

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
Barnstable County Complex
Eastwing Conference Center @ 4:00 p.m.
3195 Main Street, Route 6A
Barnstable, MA 02630

APPROVED Journal of Proceedings - July 17, 2019

Call to Order

Speaker MCAULIFFE: Welcome. Welcome to the Cape Cod Regional Government, Assembly of Delegates. **It's Wednesday, July 17, 2019, 4 p.m. We are in the Barnstable County Complex in the Eastwing Conference Center.**

At the beginning of our meeting, I want to just take care of a housekeeping issue. We have a plumbing issue with our restrooms. So anyone who needs to use the restrooms, you just need to go through these doors, four doors down, and I'm sorry to say this, toward the Septic Loan Program, as there's karma in that, right outside their door. It's just through four doors. Right outside their door is a public restroom so if anyone needs a public restroom.

Now for our meeting, I'd like to have a moment of silence to honor our troops who have died in service to our country and those who are serving our country in the Armed Forces.

And also to acknowledge a long-standing member of the Assembly of Delegates; Mr. Roger Putnam has passed, and he was a long-time member of the Assembly of Delegates.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: I'm required to ask, is anyone recording the meeting other than our transcription? Okay. Thank you.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call Attendance

Present (71.32%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Arrived Late (28.68%): Lilli-Ann Green - (1.27% - Wellfleet – Remote Participation @ 4:05 p.m.), Thomas O'Hara (6.49% - Mashpee - @ 4:15 p.m.), Patrick Princi (20.92% - Barnstable – @ 4:30 p.m.).

Left Early (2.73%): Christopher Kanaga (2.73% - Orleans - @ 5:20 p.m.)

Clerk O'CONNELL: Madam Speaker, you have a quorum with 71.32 percent of the Delegates present; 28.68 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business

Speaker MCAULIFFE: I'll take a motion to approve the calendar of business.

Deputy Speaker MORAN: So moved.

Delegate CHAFFEE: Second.

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

Approval of the Journal of Proceedings

Speaker MCAULIFFE: And then the next item is approval of the Journal of June 19, 2019; is there a motion to approve?

Delegate O'MALLEY: Madam Speaker.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: I was not present, but I have read through the Journal and brought one typo to the Clerk's attention, and I would otherwise move for approval.

Speaker MCAULIFFE: Thank you.

Deputy Speaker MORAN: Second.

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

Summary of Communications from the Board of Regional Commissioners

- **County Administrator Jack Yunits updated Delegates on Commissioners actions**
- **County accepted several grants**
- **Presentation made to Commissioners from a company trying to address the shark issues with a technology-based warning system**
- **Purchase of a "push boat" approved for the County Dredge**
- **Dredge purchased two years ago (Sand Shifter) is in the process of being shipped to Wisconsin where the Ellicott will completely re-built**
- **Codfish Dredge is repairable**
- **Route 6 Rest Area Project moving along, and a vendor has been selected**

Speaker MCAULIFFE: Next is communications from the Board of Regional Commissioners. The Commissioners can't make it, so we have instead the County Administrator, Mr. Jack Yunits. He will give us a report.

Administrator JACK YUNITS: Thank you.

Speaker MCAULIFFE: Welcome.

Administrator JACK YUNITS: Thank you, Madam Speaker. We did not meet on the 3rd. On the 10th we met, very brief agenda and I'll get through it very quickly for you.

The first agenda item was a presentation by the Medical Reserve Corps here at the Health Department. The Medical Reserve Corps is an organization of volunteer nurses that serve us in times of crises and emergencies, and they're organized through a DPH grant out of the Health Department's offices. Basically, they ran through some of the services they provide in those situations. They're on call for our shelters and so on and so forth.

Right now they have -- it's all paid for by grants, and the services that we get are

provided by nurses on a volunteer basis. So it's a wonderful back up for the County in emergencies.

We also had a grounds request from Suicide Prevention Awareness. That's for September.

We've received two significant grants. One was 77,000 to the Cove from the Victims of Violent Crimes Act. And we had anticipated receiving that grant so it's already in the Cove's budget.

We also received from the Executive Office of Elder Affairs a \$69,000 SHINE Grant which pays for the SHINE Coordinator in the Human Services Department here. SHINE is a program of volunteers, again, that works in partnership with all the community senior centers throughout the Cape, staffed principally by volunteers from those centers, and they service over 6,800 Cape Cod seniors on an annual basis that have questions regarding Medicare and Social Security principally. So it's a great program for us and a great program for Cape Cod, and it's funded again by grants.

The next meeting was today. Shannon Jarbeau appeared before us. We all know about the crisis that's imminent with rising waters. Statistically, the waters have risen four and a half inches since the Blizzard of '78 here on Cape Cod. The problem is national and recently Columbia University they had the first ever what they call the "Retreat Seminar." Retreat is basically reclaiming some of our critical water masses on the shoreline that have been barricaded, blocked off, and developed over the course of the years. It's not something anybody really wants to talk about but something we may have to start talking about. It's a reality and people came from all over America for this conference and Shannon gave us a short presentation on it. I'm sure she'll be available to in the fall to give you that same presentation.

We also had a presentation from a company that, once again, is trying to address the shark issues, and they addressed the shark issues with a technology-based warning system, sirens so that they put in prominent places along the shore. When the alert goes out that there's a shark in the water, these sirens go off and they warn beachgoers.

The reason Ron Beaty here who brought the company in as this is the second presentation he's brought before the board. The reason he brings these companies in is not because the County is looking for the solution. It's because the County is looking for information on possible solutions to the shark issue. And if the Towns come to us and say, "This is what we want to do," it would be our job as a regional coordinator to find the grants and figure out how to pay for the solutions that come out of the Towns. We're certainly not trying to assert the Towns' commitment to finding a solution to sharks but that's part of the issue.

We also dealt today with the purchase of a push boat for the County Dredge. That's important because we've now ordered a new dredge as you know. That Dredge was based on a letter of confirmation I received yesterday. It will be here by October the 1st.

The Dredge that we bought two years ago is in the process of being packaged onto a truck and shipped to Wisconsin where the Ellicott's main manufacturing center is. That boat's going to be completely rebuilt. Again, I can assure you it will be back in service by October the 1st.

On the old Codfish, as you might recall Steve briefed you on it the last time he was here; the Codfish is out of the water. It's on dry dock now in Fairhaven, and it's an

amazing boat. We all were just assuming they'd tell us the hull is gone. The hull is not gone. They need some plates, easy to fix, so we'll have three dredges for October.

Speaker MCAULIFFE: Great.

Administrator JACK YUNITS: And the Codfish will be -- the minute it gets back in the water, we'll head to Bass River and we'll start to prepare for a very significant project in Dennis and Yarmouth going under the bridge in Bass River and coming up. So that's probably what the Codfish will do all next fall.

We have hired Foth Engineering, Christine Player, who's now our regional consultant to deal with all 15 towns on a consulting basis. So this is why we needed the push boat. We'd like -- she would like to be able to run two crews at all times. You need a push boat to move the dredges, so two push boats are coming down the pike. The push boat costs between 150 and \$210,000. It's a wide variation because we needed it delivered on an expedited time basis. So we'll be looking at price ranges in there. We have the money set aside for that boat. It came out of the bond that purchased the original dredge two years ago.

And that's pretty much the major discussions we've had in my reports to the Commissioners in the last couple weeks. I've told them about the Route 6 project. The Rest Area looks like it's going to get approved quite -- I feel quite positive about it based on the discussions we've been having with DOT. There will be a trailer serving hot food and coffee out there maybe as early as Friday. A wonderful young vendor put together a tremendous plan. DOT likes it. It's going to be the first pilot program in Massachusetts for something like this. We've got our fingers crossed that we can get it off and running. He's already missed July 4 and that was a big hit to him.

And we continue to work with the Town of Barnstable to find solutions for the Fire Training Academy. At some point, I'm going to work with the Speaker; if one or two representatives from this Assembly to deal with on ongoing real estate issues like the Fire Academy and the sale of the Bourne property, which is imminent. So that's the synopsis of what's been going on downstairs for now.

Speaker MCAULIFFE: Any questions? Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker. You referenced that the newer dredge is getting shipped back to the factory. I think that's a recent development. I don't think we had heard that before. What transpired to precipitate the necessity to do that?

Administrator JACK YUNITS: Well, Ellicott when they sent their engineers up and observed it in action, they realized that they had sent the wrong boat, basically. We hit -- we requested that it was not a boat that was suitable for Cape Cod waters, so it needed to be completely rebuilt, especially the hydraulics. The cables on the boat would snap frequently because of the way it was set up in Cape Cod waters, and they want to completely rebuild it. They're doing it at their expense. And it was easier for them to take it out of the water and bring it to a factory and rebuild it from scratch than to piecemeal it together on a dry dock. So that's why they did it that way. It's certainly not easy to truck a boat that big to Wisconsin.

Delegate KILLION: Right.

Administrator JACK YUNITS: But that was their plan.

Delegate KILLION: The County didn't order the proper piece of equipment?

Administrator JACK YUNITS: I think the County ordered a piece of equipment

that was too technical or too sophisticated for what we needed.

Delegate KILLION: Sure. But the company is retrofitting it to meet our needs?

Administrator JACK YUNITS: Yes.

Delegate KILLION: At no cost?

Administrator JACK YUNITS: Right.

Delegate KILLION: Okay.

Speaker MCAULIFFE: Yes, Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Thanks for that report. What was the measurement that you stated as far as sea-level rise since --

Administrator JACK YUNITS: Four and a half inches.

Delegate CHAFFEE: Four and a half inches since 1978?

Administrator JACK YUNITS: Yes, so it's been 40 years.

Delegate CHAFFEE: Thank you.

Administrator JACK YUNITS: Thank you.

Speaker MCAULIFFE: Yes, also, before we continue, Delegate Green are you on the phone?

Delegate GREEN: Yes, I am.

Speaker MCAULIFFE: Okay. Thank you. Just acknowledging that you've called in for distance. Okay.

Delegate McCutcheon.

Delegate MCCUTCHEON: I'm a little confused here because the Town of Truro has installed emergency equipment that was tested by the Park Service and agreed to by them that was put mutually or mutual aid package between the Town of Truro and the Park Service. We understood that that was going to go into use at -- in Wellfleet too.

It's a solar-driven telephone to obtain help in the event of an emergency to get ambulance and first responders down to an emergency with a shark and that there was training for people, that it was budgeted, money's been put aside. Where's the coordination here between what's going on with Commissioner --

Administrator JACK YUNITS: Yes, that's a great question because there really is no coordination. The towns -- it began with the Wellfleet Conference last fall. The towns have taken about -- looking at the various mechanisms and technologies that are out there to deal with these issues from warnings from sonar buoys. Obviously, the thing we heard today is really just the same type of warning system that you would see in a tornado-driven area where the public safety official hits the button, huge alarms go off, and you know that something's amiss.

The same thing would occur with this system that's in play. A public safety official alerted to the presence of a shark off Truro or Wellfleet would hit the button. The beeps would go out and they're very loud, and a warning voice would come on and say, "Evacuate the beach" -- "Evacuate the water." This is just --

Delegate MCCUTCHEON: But that's just the beginning of what it does. There are all kinds of first-aid equipment for a shark attack.

Administrator JACK YUNITS: Yes.

Delegate MCCUTCHEON: There's bandages, there's tourniquet, there's notices to all of the medical first responders so that there's a coordinated action to respond to it.

Where is the coordination between what's going on with the County and

particularly Commissioner Beaty, and what's going on with the Town of Truro, which has spent quite a bit of money and gotten quite a good result out of it? I mean these are solar powered -- I'm sorry I'm a little -- I get a little confused sometimes about some of these things.

Administrator JACK YUNITS: Right. Yes.

Delegate MCCUTCHEON: But it's solar-powered telephones that get off the beach, and they do not only the warning thing you're talking about but go a lot further.

Administrator JACK YUNITS: Right.

Delegate MCCUTCHEON: Now why isn't there -- I mean, you know, Mr. Beaty is not entitled to act on his own; is he?

Administrator JACK YUNITS: No, he's not acting on his own. All he's doing is providing a venue for these companies to come in and tell us about their product which is what the Woods Hole Group is trying to sort through now in that regional study that they're doing out in -- at the Woods -- over in Bourne. The Woods Hole Group has been retained by the towns for \$50,000 to do a study of feasible alternative solutions to the shark problem and they're looking at everything. This company was going there today after they left us but that's all. This is just a point of information for people in the public to see what's out there; what are the technologies out there? Ultimately, the towns will tell us if they need us and what they want us to do, and we will go online and find grants or do whatever it takes to help the towns.

Delegate MCCUTCHEON: So, let me get this straight; we're going to spend \$50,000 for technologies that are already being put in to learn about technologies that are already being put in use in Truro and Wellfleet, and we're not going to make money available to the towns to --

Administrator JACK YUNITS: No, what's been spent in your towns are immediate, necessary solutions to prevent another catastrophe. The technology end is being studied by the Woods Hole Group at the request of those towns to see if there's a more permanent solution that's affordable and available. In order for it to be feasible, it has to be affordable. Some of these sonar buoys, for instance, will only protect a quarter of a mile. There's 560 miles of coastline on the Cape. So it's not a feasible alternative because they're about -- they're very expensive.

So these are the kind of things that Woods Hole is trying to sort through on a more permanent basis, so the towns aren't wasting their money on trial and error technologies that are out there, and there are a ton of technologies out there so.

Speaker MCAULIFFE: Delegate Zuern.

Delegate ZUERN: First of all, I would like to see the report that says the sea is rising four and a half inches. I would like that information available to us.

And I also had a question about the Fire Academy. I heard that there was a system that the County was looking into that would recycle the water so any of the water that was used at the training session would not go into the ground; is that something that you're still looking at or not?

Administrator JACK YUNITS: There's no long-term solution for reuse at the Fire Academy in Hyannis. The plans we're looking at are reuse and it's going to be completely different. We're looking at solar. We're looking at some type of potential housing development not on the Fire Academy site itself but in the approximate area where the Fire

Academy would play a role in providing services to the old Fire Academy site. It would be capped and be part of this development. We're looking at a lot of alternatives, but the Fire Academy will not operate out of that site again. It will operate at JBCC in the future and that's a process that we have to raise between 5 and \$10 million to construct that academy out there. But we've identified a site; we're working in partnership with the National Guard and the Coast Guard and, of course, all the first responders on the Cape to develop a multijurisdictional mutual training site for first responders out at the Base and that will include Fire Training and Police Training.

The Police Academy is now in its third week. It's going magnificently. There're 42 cadets. It's full. There's already a waiting list for the next academy and that's at the Base. So the partnership has already begun. But the Fire Academy as we know it here in Barnstable will not come back online.

Delegate ZUERN: Could I just ask why if the water isn't going into the ground and it's going to be recycled, why that isn't one of the options?

Administrator JACK YUNITS: You know, it's -- if you lived in Hyannis and you had this perception, even if the perception is potentially relatively minor, it's still a perception. If you're a mother of kids in Hyannis and you have to think about this possibility, it creates a huge negative. And I think that we became very sensitive to that at the Fire Academy, especially the five chiefs from Barnstable and felt that it was best to move and to abandon that site. Remember, we are actually in the zone too. That well never would have been allowed to be built today. It was built 30 years after the academy had been up and running there. Today, it would never have been allowed to be built. But it's a very important well to the Town of Barnstable and the village of Hyannis.

So that's why we have the filters on it. That's why we test on a regular basis and we're sure that there is no PFOS in that water when it's discharged into the system from those wells because of the efforts of the Town and the County have made out there. But it's still a volatile, angst-filled site to have a Fire Academy. Too many things could happen.

Speaker MCAULIFFE: Delegate Harder.

Delegate HARDER: I know we shut the water off there as of June 20-something.

Administrator JACK YUNITS: Right.

Delegate HARDER: Are we still holding classes there for everything else that they can learn?

Administrator JACK YUNITS: Yes.

Delegate HARDER: Or are we having to ship everyone off Cape?

Administrator JACK YUNITS: No, that's a great question. Yes, we are still having classes and we will have classes there for the foreseeable future. The smoke they use in the smoke building is not fire smoke. We don't use any fire out there anymore. It's the same type of smoke you would use in your theaters, you know the type I'm talking about, and it's just as effective in terms of the training they do.

So the training will stay ongoing until we have a Reuse Plan that's approved by EPA. And without a Reuse Plan, the County is not able to tap into Brownfields Cleanup money. There has to be an end product that the country wants to invest in because it's EPA that decides where the Brownfields money goes in the end.

So that's why we're looking at a number of potential final solutions to the Fire

Training Academy so that we can get a significant contribution of public dollars on the cleanup and that should be the way it goes.

Speaker MCAULIFFE: Yes, Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. Jack, you know, amid that rambling of shark display today at the Commissioners' meeting, I thought there was some great information that Shannon was able to provide not only about her conference that she attended but the results of her hard work in relation to the Towns.

And I have some statistics but maybe you'd be a little bit more able to discern. She said that nine towns are in the program. Is it three or four more are in the application process, and she saved the people of Cape Cod over \$450,000 to date?

Administrator JACK YUNITS: \$462,000 last year.

Delegate OHMAN: In one year.

Administrator JACK YUNITS: Deductions off their -- discounts off their FEMA floodplain.

Delegate CHAFFEE: Insurance.

Delegate OHMAN: And this is mostly every town here sitting at the table and the rest of them, including my Town, in the application process. But I think it's just a remarkable program. I just -- did you have anything else that you could like elicit because I know that the Delegates like to go back to their towns with some good news once in a while?

Administrator JACK YUNITS: Yes. It was actually slow coming out of the chutes except for some of the more droit times. I think Falmouth, for instance, just got on board; Dennis just got on board; Brewster just got on board. But the towns that took the jumpstart and got into it are seeing sizable savings in their floodplain insurance for their citizens. And it's complicated because you have to do a lot of Floodplain Mapping. You have to set up your areas of critical concern and so on and so forth. So some of the towns were leery at first, but then when the word got out on how easy Shannon made it, they all started to call.

So I think it will only be a couple more years before all 15 towns are getting somewhere between 10 and 20 percent off in their insurance.

Delegate OHMAN: She said that a lot of the towns have already reached the 15 percent plateau and that's a significant savings and some are at the 5, but it's an ongoing program that we're grateful to have her and her hard work.

Administrator JACK YUNITS: Yes, she's fantastic.

Delegate OHMAN: And it's just something that was remarkable within the structure of -- I think she got to speak for about three minutes and then the shark thing went on for hours.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: We're all set? I have a list of things but I'm not going to go into depth now because we do have the hearing. But I just wanted to just kind of throw the topics out so that we can, you know, follow up in future meetings.

Just to keep us updated on the status of the committees that we were taking about having Assembly representatives attend the Dredge Committee, Clean Energy, Real Estate and Fire Training Academy, County Farm, and Grants. So those were the committees we've talked about. So just keep us informed --

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: -- so that people who have volunteered or I can appoint people to these committees.

I have -- I'm not going to go into everything here, but I just wanted to also say that we're very anxious to meet any new hires to replace anyone who's retired especially some of the key figures like Finance. And I know Delegate Killion would ask so I'll ask for him; can we expect the year-end financial reports? And, also, I know you're working on a supplemental budget once you get all your data, so we're looking forward to getting that.

And then on a more specific topic, we are still wanting to keep front and center the renovation in this complex for the Assembly Clerk's Office, and I know that that requires a roof repair that has a high price tag to it. But we wanted to just make sure that that still is front and center. And things are working fine down at the courthouse, but I know you want the space that we're in and we would like to have the space up here.

These are just things that I'm -- as I'm -- over the summer I'm writing things down thinking what about this, what about this, what about this? So just for the future.

Administrator JACK YUNITS: I'm going to actually ask Janice to view another possible solution. It could be a turnkey solution tomorrow.

Speaker MCAULIFFE: Okay. Turnkey is good. I was over at OpenCape and I found turnkey over there, but they weren't interested. Thank you.

Summary of Communications from County Administrator

- **County Administrator reported on testimony he provided related to support of House Bill 3929 relative to unfunded pension liability for the retired Sheriff's Department employees**

Speaker MCAULIFFE: And now I believe you're the next topic which is the House Bill 3929 relative to unfunded pension liability for the retired Sheriff's Department employees.

Administrator JACK YUNITS: Thank you. The reason I brought this back to your attention last year is the same Assembly took a vote on House Bill 4513 to support its passage. I believe it was 14 of the 15 members voted in the affirmative on it. This is the same Bill. It was refiled this year by Rep. Peake. And the Board of Regional Commissioners have already taken a vote and unanimously supported its action.

What this Bill attempts to do is to redirect the pension obligation that we are paying right now for a state agency, the Barnstable County Sheriff's Department, that really never should have been our obligation.

If you look carefully at our Charter in Section 5A, which is the revenue provisions of our Charter when we created in 1988, there is language in there that says in the event that the Commonwealth assumes any County function, the County towns will not be charged in any way. And we looked at that and we read it through and we feel that given what was going on across the Cape at that time and across the state where it was an ongoing discussion about whether counties were going to continue to exist if the legislature knew and intended that because the revenue provisions to County government were so restrictive; we don't get any Cherry Sheet A; we get no revenue whatsoever from the state outside of the grants which are all performance-based. We are really constricted on what

we can and cannot do.

That amount of money -- we've already paid 10 million to the state on this obligation and there's still another 32 million to be paid if we don't fix it. But next year it will be 50 percent of every dollar we collect from the towns. So your Town citizens are sending their money to Boston to fund a state agency, basically. We have met with A&F on this. They're aware of it. I think they heard us loud and clear. There was a very honest and thorough meeting and A&F was wonderful. They had great questions and stayed focused.

So I'm hoping there won't be any issues. The difference in our budget next year will be between 1.7 and \$2 million, an extra liquidity for us if this does pass, kind of depending on how we negotiate the retroactive payments for the money we've already paid in. We're the only County in Massachusetts that still pays this. The other four counties that had this obligation had that obligation rescinded in 2014.

So in order to get our Legislative delegation focused on this Bill, Sarah Peake has suggested that I get folks from both boards. We've got the vote from the Commissioners and we'd like to take that vote again for this Assembly to support their taxpayers and have this obligation retired where it should be, and the money returned to the County government.

In the letter that I sent you, you see how much money we saved this County over years and it's dramatic. And you've got to remember too that the Cape is a cash cow for the Commonwealth of Massachusetts in terms of what we deliver back to the government. So this is a small obligation and it doesn't come out of their budget or -- it ultimately comes off their books. But this is an obligation that comes from the excise taxes that we raise at the Registry and they take it. So it will just stay here. It won't hurt them.

Speaker MCAULIFFE: So we are scheduled for a vote later on when we convene, but are there any questions of Mr. Yunits?

Yes, Delegate Potash.

Delegate POTASH: Thank you. Good afternoon, Mr. Yunits. Thank you, Madam Speaker. I just have a question about the negotiation for the retroactive payment from 2014 perhaps. It only seems fair that if all the other counties in Massachusetts stopped paying in 2014, who's going to do that negotiation and how's that going to work, if you know?

Administrator JACK YUNITS: Well, the Bill that we filed is a parallel Bill to the Bill that was filed in 2014 by then Senate President Murray on behalf of the other counties. And there is a retroactive provision in there, and the question is how do we break it out over how many years? And as long as we're getting it back, that's not going to be a big deal. It won't be the amount that's negotiated; it will be the period of payment over time.

Delegate POTASH: Thank you.

Speaker MCAULIFFE: Anyone else? Okay. Thank you, very much.

Administrator JACK YUNITS: Thank you.

Communications from Public Officials and Members of the Public

Speaker MCAULIFFE: Last on our agenda in the public is our Public Hearing.

But before that, we have scheduled communications from public officials. Is there anyone who's a public official?

And then the next item is communications from members of the public. This would

be general communications not related to the hearing on the Charter Review. Okay.

Public Hearing to solicit comments from the public and interested parties on suggested topics for consideration of a Charter Review.

- **Written comments were submitted to the Assembly Clerk by Ronald Beaty, Joseph Glynn and the League of Women Voters of Cape Cod**
- **Susan Brock, Steering Committee Member from the League of Women Voters of Cape Cod provided verbal testimony**

Speaker MCAULIFFE: So now we are at the topic which is the Charter Review, and this has been publicly noticed. This is a public hearing, and this is to specifically solicit comments from the public and other interested parties on suggested topics or avenues for consideration by the Assembly for Charter Review. And the Clerk has the sign-up sheet. You also have -- the Clerk has put in our packets comments from several people that have been submitted. There are written comments from Ron Beaty about recall. There are written comments from Joe Glynn. It's quite a lengthy packet of information. There's also a packet from the League of Women Voters. And there's also a list of topics that has been compiled by the Speaker and these are topics submitted by members of the Assembly.

So in addition to that, we have Suzanne Brock signed up to speak. Welcome. Wherever you're comfortable; if you want to go to the lectern.

MS. SUZANNE BROCK: Okay. That's fine. My name is Suzanne Brock. I am a member of the Steering Committee for the League of Women Voters of the Cape Cod area, and my comments will probably be a little redundant. You have received a packet, but I just wanted to make sure that they were heard.

So the League of Women Voters of the Cape Cod area has followed Barnstable County government for years. It has consistently shown interest in reviews of the County Charter.

In 2012, the League conducted a study of the Charter with a particular eye to its structure and achieved a consensus among our members. We advocated for changes in conformity to that consensus again in 2015 acknowledging that with any changes there are likely to be strengths and weaknesses.

Now the Assembly of Delegates is considering another review as required by the Charter. At this time, there are no specific proposals, simply request by the Speaker to the Delegates to review the Charter for possible needed changes, either minor housekeeping or possibly major structural changes.

I would like to first address the process to be used by the Assembly of Delegates which has approved acting as a committee for review as a whole. We are pleased that the first order of business is a Public Hearing. It is important to gather information on how the public perceives the functioning of the County from as many knowledgeable voices as possible.

As the process evolves, we hope that there are -- that, excuse me, that the Assembly has additional hearings as possible changes to the Charter are proposed and well before they are presented to the Assembly as a whole for approval. Transparency is of the utmost importance if trust in the process and its final results are to be valued.

Below we have outlined strengths and weaknesses of the present structure that we previously identified as part of our 2012 study that we hope might be helpful to the Assembly as it considers what changes might result in improved, effective, and transparent County government.

So right now under the current Executive branch, which is a three-member Board of Commissioners, we see as its strengths that it's elected Cape-wide so that you must appeal to and take into consideration the needs of the entire region. Also, it offers a distinct separation of powers between it and the Legislative branch, a check and balance in the traditional understanding of the term.

But its weaknesses are significant, our feeling. So the entire three-member board is given general supervision and direction over all agencies of the Regional Government resulting in a lack of direction. There is no consistent voice of the County since reorganization happens on a yearly basis. Who give direction to the Administrator? Whom is it that the Administrator calls with a question? How does a whole board act as a CEO or making prior inquiries into conduct?

Having three Commissioners means that under the Open Meeting Law no two Commissioners may communicate in any form with each other because two constitutes a majority of the Board. Therefore, this discourages discussion of new ideas and allows no opportunities for clarification of a position or a misunderstanding or disagreement except before the public.

There is the potential for a quorum issue. If two are absent, then there is no meeting. Reorganization happens on a yearly basis. Typically this means that the chairperson rotates. It is possible into succeeding years that the views or the passions of a chair could differ greatly from the previous years' chairs so that there could be a little -- so that there could be little consistency from year to year.

A budgetary process involving both the Commissioners and the Assembly makes the process both lengthy and hard for departments to plan and implement programs in a timely and efficient manner. Many management consultants view an elected official as less able to make fair evaluations of employees to do the hiring and firing as an appointed Administrator would do. Politics tends to complicate these relationships and responsibilities.

And, finally, it is extremely hard to do personnel review in the public. Ideally reviews are done in a private setting where there can be open discussion of what's been done and where areas of improvement are needed. In terms of the Legislative branch, currently it's a 15-member Assembly of Delegates. The strength of that branch is that each Town has its distinctive voice and each Town has some percentage of a vote.

The weaknesses, however, are that regionalism is not fostered to its potential since if a Delegate only represents his or her own Town. The interconnectedness of the Towns is less obvious. Parochialism is potentially a problem. Proportional voting is less than the ideal standard. There is the potential problem of a quorum, eight members and 50.1 percent of the vote is necessary for a quorum, I understand. If the Delegates from the three largest Towns and Mashpee happen to be absent, then there's no quorum. A 15-member Legislative body is not streamlined. It is a lot of government for the size of the budget and the population of the region.

And, finally, the Charter revision decisions are delegated to persons who in addition

to the effectiveness of County government might also be influenced by self-interest.

And, finally, I would just state, in summary, the League position that was arrived at after study, I believe in the document that was delivered to you that there is a little bit larger explanation in terms of strength and weaknesses, but I just want to give you the main points.

The League supports an appointed, single, strong Executive rather than a Board of Commissioners. We support a reduced-size Legislative body, significantly less than the current 15 to be elected on a regional basis. We support changes in County government that would foster greater responsiveness, efficiency, and visibility of the Cape Cod Regional Government. And we support strong, effective, and transparent Regional Government including the Cape Cod Commission as the most effective way to be responsive to the current and future needs of the region.

Thank you, very much.

Speaker MCAULIFFE: Thank you. **Is there anyone else here to speak at the hearing? No? Okay. Thank you. I will close the hearing then.**

Assembly Convenes

Speaker MCAULIFFE: And we will go right into convening the Assembly.

Committee Reports

Speaker MCAULIFFE: Our first item under “Assembly” is Committee Reports. Anyone have any reports from any committees they’ve attended? No? All right.

Summary Report from the Clerk

- **Reminder to the Delegates of the OneCape Summit scheduled for July 29th and 30th**
- **Reminder to the Delegates regarding the AmeriCorps Graduation Ceremony and invitation to the Delegates**

Speaker MCAULIFFE: Report from the Clerk.

Clerk O’CONNELL: Thank you, Madam Speaker. Just one item I want to remind the Delegates about and that’s the OneCape Summit July 29 and 30. I did communicate with Kristy Senatori. She did confirm that registration is complementary for Assembly Delegates. You can contact the Cape Cod Commission directly or register via their website online and registration closes on the 19th. So that’s just a few days away.

And that’s all I have to report today.

Speaker MCAULIFFE: Did everyone get an invitation to the AmeriCorps?

Clerk O’CONNELL: Yes, I’m sorry.

Speaker MCAULIFFE: Okay.

Clerk O’CONNELL: I think I sent it out electronically because we weren’t meeting until today and it’s getting very close on the date. So there is an AmeriCorps invitation in your folder. If you didn’t get it, it’s probably just hidden in there so.

Speaker MCAULIFFE: Yes, Delegate McCutcheon.

Delegate MCCUTCHEON: I have a matter I’d like to bring up.

Speaker MCAULIFFE: Okay. We haven't gotten through our -- the agenda yet.
Delegate MCCUTCHEON: Well.

Summary of Other Business

- **Assembly unanimously voted to support Massachusetts House Bill 3929 relative to unfunded pension liability for the retired Sheriff's Department employees**
- **Assembly Speaker outlined suggested process going forward for Charter Review**
- **Delegates suggested topics for consideration of a Charter Review**
- **Charter Review Committee (CRC) meeting will be posted for 8/7/19 for 5 p.m. following the Assembly meeting**
- **Assembly rules were suspended to allow Attorney Troy to answer a question related to the composition of the Charter Review Committee (CRC)**
- **Delegate McCutcheon will consider bringing forward a new resolution related to previously failed Proposed Resolution 17-10**

Speaker MCAULIFFE: Okay. So under "Other Business," after "Other Business," and then we could take up your matter.

Delegate MCCUTCHEON: Okay.

Speaker MCAULIFFE: The consideration and potential vote on House Bill 3929, which was the presentation done by County Administrator Yunits.

Are there any comments? Yes, Delegate O'Malley.

Delegate O'MALLEY: Based on what I've heard, it sounds to me that it's in order for us to craft a resolution in support of this Bill. If Delegate Peake, Representative Peake, I'm sorry, thinks that that would be helpful for her cause, then I think we ought to get behind it. It looks like a no-brainer to me.

Speaker MCAULIFFE: I think we can also just write a letter. You can direct the Speaker to write a letter on your behalf or?

Clerk O'CONNELL: Yes. I mean I think the Assembly voted on this last year by way of resolution.

Speaker MCAULIFFE: Right.

Clerk O'CONNELL: I put a copy of that in your packet.

Speaker MCAULIFFE: Right.

Clerk O'CONNELL: I don't see why the Assembly cannot reconfirm or confirm their support of that and take a vote today. You've noticed it on the agenda. Certainly you can do that I think not by way of a resolution because you don't have that before you, but it's a reaffirmation, a confirmation of your support of that and certainly that would be reflected in the minutes and can do a letter at the direction of the Speaker to --

Delegate O'MALLEY: In which case my response would be, yes, that sounds like an expeditious route.

Speaker MCAULIFFE: Right.

Delegate O'MALLEY: We've already voted it. Let's go on record in whatever format.

Speaker MCAULIFFE: And quickly.

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Anyone else? Yes, Delegate Ohman.

Delegate OHMAN: No, I agree. I think that we should take another vote. I think that's the proper way to do this and I look forward to that, and I have no problem supporting it.

The language in our Charter in the state Legislature is very clear that they cannot do what they're doing to us, and it's remarkable with all the money that's been gone. If you remember, we started at like \$800,000. You would think the retirement program might wane over the course of time.

Speaker MCAULIFFE: No.

Delegate OHMAN: And it's just the opposite direction. I think Jack said probably this year is 1.5, next year might be 1.7 to \$2 million. I mean this is traumatic stuff, and it's there for the asking, I believe, and he's done a masterful job at getting some lobbyists and everything in helping with that. And it seems to be a clear path for us, so I would highly recommend that we approve -- vote and approve this. Thank you.

Speaker MCAULIFFE: Yes, Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I move that the Assembly authorize the Clerk to forward a letter on our behalf using the language from last year's letter updated to reflect this year's Bill and date.

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Okay. We'll have to do a roll call because we have remote participation.

Roll Call Vote to forward a letter in support of House Bill 3929 to county legislators.

Voting "YES" (100%): Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), 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), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Madam Speaker, the proposed action by Delegate Chaffee in support of House Bill 3929 passes with 100 percent of the Delegates voting yes.

Speaker MCAULIFFE: Excellent. Thank you. We will get that letter out as quickly as possible.

Speaker MCAULIFFE: Our next topic is a review and discussion of suggestions from Delegates and public regarding the Charter Review for consideration. This is not to be a -- we're going to make -- necessarily make decisions today, but I wanted to again frame what we're doing and where we're going.

I had one of the Commissioners contact me regarding how are we going to know when we're acting as the Assembly and how are we going to know when we're acting as

the Charter Review?

This particular discussion is by virtue of the fact because it's occurring in the Assembly meeting under the Assembly of Delegates. Once we decide if we're going to take on big governmental overhaul or even just topics, we will then go into a mechanism where the Assembly will convene and adjourn, and then immediately afterwards we can then convene as the Charter Review Committee. That allows us to then officially have minutes for the Charter Review, have a separate meeting so it isn't confusing, and it doesn't get to murky. So we will, actually, instead of discussing things under "Other Business" try and structure it so that we formally go into session as Charter Review because I think it's important to make sure that we can have general discussions obviously but that we do our work as a Charter Review Committee, that it doesn't get so comingled that it confuses us and confuses the public.

So that's the plan going forward. And I want to thank Attorney Troy and the Clerk for coming up with that because it was a question I was wrestling with how are we going to manage that?

The consideration that we are considering is are we going to go forward with a massive look at governmental structure restructuring some of the things, for instance, that have been proposed by the League of Women Voters in the past and currently? Or are we going to look at some of the topics and manage more updates and smaller items like perhaps recall or perhaps term limits or perhaps changing how we do our business or just updating and correcting the Charter. So these are items that are before you for consideration. So I guess my preference, if it's all right with you, is to sort of have a brief discussion to start the discussion about to kind of get a feel for what the Assembly is thinking and where you're going in terms of do you want to go into a big governmental overhaul because that's going to be a different sort of year than kind of tackling the smaller subjects? So I'm open to hear from people.

Yes, Delegate Killion.

Delegate KILLION: I'll just start out. We went through the larger government overhaul attempt not too long ago, that didn't result in any changes being recommended. And I think the committee at the time did a very thorough job of examining that. They brought that issue out to various places on the Cape to get input and there just didn't seem to be the appetite there.

And we did that at the expense of all these other issues that have been ignored for a long time. And I think it would be far more productive if we looked at a lot of these other issues and try to come up with some solutions for them then trying to tackle the big changes, structural changes that, again, I think will ended up mired in the same place we ended up before.

So that will be my recommendation as we look at some of these issues that haven't been touched in a decade or more.

Speaker MCAULIFFE: Yes, Delegate Zuern.

Delegate ZUERN: I also agree not to tackle the larger issues, which we've already done but to go through the Charter itself and just make any corrections that need to be made. And if there are any other issues that come up to deal with those but not try to change the structure right now.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. My constituents that I have heard from -- I mean I don't get a lot of feedback but every single person that has contacted me has contacted me because they want a recall measure. They want some way to be able to recall a member of the Commission or the Assembly of Delegates. So I think we have to address that. And if we're doing that, I think we should look at the size of the Commissioners themselves because three County Commissioners is untenable. One person asks the other person a question, "Hey, what did that guy say the other day," they've technically broken Open Meeting Law. So I do think we need to look at recall and the size of Commissioners.

Thank you.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I solicited input from Brewster voters. I appeared before the Select Board several weeks ago and described the process that we were undergoing and asked people to contact me, and I got no feedback. And I talked to a number of Brewster voters also.

And like the Delegate from Harwich, the one thing that I did get a lot of opinions about in the past was a request for a recall provision but that is the only specific and fairly narrow change that I've heard about from Brewster voters. And like the Delegate from Sandwich, I really don't think putting an awful lot of time and energy trying to recreate the wheel as I think at least one Assembly did in the past, if not five years ago and ten years ago. I'm not hearing voters from across the Cape clamoring for change.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: I'm going to -- obviously, I think that the issue for recall is one that has to come on our table. I find myself in the rather unusual position of being in full agreement with Commissioner Beaty on this subject, and I think his thoughts were quite clear. So that clearly is a piece.

I think, however, that on the big picture the issue that I've tried to raise, and I brought up in sort of in comments with the Speaker is that it strikes me that we are constituted as a bicameral government. And what that means, in fact, is that there is an executive branch whose role is to essentially make government -- the machinery of government does what it's supposed to do, to see to it that this whole operation keeps running.

And then there's a Legislative branch which is charged with making laws, and laws are what are created in order to shape our world to enforce morality, to ensure adherence to some general standards that work to ensure safety, etcetera, to make laws in response to novel situations. I don't know that there's anything that would change -- that changing the composition of this body is going to fundamentally affect that. I think most of that will come from, as I said to you, the way we operate; the way we listen; the way we take input. Perhaps the role of the committees could be enhanced as a channel for bringing ideas from the community that we could then act on and develop.

But I want to focus my thoughts really on the executive function. I don't mean to say this about personally about any of the three people who sit in that role now or previously, but over these years as I listened to the reports of what the Commissioners have been doing every week, I'm struck by how much of it is mundane, day-to-day administrative work. We signed a contract for procurement of road paving materials; we

signed off on septic betterments. You know, we have a very capable Administrator and I'm not sure what the real role of the Board of Regional Commissioners is. I think the three number is ridiculous and impossible for reasons that people have stated. But I'm not honestly sure, and I've raised this with the Commissioners, I'm not sure what unique administrative role they have as the Executive, and it strikes me that this would work by an Assembly who directs an appointed Administrator.

So that's, I guess, that verges into big picture in addition to the corrections; I'll leave it with that.

Speaker MCAULIFFE: Yes, Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Speaker. So to follow-up Mr. O'Malley, I was approached by a few people. I did the same thing at the Selectmen's meeting. I put it out there that we were going to do a Charter Review, whether it be minor or major, it depends. And the question that came back through residents were the questions of, "Well, what does the Assembly do? What does the Executive branch do; the Commissioners?" And they asked, "Would it be more effective if there were no Commissioners and if it were just the Assembly of Delegates?" And I said, "I don't know, but I would bring it forward," and I'm doing that. But I didn't know that anybody else had that similar comment to what I had to say or what was brought to my attention. So I don't know where we go with that but I'm putting it out there.

Speaker MCAULIFFE: Well, all this conversation is very helpful because what it does is then frames, you know, what we do at our next meeting in terms of we go into a Charter Review and we discuss these -- the meatier subjects.

I just wanted to give a little input because I was on the last Charter Review with Julia Taylor. We did consider the previous Charter Review recommendations that was the -- one of the considerations was to do away with the Assembly and just have the Commissioners and that never even made it to the Assembly for a vote. The Charter Review Committee didn't support that.

The Charter Review Committee did, however, support a strong Administrator and did support and I believe very strongly in having the Assembly become more of a regional Assembly. I think we had 11 districts as opposed to 15 members, and it was -- it meant a couple towns were buddying up. It was strictly by population. So it was a very representative thing. And we worked a year on this proposal not getting to some of the things that we needed to get to, and it was very well thought out. It was very well-planned. There were population maps, electoral maps; we brought it into the Assembly and the thing that impacted me most at the Assembly meeting was the need for each town to be represented, and that's something that as a member of the last Charter Review Committee it didn't strike me that the less than 1 percent that some of the Outer-Cape towns have was all they have at the table, and that the fear of losing their Town's voice at the table, and I don't want to -- and I do believe, you know naively perhaps or optimistically, that there is a regional approach here. But I was very -- that meeting changed my mind. I think it was Delegate McCutcheon who spoke so passionately about, "I might be only, you know, 1 percent or less than 1 percent, but it's so important for my Town to be at the table." And I know it was important for Wellfleet. And a lot of you weren't at the table at the time but that I left with that. It permanently changed my perspective in terms of the number of people on the Assembly from my perspective, weighted votes, the pros and cons, but the

fact that each town had a direct connection to the Assembly.

So whatever we do with the rest of the governmental structure, whether it's Commissioners/no Commissioners, three/five, whatever, I think the last discussion before the Assembly it was very clear that regionalizing becoming, you know, kind of more efficient and streamlined was not what was important. What was important was each Town having a connection to the County government. So that was just my overview from the last go around.

Yes, Delegate Princi.

Delegate PRINCI: My thought is that, I mean, we have to do something as far as the actual Charter itself, the language and some of the policies and so forth that are in there and the ways that the County conducts business. I mean the Charter's almost as old as I am. I'm old.

Speaker MCAULIFFE: No, you're not.

Delegate PRINCI: And, you know, lots of -- we get so hung up on the structure and how many Delegates or Commissioners and so forth, I really think we should start by just taking the Charter, and you mentioned it once, page by page and go through it. I mean we have the audit that was done on the County. It tells us that there could be a lot more that we could be doing as Assembly members, and so we should look at sort of the nuts and bolts as part of the Charter and not get hung up necessarily on the structure of the governmental elected officials and so forth.

But, at the same time, when we do get to that part, we ought not fight about, you know, every Town having a representative and consolidating the size and structure of the Assembly. We really should have a couple of options to provide to voters and let the voters decide as to what they want. Do they want to -- I mean we've made considerable changes in our personnel with our workforce in the County through the early retirement trying to scale back on what we have so that the County can sustain itself for years to come and continue to provide the quality services that the Towns depend on.

But we also need to look at possibly consolidating the number of elected officials. There are high costs that are involved with that and those could be considerable savings to the taxpayers as well.

Speaker MCAULIFFE: Thank you. Anyone else? All right. I think what my intention will be for our next meeting is to convene the Charter Review Committee. And what we can do then is come in prepared to discuss if we are going to tackle governmental changes or tackle it page by page. If we come to a consensus or a conclusion at our next meeting then that could set the frame or maybe we can decide we want to go page by page and leave the governmental stuff and decide that later on.

The only reason the page by page becomes important is if you change your governmental structure, it changes your page by page. And that's why the last Charter Review went nowhere is because we didn't want to get into the page by page. We wanted to tackle the overall picture and then deal with it and then nothing happened. So I think the goal is to make something happen. So even if it's just something as getting the page by page.

So at our next meeting, we will convene the Charter Review and let's have a discussion about whether we want to go forward with tackling the numbers of Commissioners or whether we want to do a big governmental change and come in and have

a discussion and perhaps make a decision about going forward.

Then from there, we'll put in our topics whether it's recall or term limits or cleaning up the language, and we can still do something that maybe everybody agrees on like, well, let's have a strong Administrator or, you know, down the road we could say well let's take the Commissioners out or take the Assembly out, however we decide we want to do. But I want to start down the road of getting something done. That's my mission. It's been too many Charter Reviews that get voted down.

Yes, Delegate O'Hara.

Delegate O'HARA: Madam Chair, with all due respect, I'm not looking to get something done. I'd rather take the time and do it right and get it done right. So I don't know how much time we have to work on this, but I think that's more important to me. Let's understand what this Charter is. Let's fix it and make it work for everybody in the County the best we can.

Speaker MCAULIFFE: No, my point was let's not spend a year going nowhere. That was my point which is what the last two Charter Reviews have done. I don't want to waste the talent, the time, the effort and then not have something that we can do.

Delegate Harder.

Delegate HARDER: Thank you. My only question is when I read the Charter, it says the Charter -- it's very specific about how a Charter Review Committee is supposed to be set up. So are we allowed to be the Charter Review Committee? Because according to the Charter, we're supposed to have municipal representatives and people at-large. So that's the only thing that confuses me. I'm very -- I like that we all do it together, but it just seems to me that might not be legal.

Speaker MCAULIFFE: We have Attorney Troy here. Would you like to suspend the rules and ask the question of Attorney Troy?

Delegate MCCUTCHEON: So moved.

Deputy Speaker MORAN: Second.

Speaker MCAULIFFE: Okay. All those in favor? Aye.

Speaker MCAULIFFE: Okay. I'm sorry to put you on the spot, but I know you have dealt with this question before we brought the resolution forward. Welcome.

County Counsel ROBERT TROY: Good afternoon, ladies and gentlemen. We looked at the issue of whether or not the requirements of the Charter, and I responded in writing to the Clerk, complied with -- whether the requirements of the Charter permitted the Speaker to appoint the Assembly as the Charter Review Committee as opposed to either appointing a committee that had a smaller segment of the Assembly along with other people in the community. And we found that what the requirements of the Charter were that the Assembly -- it says, "The review can be conducted in conjunction with the Cape Cod Government Regional Officer and the committee shall include representation of municipal officials of the municipalities which comprise the County." And we looked at the people who serve on this body and noted the fact that many of you either have concurrently positions in municipal government or you have served in the past in those positions. And so it seems that what the thought of the Charter was that there be representation that reflects specific municipal experience in the various towns. And when the Speaker and I were speaking about this subject, the Speaker mentioned, well, there is no better group that has the experience with the municipalities both past and present than

the Assembly itself.

And following along with what has been said earlier in the meeting, the idea that all of the towns are part of the discussion, all of the towns have a voice; it seemed appropriate that the Speaker exercised her discretion to make the decision that the Charter Review Committee in effect would be a separate and distinct committee but its membership would be identical to those who have been selected by the various municipal entities within the County with their representatives. And so I believe that there is no legal problem with the current format.

Speaker MCAULIFFE: Thank you. Okay. Anything else on the Charter at this point? Okay. So I will talk to the Clerk, look at some of the information that's come in and sort of set up perhaps a topic or two for discussion and perhaps a vote at the next meeting. But I don't want to push things if people aren't ready for a vote or they want to table something, and we want to do something else. I agree with Delegate O'Hara, let's get this done right, but I'm also looking for results too.

And, also, I want to address Delegate O'Malley. One of the things that came through loud and clear at the last Charter Review with our Attorney Curran who was the original attorney who wrote the original Charter, he would say over and over again, "The Assembly is not doing all the things that it could do." So it doesn't necessarily require a change in the Charter. It may require just doing what the Charter says. And I remember several times he would say -- and if Julia Taylor were here, she would -- or Bergstrom, Ron Bergstrom were here, they would say so many times we were told, "You're just not doing all the things that you can do."

So it may be as we review the Charter there are things that come out that struck, you know, we can do without changing the structure. So I wanted to let you know that your thoughts are just sort of what Michael Curran had suggested in the past.

And, also, I do intend to have frequent Public Hearings. I think that as we move along, as I was discussing before, as we move along if we make a decision or we want to make a decision, do we want public input? What do people think about this? What do people think about that?

Yes, Delegate Princi.

Delegate PRINCI: So when you closed the Public Hearing earlier you just closed the Public Hearing for today?

Speaker MCAULIFFE: For today.

Delegate PRINCI: It's still open for -- okay.

Speaker MCAULIFFE: Right. We'd have to repost it.

Delegate PRINCI: Okay.

Speaker MCAULIFFE: I'm not having a Public Hearing every time we meet. But perhaps if there's something that we want input on or there's a -- we want feedback on something because I agree, putting together a document and then putting it before the public when you're done might not be as -- it might feel to the public that they weren't included. So I definitely feel, you know, so we don't necessarily have a person or two, "At-Large," but we have the public participation.

Yes, Delegate Moran.

Deputy Speaker MORAN: Just in terms of thinking about process, I mean one of the things that Delegate Princi mentioned was a review of the language updating making

sure it's practical. And in a group this size, it can be rather ponderous because a lot of it can be legal terms that the Assembly may want to consider just assigning the counsel as a review of the entire document, see if there are scriveners' issues, if there are questions of meanings, things that could be clarified and those could be compiled for review.

Speaker MCAULIFFE: Right.

Deputy Speaker MORAN: So that's a different type of review than a consideration of the workings of the government. The problems with trying to negotiate the Open Meeting Law as Delegate -- a couple of the Delegates mentioned actually, in terms of having three Executive branch members and then the possibility of looking at researching other models. For example, I'm not exactly sure how Plymouth County runs but they're one of the few other County governments that we have in Massachusetts and it would be interesting to hear, you know, if folks were interested in a change how another County considers that.

So there are, you know, there just are different elements to the way we proceed, whether it's an overview or whether it's particular.

Speaker MCAULIFFE: And I also anticipate that there may be, for instance, let's say we decide the first issue we want to take up is recall and that's something that I don't think 15 people are going to work effectively at. So, perhaps, there's a group of maybe 5 to 7 people who will take all the issues or the recommendations, put some time in and then bring it back.

Term limits; there's another group that would work on that. Increasing the number of Commissioners, there might be another group that works on that and then brings it back for a discussion and debate to the Assembly.

So I don't anticipate that every single item we'll have before us -- it will take us forever. So I think it's more efficient to break out into -- and we may even do the language review that way do, pages one through five, that group will take it, you know, and go that way as well. But I think your points are well taken and that, perhaps, we also get a legal overview as well.

And if anyone has any suggestions or comments, please, we're just figuring this out as we go, please let me know.

Clerk O'CONNELL: Madam Speaker?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: May I make a comment?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: As we've been moving along and issues have come about, I started quite a while now, probably several years ago, of keeping just a little checklist of things that, gee, that language in the Charter could be expanded or changed, scribes' error, things like that. So I have myself a small list, a half-a-dozen/six or eight items that I've been keeping track of because I presume that at some point you would look at that and go, "You know, that's not really stated the way we actually do it."

One example is within your Charter I think it specifies or it's stated that the Assembly hires the auditors for the County. Well, guess what, you haven't done that in a long time.

So either you're going to demand that you want to start doing it again or you're going to say, "No, we're not," and that's done, you know, by the Finance Office and the

administration. So I understand why it was in there to begin with; I understand that but practically you're not doing it. So it's those kinds of things I've been trying to keep track of so that you can decide whether you want to do them/not do them.

Speaker MCAULIFFE: Thank you. If nothing else, we'll know what the County does very well. We will know the Charter in a way that no one has ever known before.

Are we set on this now? So I will put together some sort of structure for our next meeting. Okay.

Delegate McCutcheon, you had an "Other Business" item?

Delegate MCCUTCHEON: I do, Madam Speaker.

I want to bring up and I am going to move reconsideration tonight for a matter that happened over a year and a half ago. It's bothering me still and particularly with the news as we see it now. I understand that this is something that is divisive to this body and that a lot of people want to just ignore.

Over a year and a half ago we brought the sheriff in here and we said, "We don't really like the idea of you contracting with ICE to keep people on hold in Massachusetts. We'd like you not to do that." And the discussion came around and came around and, eventually, it was decided that it wasn't really our bailiwick to comment on this. And several people were vastly relieved that they didn't have to comment on it, that we were going to just move forward.

I see pictures in the news of children dying on the border. I hear our President, that's our President, saying that people should just go back to where they came from. I don't think that this is something that we should say is not our bailiwick. If there is something that we need to do for -- in the County is we need to provide some political leadership at times. We need to look at the issues that are happening in this country and we need to take a stand.

I don't agree that if you came from Africa six generations ago you should go back if you're not happy. I don't agree with that. I don't want that to be what our votes stand for.

I'm moving for reconsideration of that matter so that we can vote it's true that it is not anything that we can enforce to stop the sheriff from doing anything he wants to do. I don't want my vote on record as one that let him do it though. I don't want that child's death on my hands, and I feel it is.

We've seen since we voted on that, there have been people shipped out of Massachusetts to nobody knows where. It has not been very clear when the sheriff talked about it about what he has or hasn't done. We will never really know that. I don't want that to be part of my history on this committee.

And, therefore, I move that we reconsider and vote again on the issue of whether we will permit or in some way bring to the attention of the sheriff that we do not want to be involved in this, that we don't want our sheriff and our penal system used for that kind of detention.

That's my motion. I'd like to vote on it today and bring the paper motion at the next meeting.

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Okay.

Speaker MCAULIFFE: So what's under consideration is we're not voting up or down on whether we support the concept. We're voting whether we want to bring it back.

Do we want to bring this topic back? Do we want to discuss it and vote on it? We can't vote on it today; it's not on the agenda.

But if it is the consensus of the Assembly to bring it back, then you need to tell me to do that.

Yes, Delegate Killion.

Delegate KILLION: Isn't the -- wouldn't the way to proceed would be the Delegate from Truro could simply file another resolution rather than voting on what we're going to do?

Speaker MCAULIFFE: Okay. Why don't you do that and then that way we don't have to vote because I'm not going to agenda that unless you want to bring a resolution forward. And I'm not going to agenda it unless it's what the Assembly wants me to agenda.

Delegate MCCUTCHEON: I'm not sure I understand.

Speaker MCAULIFFE: Okay.

Delegate MCCUTCHEON: You want a motion for --

Speaker MCAULIFFE: Just bring your idea forward in a resolution and that brings it before the Assembly for a discussion, debate, and vote.

Delegate MCCUTCHEON: All right. I'll do that.

Speaker MCAULIFFE: Because to me it's a topic that was voted that if the Assembly wanted to bring it forward they would have to vote to do that.

Yes, Delegate O'Malley.

Delegate O'MALLEY: Yes, I would speak to -- in support of either reconsideration or perhaps a whole new resolution. I think the reason to face this again is the amount of information that we have now seen about what happens to people when they are turned over to ICE that the great majority of them wind up in detention facilities that are privately operated, situated throughout the deep South in rural places. They're all for-profit. They're all for-profit institutions and it's a nightmare what people are being put into.

I don't think we knew that. I don't think we had the beginnings of that exposition at the time we faced this a year ago. And while the topic remains one that is not under our administrative responsibility in any way, again, as legislators, I think we are clearly in the position of expressing the will of the community and expressing a political comment on how things are happening, and I think we're obligated to. So I would support that.

Clerk O'CONNELL: Madam Speaker?

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: As a matter of convenience, I believe that was Proposed Resolution 17-10 at the time. And if it so serves the Delegate from Truro, I can forward that to you because that may be helpful.

Delegate MCCUTCHEON: I'd be happy to use it.

Speaker MCAULIFFE: Okay. Any other business to -- yes, Delegate Ohman.

Delegate OHMAN: Just a point, I would like to have that same resolution mailed to me too. So maybe you could mail it to the entire Assembly.

Speaker MCAULIFFE: Send it to everyone?

Delegate OHMAN: Yes.

Speaker MCAULIFFE: Okay. Anyone else? Yes, Delegate Harder.

Delegate HARDER: Sorry I'm being a pain today. I have one more question. I'm

not sure if it's to be -- for all of us to discuss or not. But one of the things that came up talking to people in Harwich was what's the difference between what we do and what the town Commissioners on the Commission do? And I have no idea because I'm not -- I don't understand what they do.

Speaker MCAULIFFE: Okay.

Delegate HARDER: So I don't know --

Speaker MCAULIFFE: So you're talking about the representatives to the Cape Cod Commission?

Delegate HARDER: Yes.

Speaker MCAULIFFE: Okay. So that's just a matter of personal information for you. The Cape Cod Commission is a regional policy and regulation board. So what they deal with is vastly different than what we deal with which is the Legislative branch of the overall County.

So we can get information to you and also help you understand the difference between what the County --

Delegate HARDER: Right. Because if they're setting policy, isn't that --

Speaker MCAULIFFE: But we're not doing regional planning in terms of land use and regulations and, you know, the districts of -- the Regional Policy Plan, which is building where you can build, the square footage.

Delegate HARDER: Oh, I see. Okay.

Speaker MCAULIFFE: Very specific kinds of, you know, much more conservation, smart growth kinds of things; whereas, we deal with budgets and overall County stuff.

Delegate HARDER: Got it.

Speaker MCAULIFFE: But we can get specific information to you because they talk about things that we don't even remotely talk about.

Delegate HARDER: Okay. Thanks. Just wondering.

Speaker MCAULIFFE: Yes. And that's the other issue is most people -- County government, it's all one big amorphous thing. You know, people have no idea what the different branches do.

Okay. I'll take a motion.

Deputy Speaker MORAN: Motion to adjourn.

Delegate O'HARA: Second.

Speaker MCAULIFFE: Thank you.

Whereupon, it was moved to adjourn the Assembly of Delegates at 5:25 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar of 7/17/19**
- **Unapproved Journal of Proceedings of 6/19/19**
- **Massachusetts House Bill 3929**
- **Memo dated 7/17/19 from County Administrator regarding House Bill 3929**
- **Resolution 18-01**
- **Public Hearing Notice for Charter Review Comments**
- **Written Comments regarding Charter Review from Ronald Beaty, Joseph Glynn and League of Women Voters of Cape Cod**
- **List of topics for Charter Review consideration dated 7/12/19**