O’CONNELL: The Manual of Governance.

Speaker MCAULIFFE: -- the Manual of Governance, three different things.

Delegate KILLION: Is the plan to do that at the next meeting?

Speaker MCAULIFFE: Yes.

Delegate GREEN: Can we make statements about how we feel about it at this point because there’s so many new Delegates here. I think it would be helpful for them to understand some of the issues that some people have had a past. I mean I feel very strongly that there are checks and balances and that the County structure stay as it is. And I --

Speaker MCAULIFFE: Well, this would be a discussion -- I think we have it the next

--

Delegate GREEN: But if people are going to make their decisions --

Speaker MCAULIFFE: No, no, no. People are going --

Delegate GREEN: I mean --

Speaker MCAULIFFE: Right, make recommendations.

Delegate GREEN: -- make the recommendations.

Speaker MCAULIFFE: And submit ideas and then we would decide whether that would be an opportunity then for you to say just what you're saying now. And then if people -- there may be someone on the Assembly who feels that, you know, we do away with the Assembly and then we can discuss that at the next meeting and see what the topics are.

Maybe there's no one on the Assembly that wants to change. Maybe every single one of us says the structure is fine, let's go with it, and then we'll have that discussion and decide which way we want to go at the next meeting.

I think without having -- giving people the chance to kind of think about it and --

Delegate GREEN: But I mean there is so much history here that a lot of the new Delegates don't have that background either. So I mean it might be helpful for them to know about some of the Delegates who have been on this committee or been in the public making statements about this topic would feel.

Speaker MCAULIFFE: No. Yes, Delegate O'Hara.

Delegate O'HARA: Madam Chair, thank you. I think this gives us, as the Assembly reps of our communities, have an opportunity to go talk to our residents and we can have an idea of what they feel and that's who we represent, and we bring their ideas here to the committee.

So I think having this -- not make a decision or discussion now. Let's talk to our voters and our residents and find out what they think and have that discussion later. I think it makes better sense. Thank you.

Speaker MCAULIFFE: And there are also previous Charter Review Committees that any one of you, you know, please feel free to -- the Clerk can provide information on who the people were on those committees. And if you wanted to do some digging into why some of the changes were proposed and what the history was, you know, that would definitely -- I know the League of Women Voters also has a -- I'm sorry; I can't recognize the public when we're in session. That was in the public part of the meeting. I'm sorry.

So, you know, you have an opportunity as Delegate O'Hara said to investigate.

Delegate GREEN: And also to see how the Assembly voted in the discussions that were in the Assembly as a result of that as well.

Speaker MCAULIFFE: Right. Right. Delegate Ohman, who's been here through it all.

Delegate OHMAN: Well this is actually part of being through it all; there has been a tendency for this Assembly not to meet when the Assembly meets -- scheduled to meet on July 3 because of the impending holiday. I'm happy to come. I just want to represent that as a possible angle at how much time you might have to consult with your constituency if so the Assembly so desires to not meet on the 3rd. I'll be happy to come but I just wanted to bring that point up.

Speaker MCAULIFFE: That is another --

Delegate O'HARA: That's a valid point.

Speaker MCAULIFFE: -- that is a valid point. If we put this on for the 17th, that gives ample opportunity for people to even go to Boards of Selectmen but also talk to

constituents and see, you know, see what they believe.

Do we know if there are people who are planning on not being here? Do people know yet if they're planning on coming on the 3rd or not coming?

Delegate MCCUTCHEON: I think if you have a really important discussion, I would show up but --

Speaker MCAULIFFE: Okay.

Delegate MCCUTCHEON: -- it's going to be pretty gruesome.

Speaker MCAULIFFE: I'm sorry?

Delegate HARDER: Traffic.

Deputy Speaker MORAN: Traffic.

Speaker MCAULIFFE: I know the Commissioners aren't meeting on the 3rd. I don't know what the protocol is for just canceling a meeting but it's -- I don't think we can do that.

Delegate MCCUTCHEON: Well, we can cancel the meeting --

Clerk O'CONNELL: Well, if the Chair is of the opinion that the group may be at risk for not getting a quorum, then it's the prerogative of the Chair to decide it may not be in the best interest.

Speaker MCAULIFFE: Do we have any pending ordinances or votes that are going to be required at this point?

Clerk O'CONNELL: No.

Speaker MCAULIFFE: So maybe what we should --

Clerk O'CONNELL: Because that's like the end of the year. We're not going to get anything like that from the Commissioners now.

Delegate MCCUTCHEON: We need to do like they do in Texas and all the Democrats headed up to

Delegate O'HARA: I'm going to hit traffic. I don't know how Lower-Cape is with traffic.

Speaker MCAULIFFE: Right and that is a huge consideration. Yes. I think at this point we will schedule this for the 17th and --

Clerk O'CONNELL: And that will give Delegates an opportunity to send --

Speaker MCAULIFFE: To gather information.

Clerk O'CONNELL: -- a list of ideas, and I will receive those and compile a list, not attach any Delegates names to it because it was suggested that it be anonymous although, obviously, I would know who submitted them. But trust me, you'll get a list of items with no one's name attached. So that will give, for a practical matter, time for that to happen.

Speaker MCAULIFFE: Yes.

Delegate O'HARA: Is there -- excuse me; thank you, Madam Chair. Is there any chance that we can get some of the past information and discussion that took place the last review?

Speaker MCAULIFFE: I think that, yes, the past --

Delegate O'HARA: Just I don't want to duplicate --

Clerk O'CONNELL: Right. There was a final report issued by the Charter Review that I was sort of not part of --

Speaker MCAULIFFE: Right, right.

Clerk O'CONNELL: -- but as the Clerk, and there's a report. I have that electronically that I can send. And I can look to see about a report for the Charter Review

previous to that. That would go back to '09-'10. I don't know how practical that is.

Delegate O'HARA: If it's available.

Clerk O'CONNELL: If I do --

Speaker MCAULIFFE: Why don't you do the last two if you can have it.

Clerk O'CONNELL: Yes.

Speaker MCAULIFFE: I might be able to dig up one from before too.

Yes, Delegate Harder.

Delegate HARDER: If you tell us when the last Charter Review was, then we can look up the old minutes, but I don't know what timing it was.

Clerk O'CONNELL: It was 2013 to '14 it encompassed. It was in that timeframe and I think on the website there's a drop-down menu, and I actually think there's a tab on the drop-down that is Charter Review for the last Charter Review we had.

Delegate O'HARA: Jim's pulling them up now.

Clerk O'CONNELL: All right. I've got it on there. All right.

Delegate KILLION: I've got them saved.

Clerk O'CONNELL: Oh, you do, okay.

Speaker MCAULIFFE: Okay. Well then if you have them saved, then you can send that.

Clerk O'CONNELL: Yes, I have it.

Delegate KILLION: I go back to 2005.

Delegate O'HARA: Wow.

Speaker MCAULIFFE: Any committee reports?

Summary Report from the Clerk

- **Mileage logs are due to be submitted – end of FY19**
- **Lists of Charter Review recommendations from Delegates due to Clerk no later than July 12th, 2019**

Speaker MCAULIFFE: A report from the Clerk?

Clerk O'CONNELL: Yes, I just want to make sure that everyone checks their folders because there are mileage logs and it's the end of the year and I have to submit them tomorrow. Tomorrow will be my last opportunity to get bills in for this fiscal year.

So if you haven't signed off and given that back to me yet, please do. I've got to have it before you leave the meeting today.

And other than that, I guess I would say, again, as a practical matter if you're going to provide me with a list of ideas, the next meeting that you will take this up at will be the 17th. I don't know what the date is of the previous Friday, but if you could get those to me by that previous Friday; does that sound acceptable?

Speaker MCAULIFFE: Yes, so that you could --

Deputy Speaker MORAN: Absolutely.

Speaker MCAULIFFE: -- so you could forward to Delegates.

Delegate GALLAGHER: That would be the 12th.

Clerk O'CONNELL: 15th/14th?

Delegate GALLAGHER: The 12th.

Clerk O'CONNELL: The 12th?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: Do you think that's okay? Enough time?

Speaker MCAULIFFE: Yes.

Delegate GALLAGHER: So are we meeting on the 3rd or not?

Clerk O'CONNELL: Just so I can compile the list and have it ready for you.

Speaker MCAULIFFE: No. I don't think we're going to meet on the 3rd. I think it is a burden for people to -- especially the Lower-Cape to come. It's an hour as it is.

Delegate HARDER: It will take me four hours to get home.

Speaker MCAULIFFE: I can't imagine on the Fourth of July weekend.

Delegate O'HARA: Even for us on the Upper-Cape, it's no bargain either.

Speaker MCAULIFFE: Exactly.

Clerk O'CONNELL: No.

Speaker MCAULIFFE: Right. And the Commissioners have already decided to not meet too. So we will do that and then come in and have a meeting-meeting on the 17th.

Other Business continued....

Speaker MCAULIFFE: One other thing, can people please submit any topics of interest? I think we have solicited from the Administrator and from Assembly members topics that they would like presented or to hear about before the Assembly and our meetings. And we have been taking topics from those lists as people have submitted. It could be one item; it could be a list of items, something that you -- I know that Delegate Potash was saying that she was taking the opportunity to meet with department heads to try and hear about things, but maybe there's something from a department or a particular topic that you're interested in, and we'll make our list and then we can make sure that these things come before you going forward.

Delegate MCCUTCHEON: Move to adjourn.

Speaker MCAULIFFE: Anything else? Yes, Delegate Harder.

Delegate HARDER: I just wanted on the record to thank -- now his name's gone out of my head -- for the fabulous tour after the last meeting.

Delegate OHMAN: Sean O'Brien.

Speaker MCAULIFFE: Sean O'Brien.

Delegate HARDER: Sean. That was incredible and fabulous. So, thank you, Sean.

Speaker MCAULIFFE: Yes.

Speaker MCAULIFFE: I'll take a motion to adjourn.

Deputy Speaker MORAN: Adjourn.

Delegate MCCUTCHEON: I'm not doing it again.

Speaker MCAULIFFE: Okay. We're adjourned.

Whereupon, it was moved to adjourn the Assembly of Delegates at 5:45 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar of 6/19/19**
- **Unapproved Journal of Proceedings of 6/5/19**
- **Public Hearing Notice: Proposed Ordinances 19-12 & 19-13**
- **Proposed Ordinance 19-12: To Establish an AmeriCorps Advisory Board**
- **Proposed Ordinance 19-13: Administrative Code changes to Children’s Cove**
- **Proposed Resolution 19-02: To Establish a Charter Review by the Assembly**