

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 - November 20, 2019

Call to Order

Speaker MCAULIFFE: Good afternoon. This is the Assembly of Delegates, the Cape Cod Regional Government. We are meeting in the Eastwing Conference Center at the County Complex. It's Wednesday, November 20th, 2019, at 4 p.m.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call Attendance

Present (93.51%): 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), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable – Remote Participation due to distance), Linda Zuern (9.15% - Bourne).

Arrived Late (6.49%): Thomas O'Hara (6.49% - Mashpee – arrived @ 4:05 p.m.).

Left Early (20.92%): Patrick Princi (20.92% - Barnstable – @ 5:55 p.m. left remote participation).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 93.51 percent of the Delegates present; 6.49 percent are absent.

Speaker MCAULIFFE: And we have remote participation from Delegate Princi due to distance.

Approval of the Calendar of Business

Speaker MCAULIFFE: All right. I'll take a motion to approve the Calendar of Business?

Deputy Speaker MORAN: So moved.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Is there any discussion? All right. We'll take a vote by roll call.

Voting “YES” (93.51%): 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), 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).

Absent (6.49%): Thomas O’Hara (6.49% - Mashpee – 4:05 p.m.).

Clerk O’CONNELL: Madam Speaker, the business calendar is approved with 93.51 percent of the Delegates voting yes; 6.49 percent are absent.

Approval of the Journal of Proceedings of 11/6/19

Speaker MCAULIFFE: Thank you. I'll take a motion for the approval of the Journal of November 6th, 2019. I believe there was -- is there a correction on this? No.

Clerk O’CONNELL: Yes. Terry was inadvertently marked as remote participation.

Delegate O’MALLEY: Right, and that's been corrected. So Madam Speaker, I have reviewed the minutes of a pretty abbreviated meeting last time and find no other edits. So I would move approval.

Speaker MCAULIFFE: Is there a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Any discussion on that? All right. We'll take a roll call for approval.

Voting “YES” (86.93%): 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), Brian O’Malley (1.36% - Provincetown), 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 (6.49%): Thomas O’Hara (6.49% - Mashpee – 4:05 p.m.).

Clerk O’CONNELL: Madam Speaker, the journal of 11/6/19 is approved with 86.93 percent of the Delegates voting yes; 6.58% voting present; and 6.49 percent are absent.

Speaker MCAULIFFE: Thank you.

Summary of Communications from Board of Regional Commissioners

- Commissioner Bergstrom updated the delegates on board actions of 11/13 and 11/20
- Reported that Rt 6 Rest Area usage increased from past season and food service pilot program was well received and will continue next season
- Reported that board voted to retain Special Counsel to advise commissioners on

the Charter Review process

- **Appointments made by board to the Human Rights Advisory Commission**
- **Board authorized a new part-time fully grant funded position to be added for Buy Fresh Buy Local program**
- **Board authorized filling of a full-time vacant Facilities maintenance position**
- **Appointments made by the board to the Health and Human Services Advisory Council**

Speaker MCAULIFFE: The next item is communications from the Board of Regional Commissioners. We have Commissioner Bergstrom. Welcome.

Commissioner RONALD BERGSTROM: Well, good afternoon. I have two meetings to report to you on since we last talked. I'll begin with the meeting of the 13th of November. We had under "General Business" a report from Mary Vilbon, who's the Executive Director of the Yarmouth Chamber of Commerce, regarding services at the Route 6 Rest Area. And Ms. Vilbon reported to the board on the rest area's operations during the current season. She thanked the board and Mr. Yunits for their support and noticed an increase in use of the facility from the previous year.

We had a lengthy discussion regarding a new food service provider working at the rest area through a pilot program. You'll remember that that program didn't start up until well into the summer, but for the months that it did operate, it was pretty much deemed a success. So we're looking for a full year next year and the concessionaire intends to do it again and, hopefully, he'll be successful.

Mr. Yunits addressed questions from the board and spoke regarding working with the Commonwealth to create public-private partnerships. We clarified that a portion of the revenue generated by the provider would be returned to the County. Okay?

Then we had a discussion on retaining Special Counsel for the Board of Regional Commissioners to review and advise on the Barnstable County Home Rule Charter Review process pursuant to 2-3 of the Barnstable County Administrative Code. I put that on the agenda because there's been some discussion. The Charter has not been amended in a significant way for, let me see, 11 and 19 -- 30 years, and so I just thought -- and there's been some discussion back and forth as to what the proper process is. So I thought it would be prudent to go out outside the County and get Special Counsel to look into this. We engaged Kopelman and Paige. They have a Charter Specialist on staff, and I'm expecting them to get back to us probably tomorrow or Friday. Okay?

So, moving right along. Let me see. Under "Commissioners' Actions," we authorized the appointment of the Barnstable County Human Rights Advisory Commission: Alan Milsted, David Schropfer, Paul Thompson for terms expiring December 31, 2020; Trish Oshman, Morgan James Peters, and Darlene Zerbe for terms expiring December 31st, 2021, and, Wendy Bierwirth, Kate Epperly, Jeanne Morrison, and Katie Riconda for terms expiring December 31st, 2020.

This is a little housekeeping catchup. These terms expired last July. There was some back and forth as to how to do it. Should we have staggered terms or whether we should just appoint everybody at the same time. So it was settled, not by me, but by the Human Rights Advisory Commission and discussions with Beth Albert. So finally we managed to get this all in proper shape so now they're ready to go.

We authorized the execution of a contract for a grant from the Massachusetts Office for Victim Assistance to Children's Cove in the amount of \$4,986. This is professional development training at the International Symposium on Child Abuse in Huntsville, Alabama in March 2020. And, remember, we talked about that credit card that we were going to have so people could -- wouldn't have to go out of their pockets, well, this is the kind of thing that it was set up for. They're going for education training on child abuse. I guess there's going to be an International Symposium in Alabama, so that's good for the continuing education of our staff.

We authorized the award of micro grants as recommended by the Barnstable County Economic Development Council to Friends Or Relatives With Autism and Related Disabilities; the acronym is FORWARD, the Town of Yarmouth, and WCAI, Local National Public Radio (NPR) station for the Cape, Coast, and Islands.

Ms. Senatori and Ms. Clinton, that's Kristy Senatori of the Cape Cod Commission, basically, we went back-and-forth as to what the criteria was, whether these successful applicants, you know, lived up to the criteria and it was decided that they do, and we thanked them and we congratulated them on the award. Okay?

And we discharged a mortgage and we authorized the execution of septic betterments.

So, that brings us to today and this morning. It seems like only this morning and it was. We authorized the execution of a Memorandum of Agreement with CVEC extending a Fiscal Year 2020 Round One Operational Administrative Adder. This is a little complicated and people follow the CVEC story from its beginning. Initially, the solar arrays that were set up for the various towns were expected to contribute part of the adder to a fund that would in turn be used for future projects and for some reason it didn't happen. There was discussion with Barnstable. Some of you may have gone over that when it happened, but as it turns out, in retrospect, the County is now agreeing along with the other towns to add this adder and it's only .25 cents, so I think it's about \$4,000 a year out of what we get from the solar arrays that we're going to have and so on.

Then we authorized the creation of a new part-time fully grant-funded position in the Cape Cod Cooperative Extension of Buy Fresh/Buy Local Cape Cod Assistant for the period of December 1st, 2019, through June 30th, 2020. This is grant-funded position. If you remember, we were getting a small amount for the Buy Fresh Buy Local Program and then, you know, through its successful entreaties of our staff, we managed to bump it up to \$70,000 so now we can put on an employee. And I asked the Administrator to give us a -- and there already exists a charge, in other words, exactly what they're going to do and what they're expected to do so, you know, what these new employees coming on what their jobs are and see if they do a good job.

We filled a vacancy in the Maintenance and Repair Position in the Facilities Department as recommended by the County Review Committee.

We authorized the appointment to the Barnstable County Health and Human Services Advisory Council of Anne Burke, Beth Bowman, and Laura Kanter as representatives; and Carrie Bearse and Matt Butler as alternates for a term through November 4, 2022.

I asked that at some point a representative from the Barnstable County Health and Human Services Advisory Council plus Beth Albert, who is the chair, come before us. We haven't heard from them for a while and they're referenced very often, so we have to at least get a head's up at what they do, I mean, I know what they do but I think they should get a

chance to explain to the public.

We authorized the creation of a new fund for a grant from Cape Cod Healthcare to the Health and Environment Department in the amount of \$3,000 for the "Ask a Public Health Nurse" project. And, apparently, we have a County Public Health Nurse available at food pantries and other places where we think that people who are -- may need and not have access to public health can get advice from a nurse. So, they're hoping now Cape Cod Healthcare kick in another 3,000 so they're hoping that they can fund those positions in several other venues.

And then we did septic betterments, and then we authorized the approval of a grounds request from Barnstable Village Association to use the County Complex for a village tree lighting on December 4th, 2019. They have like a village stroll here; I mean they have one in Chatham. I think they do in other towns too. Well, this year, for the first time they're going to have a tree lighting and they're going to have a tree out there on the lawn. And so we approved that and they said they'd take full responsibility. They have an insurance disclaimer. So they're all set to do that. So that's a good report.

And that is it. That's what we've done. So if you have any questions, I'm available.

Speaker MCAULIFFE: I had a question on the Commissioners' vote for Legal Services in its regard to the Charter. Is there a reason why you aren't using County Counsel for the Commissioners' questions?

Commissioner RONALD BERGSTROM: Well, I have the opinion of County Counsel in front of me of April 22nd, 2016; all right. This was the last time. And he clearly -- he said, and I'll read it to you, it says, "Charter amendments that pertain to what has been characterized as structural changes to the form of County government are governed by the third paragraph of Section 9-1. These amendments shall be proposed by the voters only after the enactment by the state legislature of a special law approving a petition filed by the Assembly of Delegates with the approval of the Board of Commissioners; hence, a petition for a structural change to County government must meet the following prerequisites before being placed on a state election ballot. Approval by the Assembly of Delegates and County Commissioners of a petition seeking such an amendment to the Charter and approval of the state legislature of a special law approving such a petition."

Now, I know there's been some disagreement with that. This is the County Counsel's opinion. So there's some disagreements so I thought I would go to Special Counsel outside the County to say if there's -- if somebody has a different view, let's find out because, right now, this is the only operative opinion that I could come up with, you know, and that's my reading of the Charter as well.

So, you know, like I say, it's been 30 years. Sometimes the language in the Charter is ambivalent at least in different people's readings so now it's not -- this is short money.

Speaker MCAULIFFE: Did you -- well, short money, we are constantly criticized for legal services. So that's part of the frame of this. I'm a believer in using legal services. Did you talk to County Counsel about that opinion before you took the vote?

Commissioner RONALD BERGSTROM: I didn't but I think Jack did, and he's here, you could ask him. He affirmed that that was his opinion still in effect, but I don't want to speak for him. He's here now.

Speaker MCAULIFFE: Yes. No, I just wondered why -- two things.
The Charter Review is the Charter Review and it's a purview of the Charter Review

Committee and not necessarily the purview of the Commissioners. And I understand whatever comes out of that, you have an opinion just as in the past, everyone's had an opinion about past Charter Review Committees. It's a bit confrontational to be looking for legal opinions during the review before votes have been taken. I'm just telling you the perceptions; Number 1.

Number 2, you have County Counsel who is now the Charter Review Counsel, and I would hope that that would have been the first person to go to; otherwise, there's a perception of you don't like someone's opinion and you're looking for a different one. It's just -- and, third, we have been called on the carpet a number of times on legal fees. And I, you know, don't think that legal fees are something that should be called into question when they're used judiciously, and I'm just wondering if this is a necessary use of legal fees when there hasn't even been a vote taken.

Commissioner RONALD BERGSTROM: Well, I agree with you, but I don't want the Assembly to consider the process, too much talk about process. I want you to take your votes on what you feel is right for the County.

However, we have to know what the Charter says. Now, it was my opinion that this memo dated April 26th, 2016, was the operative memo for Charter Review. You said to me you didn't agree, okay? Now I could have stood on a ceremony and said, "Well, I don't care if you don't agree. I got it right here."

Instead, I decided to go outside so it wouldn't be just me you're arguing with. It would be an independent counsel as well as our independent counsel. So I was actually trying to, you know, be nice, you know.

Speaker MCAULIFFE: Well, but I think it sets up confrontation. If we have information from the Counsel for Charter Review that, in fact, we can directly petition the legislature based on the interpretation and you're looking for other legal opinions, you're going to get into the intergovernmental battle that you, you know, you don't want.

I'm just saying its cart before the horse in a sense. It's a bit of a -- I think it was interpreted by a number of Assembly members as a pressure tactic and a you better watch -- mind your Ps and Qs and watch what you do kind of thing.

So it's just you need to, you know, let us have the process and let us, you know, this vote may go nowhere and you've already kind of galvanized for something that I didn't think was going to happen.

Commissioner RONALD BERGSTROM: Well, I want to tell you that you're absolutely wrong in that assessment. I know I can't talk about perception, but the fact is is that the Charter is the operative document of Barnstable County. We're now going through a process that we're going to change that Charter for the first time in 30 years. There's been some disagreement between myself, County Counsel, some of the mem -- yourself and some of the members of the Assembly. Don't you think it would be prudent to go out and determine as this process goes on? I mean --

Speaker MCAULIFFE: Well, I will tell you, we are not going forward with something that we haven't discussed with counsel based on the Charter Review Committee, and every single person in this room is aware of County Counsel's opinion.

Commissioner RONALD BERGSTROM: I'm not aware of it.

Speaker MCAULIFFE: Otherwise, we would have not gone forward with the track that we're taking. But I guess what I'm saying is it's the Charter Review Committee's

business at this point, and I think the perception or the feeling or the idea that somehow the Commissioners or the executive are going to interfere with that, I think you should take a hands-off approach until the votes have been made.

Commissioner RONALD BERGSTROM: Getting an opinion is not the same as interfering. I haven't come to you today and said what you can and cannot do. I wouldn't do that. In other words, this is an opinion that we've solicited from Special Counsel, okay. We can take that opinion and put it in our pocket, but no way have I ever come to you and say, well, you can't do what you do or have I ever suggested that I've said that.

Speaker MCAULIFFE: Right.

Commissioner RONALD BERGSTROM: You know, I mean this is -- I find myself in a position here where I tried to do due diligence and understand what the process is, and I'm being accused of trying to subvert the process.

Speaker MCAULIFFE: Well just the Commissioners --

Commissioner RONALD BERGSTROM: The law is the law.

Speaker MCAULIFFE: -- the Commissioners really don't have a role in the Charter Review process at this point even though the results and the Charter obviously affect them. There's really no role for the Commissioners in the Charter Review process. So right now it's in the hands of the Charter Review Committee. So that's where it should stay, and I think that if there are issues with votes down the road certainly --

Commissioner RONALD BERGSTROM: We don't pretend to have a role in the Charter Review process right now, but a solicitation of information as to the process itself is not taking a role in the process. It's just giving us information, so we know what we're doing going forward. I mean how can you object to us getting an opinion on a process that hasn't been, basically, utilized now in 30 years?

I mean, I'm taken aback that by taking this extra step so that we all know what we're headed for that I'm being accused of somehow interfering in the process. I've never interfered in the process.

Speaker MCAULIFFE: I'm just telling you I heard from Assembly members who felt that it was premature and that it was a bit of a shot across the bow was the way it was stated to me.

Commissioner RONALD BERGSTROM: Well, they're wrong. They're wrong.

Speaker MCAULIFFE: Well, perception is perception. It doesn't, you know, you perceive things one way, someone else may perceive it differently.

So, any other questions? Yes, Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. I wanted to ask for some clarification. You talked about CVEC.

Commissioner RONALD BERGSTROM: Yes.

Delegate GREEN: I know that the information we've received said that solar panels were going out for an RFP. Have you already decided that you're going with CVEC?

Commissioner RONALD BERGSTROM: Well, Liz Argo, who's the director of CVEC, was supposed to come before us this meeting and she didn't. She's going to come, I think, on the fourth --

Administrator JACK YUNITS: The fourth.

Commissioner RONALD BERGSTROM: --the 4th of December, and she'll give us a

heads up on where that is. Jack probably knows better than I do. The discussion we had today had simply to do with existing obligations to CVEC for the panels that, you know, for the services everybody provided, you know.

Delegate GREEN: Okay. I just wanted to clarify that. It's for services already provided. It's not for the future panels that you're talking about CVEC helping you to put together an RFP; is that correct?

Commissioner RONALD BERGSTROM: Yes.

Delegate GREEN: Okay. And then on the other issue I wanted to ask for clarification is I've been very supportive of the Buy Fresh Buy Local Program, which I think is a win-win all the way around. Could you -- I know that we approved the budget last year for a minimal amount for the Buy Fresh/Buy Local program; could you explain why you have \$70,000 on --

Commissioner RONALD BERGSTROM: Because that's the grant that we got. In other words, it's a grant-funded position so we got a grant of \$70,000. I think it was increased from \$15,000 the year before or \$10,000. We argued about that on a previous budget if you guys remember.

Delegate GREEN: Right.

Commissioner RONALD BERGSTROM: Whether we should give \$10,000 or \$15,000. Turns out that I think either the feds or the state came up with the \$70,000. So it's a totally grant-funded position. That's what determines the amount. And I made sure that they don't just gobble the money up so that's why I asked for a description of -- a job description in exactly what they do. I don't suggest that they are doing that, but we should know even if it's a grant-funded position, we should, you know, hold employees accountable for, you know, pulling their weight on issues like that.

Delegate GREEN: Thank you. That's fantastic.

Speaker MCAULIFFE: Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I have a follow-up question about Buy Fresh/Buy Local. Can you say a little bit more about what this grant-funded position is going to do for six months?

Commissioner RONALD BERGSTROM: Well, that's why I asked them to come before us and explain exactly what they're going to do. Maybe I can -- can I lean on Jack because he has it better than I do?

Delegate CHAFFEE: Thank you.

Administrator JACK YUNITS: This is run by the Extension Department. Last year the grant was \$10,000. Becky Yavner from Extension did an incredible job impressing the Department of Agriculture this year who increased the grant to \$70,000. So the task will obviously increase as well.

I'm not sure that the state has sent out the list of tasks for this year, but the person that's hired will be charged administering those tasks. Becky was only the media part of that original program. She helped organize the print work and attended a lot of the Harwich and other conferences on Buy Fresh Buy Local Program that went on all year long.

Delegate CHAFFEE: So it's largely advocacy.

Administrator JACK YUNITS: Yes. It's all advocacy and printing for the most part.

Delegate CHAFFEE: Okay. Thank you.

Speaker MCAULIFFE: Delegate Moran.

Deputy Speaker MORAN: So with respect to the budget is there -- on Special Counsel, is there a line item in the budget for an amount for this proposed task?

Commissioner RONALD BERGSTROM: No. Jack has negotiated with it. I don't think -- it's going to be a few hundred dollars. You know, there was some discussion about - - back-and-forth, and I'll bring this up now, about the line item for the Assembly's Legal Counsel. It was my understanding that there was no line item that, indeed, we added another \$25,000 because we anticipated we would go over the appropriated amount. So by adding \$25,000 we covered ourselves. That was my understanding; I might be wrong because I've heard different since.

So, basically, we have a legal budget that's available to you and to the Commissioners. There's a special -- there are other small legal budgets, for instance, HR has a legal budget that they take out of.

So, anyway, Jack is going to correct me. I'm going to see what's going on.

Administrator JACK YUNITS: There's just a few things. We've had a couple very complex contracts this year with DEP and EPA and Attorney Troy has put in a lot of time on those contracts for the County.

In addition to that, when the Assembly requested their own separate legal funding for \$25,000, it kind of freed up a little bit of money on our side. So we were happy to deliver that money to the Assembly for your legal services on Charter reform. There's no special line item. The Administrative Code gives the Commissioners the right to hire Special Counsel on special issues. And I think the chairman felt that it was best to make sure we were doing everything right coming out of the chute and that's why he felt it was justified to move this forward at this point time with Special Counsel.

Deputy Speaker MORAN: Okay. So there's a line item for Charter Review for the Assembly of \$25,000.

Administrator JACK YUNITS: Right. Yes.

Deputy Speaker MORAN: And is there a line item for Charter Review counsel for the Commissioners?

Administrator JACK YUNITS: No. That would come under the general legal budget.

Deputy Speaker MORAN: Okay.

Administrator JACK YUNITS: And that's contained in the shared cost portion of our budget. It's not under the Commissioners' budget. It's under shared costs because other departments can have -- in the case of health, for instance, the complicated contracts that Bob negotiated for the County with DEP and EPA were because the special needs rose out of the Health Department. So we don't have -- they don't have a health -- a legal line item for Counsel in the Health Department, so we put it under shared --

Commissioner RONALD BERGSTROM: Jack, do you have a number -- do we have a number of Kopelman & Paige? Did they give any estimate of what they --

Administrator JACK YUNITS: They gave -- the estimate, I think, was \$225 an hour.

Commissioner RONALD BERGSTROM: \$225 an hour, so if they spend 10 hours on it, it's --

Administrator JACK YUNITS: A couple grand.

Commissioner RONALD BERGSTROM: -- a couple grand, and, you know, I mean to be honest with you, I mean I don't want to go down the road here obviously but we're not -- we're at odds on this, but we're entitled to legal counsel as well, you know, on an issue

like this.

Deputy Speaker MORAN: Well, so to answer that or to get to that point if, in fact, the Assembly vote is to not move ahead with the proposal for reviewing the position of the Commissioners or eliminating, however the proposal is worded, then there would be no need for legal counsel for the Commissioners; would that be the case?

Commissioner RONALD BERGSTROM: No. This is a one-shot deal. Basically, they will present an opinion and that opinion will stand unless it's counteracted by another opinion forever, I mean, until the next Charter Review Committee until the Charter Review Committee after that to the Charter -- it's not specifically tied to this. It's not specifically tied to this Charter Review Committee. It's basically an analysis of the process and just their opinion on the appropriate process that we go through. I had it in my head that it wasn't going to be just this time. It was going to be every time the Charter Review Committee meets now and when we're all gone.

Deputy Speaker MORAN: May I have a follow-up?

Speaker MCAULIFFE: Oh yes.

Deputy Speaker MORAN: Okay. So the intent is to have an opinion to perhaps stop the vote of the Assembly on this issue?

Commissioner RONALD BERGSTROM: No, no.

Administrator JACK YUNITS: No.

Commissioner RONALD BERGSTROM: No. If I wanted to do that, I would have had the opinion in my hand when I came in. I didn't want -- I don't want you to argue over process. I deliberately do not want you to argue over process.

Deputy Speaker MORAN: So it would --

Commissioner RONALD BERGSTROM: Process is down the road.

Deputy Speaker MORAN: Okay. And then would the opinion since it's to come before the Assembly vote, would it be to narrow the choices that the Assembly may have in the vote? In other words, I'm curious about what are the Commissioners asking Kopelman & Paige to opine on?

Commissioner RONALD BERGSTROM: What they were asking them to opine on is Section 9-1 of the Charter which says according to the opinion that Bob Troy gave in April of 2016 that any major Charter change that deals with structure has to go through the to the Commissioners; all right?

Now I recognize the fact that you're not dumb so you think if it has to go through the Commissioners chances are it's not going to work so you must have a contrary opinion. There must be something that you feel that negates the opinion that was given to him in 2016.

Rather than have me come in here and argue my reading of the Charter against your reading of the Charter, we decided to go to outside counsel. I'm not telling him what to say. They're going to come and they're going to issue an opinion as to what steps a Charter change has to go through to reach the ballot. That's why I did it so I know. I know what it is and you will know. I mean you don't have to accept it but it's going to be -- that's what's going to happen.

Deputy Speaker MORAN: But does the current opinion foreclose the Assembly from taking a vote?

Commissioner RONALD BERGSTROM: Oh no. No, it doesn't.

Speaker MCAULIFFE: It just has to go through the Commissioners.

Commissioner RONALD BERGSTROM: Do you understand, you --

Speaker MCAULIFFE: They want it to go through them.

Commissioner RONALD BERGSTROM: -- you're not presuming -- you're not presuming that we're going to vote against it. In other words, if it's a bicameral decision, according to this, according to this, you vote on it, send it to the Commissioners, we vote on it. Now you can assume that we're going to vote against it, but it's, you know, it's not to say you can't send us something. You know, I mean the legislature sends things to the president all the time even though they know he's not going to vote against it.

Deputy Speaker MORAN: So do you -- so then you're envisioning the Assembly could take the vote and it would then -- you're envisioning it then -- you'd want it to go to the Commissioners in which case you then would get the legal opinion; does that make sense?

Commissioner RONALD BERGSTROM: No, no.

Deputy Speaker MORAN: Is that what you're asking?

Commissioner RONALD BERGSTROM: No. We would -- we're going to get -- see, when I decided to do this and I brought it before the Commissioners, I didn't know how long it would take, and I didn't know how long this process would take. I thought we could go into the holidays. Meanwhile, we moved down the road. So I wanted to get the ball rolling as soon as possible.

As it turns out, they're willing to turn it around in days rather than weeks. So I just anticipated that, you know, I'm not trying to prevent you from taking a vote. What I'm trying to do is to say that right now the Charter says that your decision has to go to the Commissioners according to this.

Deputy Speaker MORAN: Yes.

Commissioner RONALD BERGSTROM: Now if the Speaker disagrees with me, then we have an issue. And so we're going out to Special Counsel to resolve that issue. That's all.

Deputy Speaker MORAN: But that sort of confirms the Speaker's suggestion that the point of advancing or early efforts at obtaining counsel might have sort of a cold water approach with respect to the Assembly.

Administrator JACK YUNITS: Well, like I said, I didn't know how long it would take. I thought we would be in the middle of December. You know, I go to your lawyers and God only knows when you'll get back to us. So I didn't think we were going to get it back in a week to be honest with you, but I assumed that this process would go forward and it would come to us, you know.

But let's -- I don't want to be adversarial but suppose you voted to change the Charter, get rid -- and you send -- and you don't send it to the Commissioners. You say forget it, you know, don't bother us. Then we'd have to take a stand.

You know, I'm trying to avoid -- what I'm trying to avoid is something that hasn't happened in my 13 years of experience is that to have a contest between the Charter Review Committee and the Commissioners.

Deputy Speaker MORAN: So, what would have been the downside in letting the Assembly take the vote? The vote may well have been status quo works terrifically and, in fact, when I think the Speaker took sort of a straw poll or when there was discussion about

it, it seemed to me that that may well have been the result of the vote. So, I'm wondering what the, you know, why advance the -- and the opinion could be done very quickly, obviously.

Commissioner RONALD BERGSTROM: See, you're anticipating the opinion would go against the Assembly. I don't know what the opinion's going to be.

Deputy Speaker MORAN: Well wouldn't it be --

Commissioner RONALD BERGSTROM: So I'm not using that opinion to thwart you. I have no idea what they're going to say.

Deputy Speaker MORAN: I understand.

Commissioner RONALD BERGSTROM: They could very well say that you have the absolute right to do anything you want.

Deputy Speaker MORAN: Well, I wouldn't call it against the Assembly is all I say but you've answered my question. Thank you.

Speaker MCAULIFFE: I'm just going to -- we have Attorney Troy here in the audience. I would like to ask him a question.

Commissioner RONALD BERGSTROM: Sure.

Speaker MCAULIFFE: Because we aren't making things up as we go along.

Commissioner RONALD BERGSTROM: Oh, I know.

Speaker MCAULIFFE: We are doing things in accordance with legal counsel. So I think it just would have been nice if you had taken your recent concerns to County Counsel. I don't know, it sounds like you didn't; I don't know if you did rather than immediately go outside because what potentially happens is this intergovernmental fight.

Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I just want to make an observation and step back at what I believe has happened here.

For years, I think, everyone involved in County government believed that there was a certain process that had to be followed if a structural change was going to be made to the Charter and that involved action here in the Assembly, followed by action with the Commissioners, following a petition to the State House, following the action by the voters. However, this spring when the Charter Committee started its work, a new possibility emerged that was introduced into this marketplace of ideas the potential process of sending something -- petition directly from the Assembly to the State House.

And I'm hearing that's what caused the executive branch to seek a clarification on exactly what the process is and I hear you saying not just for the specific issue that we're going to be contemplating today but for anything that happens now or in the future what are the rules and that's a value to everybody engaged in County government.

Speaker MCAULIFFE: Well, with all due respect, none of this has happened without consultation with County Counsel. And if County Counsel has advised us in a manner, it would be appropriate that the executive also talk to County Counsel too because the fact that there is a potential for County Counsel's advice and another opinion, to me, it's a shopping for an opinion potential.

But I also think that my bigger concern is the attempt by the executive to influence the Charter Review when the Charter is very clear the Charter Review is the purview of the Charter Review Committee and not the purview of the executive. And that is something that I am just -- it's been an ongoing battle to try and maintain the integrity of certain County

departments so that you can function in an appropriate way. And I understand the executive has its issues and has its concerns, but I also feel that there needs to be some respect for the process and some respect for what's laid out in the Charter.

Commissioner RONALD BERGSTROM: Well, in all due respect, you're suggesting that I'm trying to circumvent the process is just totally wrong. I've never waived anything in front -- you asked me why I did it and I pointed out the previous -- that from County Counsel three years ago so I had his opinion in front of me, that's why I didn't ask him again. But I've never come here and said you can't do it.

Speaker MCAULIFFE: No, I understand that, but I also -- I'm not going -- this is getting into a debate we don't need to have.

Commissioner RONALD BERGSTROM: Yes.

Speaker MCAULIFFE: Yes, Delegate Kanaga.

Delegate KANAGA: Thank you. I just wanted to jump in and just go on the record from my point of view. This is, to me, this is a bit of a tempest in a teapot because there's two branches of government, each one's entitled to get an opinion it seems to me. I don't feel intimidated by someone going to get a legal opinion in what I say at the Charter Review Commission or hear at an Assembly meeting. It's just, you know, normal process.

So I'm not taking anything that I'm hearing being done as influencing my decision or intimidating me or trying to influence the process at all. It's just, you know, they've got to know what their rules are -- what the rules are from their standpoint in terms of them making decisions and they're entitled to that. So, anyway I just --

Speaker MCAULIFFE: Okay. Thank you. We'll move off this now. Is there anyone else who had any other questions for the -- okay, no.

Thank you.

Summary of Communication from Public Officials

- **Jessica Weilgus from the Cape Cod Commission submitted Proposed Ordinance 19-19 to establish a District of Critical Planning Concern (DCPC) in West \ Harwich**
- **Commissioner Ronald Bergstrom provided comments regarding the use of social media, criticisms of elected officials, and the remedy available to address these types of issues**

Speaker MCAULIFFE: Next is our communication from public officials. I see Cape Cod Commission is here. Welcome.

Ms. JESSICA WEILGUS: Good afternoon, Madam Speaker/Members of the Assembly. My name is Jessica Weilgus; I'm here from the Cape Cod Commission to transmit an ordinance in the matter of -- a Proposed Ordinance in the matter of the Harwich District of Critical Planning Concern.

So DCPC as it's called by the Cape Cod Commission Act outlines a process by which in this case the Harwich Board of Selectmen nominated a particular area in the Town of Harwich to be a District of Critical Planning Concern. That went forward at the Commission through two public hearings and the Cape Cod Commission Act specifies that we forward it on to you for enactment as an ordinance.

So I'm here just procedurally to give you that ordinance and have it scheduled for

hearing and consideration by the Assembly.

Speaker MCAULIFFE: Thank you. So I believe -- there is a bit of a time consideration.

Ms. JESSICA WEILGUS: Yes.

Speaker MCAULIFFE: So this will probably come up at our December 4 meeting. So we're not going to be having the discussion and input now but our next meeting. But it is something that is very desired by the community.

Ms. JESSICA WEILGUS: It is.

Speaker MCAULIFFE: So I don't think there should be controversy or controversial or something that I'm putting a lot of you quickly. So, hopefully, you'll get a chance to kind of look it over and then we'll get -- we'll have a hearing on it and then a vote on it on December 4th.

Great.

Ms. JESSICA WEILGUS: Thank you.

Speaker MCAULIFFE: Thank you, very much.

Ms. JESSICA WEILGUS: Thank you.

Commissioner RONALD BERGSTROM: Madam Speaker, we're still on communications from public officials?

Speaker MCAULIFFE: Yes.

Commissioner RONALD BERGSTROM: Okay. I'm speaking to you as a public official. You know, I don't go on social media; I don't blog; I don't Tweet; I don't do any of those things. But it has come to my attention that one of my fellow Commissioners has frequently gone on social media to criticize and to question the integrity and the dedication of many public officials including the people in this room.

Now I served for 12 years on the Assembly, 8 years as Speaker. I had nothing but the greatest respect for the people I work with and still do. All right. It's very painful to have to hear this stuff knowing how hard you guys work and how dedicated you are to the jobs that you have. Unfortunately, with us public officials, there's not much you can do about us except wait until the next election and vote us out.

And so that's the remedy that the founders of this country have given to us. If you really want to change County government, the most effective way of changing County government is when the next election comes and all 15 of you are on the ballot and two of the Commissioners are on the ballot, you can make the changes right there.

But I have to say for me, personally, although it's not always apparent, I'm aware of the things that Mr. Beaty has said. I certainly don't approve of them. If I were to put out a statement every time he does that, I'd be doing it every week. So I'm taking this opportunity to tell you that as far as questioning the honesty of public officials like yourselves, he's an outlier, and I hope that you don't take it too personally, and we'll have to think about what we can do in November if you feel that it's inappropriate.

You know, unfortunately, this kind of stuff has become very common up in Washington, you know, the politics by personal attack. And I think that it may be acceptable there, but I have to say that it's not acceptable here in Barnstable County or on Cape Cod.

So that's all I have to say. Thank you.

Speaker MCAULIFFE: Well, would you stay for a minute because I do want to

address the legal issue a little bit. When you decided to hire KP Law, we did get an email from Commissioner Beaty that announced that KP Law was going to be looking into Charter Review and it essentially said, "Don't talk to us, talk to our lawyers on Charter Review" is the gist of email and we all saw that.

In addition, when a resolution came forward from a member, which is not on for tonight, there was a discussion about liability, individual liability and who's indemnified from doing things. And the legal -- the throwing around of legal terms or, you know, "Don't talk to me, talk to my lawyer," it's very threatening. And I think it puts a chill on the ability of people to work together and communicate.

Commissioner RONALD BERGSTROM: Yes.

Speaker MCAULIFFE: And I know it's not you in terms of, you know, where this is coming from, but I think it has really damaged considerably the, you know, I'm not calling you and talking to you because I've been told to talk to your lawyer. So I think that's a --

Commissioner RONALD BERGSTROM: Yes, but Mr. Beaty doesn't have the right to tell you that. Only the board -- even now in speaking to you about the policies of the board, I can only -- that's why I'm up here by myself because I don't have the authority to give instruction to the Assembly as to what you can and cannot do as an individual Commissioner and neither does he, and I think you should be aware that.

Speaker MCAULIFFE: We are aware of that but I will tell you, as an individual when litigation is tossed out there as a term, I think that does close a door shut, you know, pull some --

Commissioner RONALD BERGSTROM: I hope not.

Speaker MCAULIFFE: -- you know, you have to really watch what you say. It's just a fact of life. So in addition to the social media stuff there's this layer of legal threatening I guess is --

Commissioner RONALD BERGSTROM: Well, I know you very well and I know Mr. Beaty very well, and if you put two of you into a room, I'm sure you're the only one that would come out.

Speaker MCAULIFFE: Yes. So I think you can stand up. I think you can stand up to Mr. Beaty with the best of them, Suzanne, so.

Speaker MCAULIFFE: Believe me, I have very many great conversations with him. He and I get along great face-to-face. We have a lot of good conversations but that's only face-to-face.

All right. Thank you, very much.

Speaker MCAULIFFE: Any members of the public wish to address the Assembly?

Public Hearing on Proposed Ordinance 19-17

- **Health & Environment Director Sean O'Brien, Finance Director Elizabeth Braccia and County Administrator Jack Yunits provided comments and justifications regarding funding request of \$215,000**

Speaker MCAULIFFE: All right. We have a public hearing for two ordinances, and the first ordinance tonight is Proposed Ordinance 19-17, and this is a FY20 Supplemental County Operating Budget Appropriation, and this is -- I'm not going to read the whole

ordinance, but it does have detail in terms of amounts for different programs and the total for the supplemental appropriation is \$215,000.

So, perhaps a bit of an explanation to start the Public Hearing off, and then I'm not sure that we have people here to address.

So, Elizabeth, are you going to -- oh, we do have people here to address some of the specifics. Okay. Who wants to do the --

Finance Director ELIZABETH BRACCIA: We're fighting who's going to get to talk to you guys.

Speaker MCAULIFFE: I'm not going to bite.

Finance Director ELIZABETH BRACCIA: You take the hot seat there. Good evening, everybody.

Director SEAN O'BRIEN: Good evening.

Speaker MCAULIFFE: Good evening.

Director SEAN O'BRIEN: How are you?

Speaker MCAULIFFE: Good.

Director SEAN O'BRIEN: Good. For the record, Sean O'Brien, Director of the Health Department.

Finance Director ELIZABETH BRACCIA: Elizabeth Braccia, Finance Director.

Speaker MCAULIFFE: Thank you. So this is a supplemental appropriation which is an increase to the FY2020 budget.

Finance Director ELIZABETH BRACCIA: Correct.

Speaker MCAULIFFE: Okay.

Finance Director ELIZABETH BRACCIA: Do you want to talk about the health piece of it?

Director SEAN O'BRIEN: Sure. I can talk about a little bit about what's going on. So a few things have occurred within the department over the year that we saw the, we'll just say, a fiscal deficiency. And we just looked, and we saw some things happen over the last year where this may be an opportunity for us to take care of a few things before our next busy summer season comes in.

The first thing was actually trying to make it through the winter without having to wear three or four jackets over in the health department office right across the hall.

Back in 2018, our central heating system blew up. It was kind of an exciting day because we had fire, steam, and smoke all at the same time and a response from the local fire department. Since then, we've installed electric heaters. We were unable because our budget was already in to really address it for last year's budget, but that's why you see the need for an extra \$20,000 in electrical costs and utilities.

It's really to keep the heat going because right now we do not have a central heating unit. We're being heated by splits. We're being heated by three electric heaters. Now some of this is also natural heat rising, which is helping us out.

Additionally, this room, the heat for this room, the heat for Harborview also comes out of our budget. Last year this room did not exist. And so that is the first request that we had.

We saw, you know, just at the end of last year, we saw -- we were robbing from Peter to pay Paul to make sure that the -- that our electric bill was paid. And we were able to do it. We were able to find some ways to do it, and we got it done.

So that's the first thing that's kind of come up is that opportunity and we saw -- we had

talked about the potential of a supplemental budget and that's why we put that request in there. The estimates were actually given to us by the Facilities Department as to what it would cost. So we did ask them.

Now, as we will have that in this year's budget, the proper amount, we'll probably have a better handle on it. And what we'll also do is in the future we are looking at replacing a central heating unit within there. It's going to be a lot different than what was there, a vintage 1983 boiler that actually heated the whole jail. It's going to be something more economic, something more that's going to be in compliance with our goals of, you know, resiliency as a County.

So that's -- if there are any questions, you know, I'll stop there before I go to the next.

Speaker MCAULIFFE: No. Anyone? Thank you. Okay. Next.

Director SEAN O'BRIEN: Okay, next. So, we have --

Finance Director ELIZABETH BRACCIA: We have one question.

Director SEAN O'BRIEN: Oh sure.

Speaker MCAULIFFE: Oh, I'm sorry. I didn't see your hand.

Delegate GREEN: That's okay. So I'm curious, next year will you be able, from Finance, to break out these rooms that are not really part of his department?

Finance Director ELIZABETH BRACCIA: We didn't have a plan to do that. You know, it's all one building.

Director SEAN O'BRIEN: It's all one building.

Delegate GREEN: Yes. Well, I mean there should be some line somewhere that explains that this is not all Sean's budget. I mean that it's -- there's additions, I mean, even if a little asterisk on the budget so that --

Finance Director ELIZABETH BRACCIA: What we're doing while we're building Fiscal Year 2021 budget is each department head is going and detailing out what makes up each line. So there will be that information when we present. So you look at that number and it will show you how much for this building, how much for that building. So, we are doing that just not in an actual budget line.

Delegate GREEN: But if Sean is supposed to cut his budget by a certain percent and he's asked to take all these figures, I mean it's not fair to him if he's cutting it, but at the same time still paying for the heat for these two huge buildings -- these two rooms.

Finance Director ELIZABETH BRACCIA: Like this room, yes.

Delegate GREEN: Yes. So I mean there should be some kind of explanation so that increases or decreases in budgets don't affect him.

Director SEAN O'BRIEN: And, actually, we already have -- so we've started our budget.

Delegate GREEN: Okay.

Director SEAN O'BRIEN: And on that line item, the description, it does cover the three. We actually refer to it as the entire jail building in our budget. But if you'd like, I can say also for Harborview and this room as well, the East wing.

Delegate GREEN: Just so that you're not penalized is my concern. Thank you.

Director SEAN O'BRIEN: Thank you.

Speaker MCAULIFFE: Okay. Next.

Director SEAN O'BRIEN: Great, laboratory. So as we've been moving along, we've had a few things come up. The first was many of you took a tour of our laboratory over the

spring. I think we were there in the spring?

Speaker MCAULIFFE: Yes.

Director SEAN O'BRIEN: And you saw the laboratory room there. We have a fantastic instrument in there that also generates a lot more heat than we expected. So, when you have, basically, a thing called a gas chromatograph mass spectra photometer, you have a mini furnace that is going inside of the -- that is going inside of that unit.

So, unfortunately, we are at the point where that room does get very warm. And we have another place like that next to our metals machine, I'll call it, our metals instrument, which is, I'll use the acronym, an ICPMS. It's the same general idea. It has a small furnace.

So before next summer, we're hoping to put two split units, two split air conditioner units in each location. We would have them all based on the same compressor that would be outside of the laboratory. And it's just a matter of trying to keep those areas cool.

This year we were able to get some benefit but not complete benefit out of bringing a floor air conditioner unit in there and between duct tape and some plastic Plexiglas, we were able to make sure that the window was closed but it, unfortunately -- hey, we'll try anything, okay; we'll try anything to save money but I think we just got to that point where we really need to do something. And this unit we'll make sure gets recycled to somebody else within the County that may need it.

So that is the second item that you will see on your list is just, you know, unfortunately, I wish I could have caught you earlier on it, that we were going to expect that heat but also learning a little bit as I go as somebody who's trying to help redo the laboratory and get some things done in there. So we're looking at that.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: Mr. O'Brien, I don't want to be critical, but I think in terms of process I have to wonder why somebody wasn't asking about the heat generation of these pieces of equipment; why the supplier didn't give us adequate understanding of what kind of space you need; what kind of ventilation; what kind of power supplies; what's going to come out of it? I mean these are all -- where did our process fail that we didn't know in advance that these were going to be issues?

Director SEAN O'BRIEN: I think it depended on the ventilation.

Delegate O'MALLEY: Yes.

Director SEAN O'BRIEN: I think where we saw the issue come in, quite honestly, was we put a ventilation unit and that is actually -- also serves as an exhaust for the furnace. And so our thoughts were that that would adequately satisfy what we needed.

Delegate O'MALLEY: So you did anticipate the heat, it just wasn't --

Director SEAN O'BRIEN: We did answer --

Delegate O'MALLEY: -- the fix wasn't enough.

Director SEAN O'BRIEN: It just was not enough.

Delegate O'MALLEY: Okay.

Director SEAN O'BRIEN: All right. So, for us, in the case of this, it's just best for us to get it done the way it should be. I mean, quite honestly, what we try to do is, and just remember one other thing too; this is a six-year-old instrument that was sitting in a box for a long time. So when we were trying to get it set up to be able to do the PFOS and the PFAS, and I'm happy to give you just a quick update on that at some point; they are, you know, we were also trying to do as much as we could do with trying to preserve County money.

Delegate O'MALLEY: I understand, and I think, you know, at this point finding yourself in this position, you've got to make the changes to make it functional.

Director SEAN O'BRIEN: Yes.

Delegate O'MALLEY: I only suggest as we go forward let's try to anticipate all the complications.

Director SEAN O'BRIEN: I think we will.

Delegate O'MALLEY: It just feels like it wasn't adequately vetted.

Director SEAN O'BRIEN: And that's where when we go through and we start doing our Capital requests and things like that, all those things will be addressed. And we did look at them in regards to -- we have looked at them in the past and we do have, honestly, building this room was initially designed to be an office, but because of the type of instrumentation that it is where it has to be isolated from everything else; quite honestly, I can't even have an analyst go in wearing Gore-Tex boots because it can cause cross-contamination with that instrument.

So part of it, too, was the fact that we were kind of using a building or using a room that we had to design afterwards as a laboratory space.

Speaker MCAULIFFE: Okay. Next item, the \$60,000.

Director SEAN O'BRIEN: Right. So the last or the next thing is we had, and I think some of you heard my displeasure with what was going on when we were doing the laboratory tour. We have a Laboratory Information Management System that is old enough to vote and has -- and during our summer months, we had catastrophic failure.

So, basically, what happened was so we were in the process and we had already begun the process of starting to look at new Laboratory Information Management Systems. We had gone through and we had done all of our due diligence. We lost our laboratory director and then we -- so, what we had to do is, basically, until we refilled it so there was about a three-month lag time between the new permanent laboratory director and the old permanent laboratory director because we did have an interim in between, we ran into -- with this catastrophic failure, we had quite a bit of issues with trying to -- I mean in the end we kept track of every sample but a lot of it had to be done manually. A lot of it had to be done on one computer. It was basically an access database.

We have done repairs to it where right now it is operating. But because of the timeline with the end of the summer, we can't go through this again and that's why I am here in imploring this. We had, well, let's just say that probably a number of pizza days are necessary for the staff over there because having this shut down just really stifled us in our efficiency on, number one, bringing samples in because every sample is checked in through this system at that front desk and then getting samples out because the system generates all of our reports.

We have two really good systems that we're looking at right now. As a matter of fact, Friday we're looking at the -- we're talking to one of our -- one person to look at a system that may be a really good cost, maybe a nice program for us.

But, if we can, and the reason why I'm here is, we would like to have it implemented before the summer so I can keep my existing staff because last summer was a stressor. And it did, you know, and that system could -- we put it in, I think, as contractual. It could be something that's a subscription service. And we have had meetings; there was a company out of Lakeville that we've had a lot of discussions with that has a product that looks like it

works very well and then we're looking at this one as well for something that can come in.

So it was more of a timeline based thing for us to really look at trying to at least try to fix a bad problem before the July 1 deadline.

Speaker MCAULIFFE: Thank you. And then the final thing, the 19-1/2 hour position.

Director SEAN O'BRIEN: Right. So as we -- and I think we even talked about this a little bit on our tour and I'm, you know, and I know it was a long time ago. We are in the process of having the laboratory go through a business management review. We're looking at everything. We are looking at fees. We're looking at our analytical costs. Quite honestly, and I've said this before to you, we did not have even the cost of us to run a sample. All of that is being done now.

In about a month, I would say it could be earlier than that but because of the holidays, you as well as the Commissioners will all be receiving a copy of this laboratory review and report as to what has happened in the laboratory and what we're looking at and what we're doing.

Additionally, probably even sooner in the next couple of weeks, we're going to come into you and we're going to look at doing fee changes as a part of it. It is very difficult for a laboratory director who is trying to handle the operations of a laboratory to also handle the business end of it as well and making sure that our clients are -- we saw it with the previous laboratory director; we've seen it with -- and, honestly, I'm not a businessperson. I'm a health officer. That's what I do. I'll learn business and I'll figure it out, but it looked like this would be the way for us to help that laboratory when it comes to developing our business plan and that's what I ask. We are, looking at it, you know, and we gave a general number. We're working on a job description for it. It just seemed like with this report coming out and the potential fee changes that we're looking at, and the fact that we're going to be coming in with a whole new fee schedule for all of you to approve in the future, we saw -- I'm just going to take a step back for a second. We have not had fee changes in that laboratory, in some cases, for almost 20 years. It's not the way it should be. We saw fees and now granted it's going to some of our municipal clients, it's just -- there's -- if we want to have a laboratory that's going to at least break even or potentially get to that point where it is self-sufficient, we have to look at these and we have to implement what comes out of this plan and that's what that business manager position is looking at.

So, quite honestly, if it is approved this evening, we would be looking to fill it in January. Go through, get everything completed, try to get somebody in here January/February to start working on all these implementations and getting this laboratory to a point, because here's the other thing, we have a very good instrument on the second floor, though old, a very good instrument that is going to be testing for PFOS and PFAS. We have to start thinking with that as to what we're going to start to need to charge for fees, what the analytical costs are going to be, what the supplies are going to be, et cetera.

So, I'm asking for help I think is what I'm doing more than anything else.

Speaker MCAULIFFE: Thank you. Are there any questions for -- yes, Delegate McCutcheon.

Delegate MCCUTCHEON: I know you've worked really hard to bring this to us, and I understand that you're not a trained --

Director SEAN O'BRIEN: Sure.

Delegate MCCUTCHEON: -- administrator rather than a --

Director SEAN O'BRIEN: Well, businessperson I think I'd say.

Delegate MCCUTCHEON: Okay. The 21 -- the 19-1/2 21-1/2, how many hours?

Director SEAN O'BRIEN: 19-1/2.

Delegate MCCUTCHEON: 19-1/2, that's to avoid giving benefits to this person; is that right?

Director SEAN O'BRIEN: It would be making it a part-time position. It could be something that we could come back later but it's not my plan at this point. I think it can be done by a part-time person.

Delegate MCCUTCHEON: It could as easily be done by someone who worked, what is it, 20-1/2?

Director SEAN O'BRIEN: Or 20.

Delegate MCCUTCHEON: Or 20. And if it was somebody who worked 20 hours, they would be eligible for --

Director SEAN O'BRIEN: Sure.

Delegate MCCUTCHEON: I worked for a long time as an attorney for various unions around the state, and one of the things that we find disruptive is that it's hard for employees to get health insurance benefits.

Director SEAN O'BRIEN: Sure.

Delegate MCCUTCHEON: It's hard in America to get them that are not tied to employment.

Director SEAN O'BRIEN: Sure.

Delegate MCCUTCHEON: I simply note this because I don't like seeing the cost savings at the expense of the employees so.

Director SEAN O'BRIEN: And I completely agree with that. I think it's just a proposal we made. But, if that is something that you feel we should change, we can. Yeah, I mean, my feeling is I, in this position, I think the workload is 19-1/2 to 20 hours. Is it a benefited position? No. We would not be seeking benefits, but I would take any input from you on that, you know, for how you would want us to do that.

Delegate MCCUTCHEON: Well --

Speaker MCAULIFFE: If you hire -- yeah, if they hire in January, they'll have a track record on which to base future budgeting requests, yeah.

Director SEAN O'BRIEN: Sure and it could come back in where the next fiscal year maybe we do increase it.

Delegate MCCUTCHEON: And don't you think that it's likely that you would attract more people to apply for the position --

Director SEAN O'BRIEN: It absolutely would. I think we would.

Delegate MCCUTCHEON: -- if it's a position that has benefits?

Director SEAN O'BRIEN: Yes, I think we would.

Delegate MCCUTCHEON: Well --

Speaker MCAULIFFE: I think the effort is to save money at this point, but your point is well taken.

Delegate MCCUTCHEON: Well --

Speaker MCAULIFFE: No, I --

Director SEAN O'BRIEN: I'm asking for a lot. So, the question is how many things

do you put on the list?

Speaker MCAULIFFE: Right.

Director SEAN O'BRIEN: But I take completely seriously, Assembly person, I completely -- I really -- it would be better, yes.

Speaker MCAULIFFE: Delegate Harder.

Delegate HARDER: Thank you. Just what's the rough estimate of how much benefits cost for somebody working 20 hours a week?

Finance Director ELIZABETH BRACCIA: It's a percentage usually of what their salary is, so somewhere between 13 to 17 percent additional between retirement and health insurance and stuff.

Delegate HARDER: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Delegate Potash.

Delegate POTASH: Thank you. I just want to say I applaud the fact that you're thinking ahead, and I don't think people should have to work in environments that they have to wear three jackets or sweat to death. It isn't right and it's certainly not a way to attract new people.

Director SEAN O'BRIEN: Yes.

Delegate POTASH: So I'm glad that you're doing that, but I'm also -- but I'm a little troubled that you haven't gone up in rates -- I'm not blaming you --

Director SEAN O'BRIEN: Oh, sure.

Delegate POTASH: -- in 20 years. But isn't that going to be kind of a sticker shock to the towns?

Director SEAN O'BRIEN: Yes. We have a way of doing it actually. So, what we would look at doing, and I'm going to share a little bit of the plan with you, is so the first area that we're going to be looking at are our water departments and our private well owners. We are the bargain when it comes to a private well test, and we are a bargain for some our bacteriological analysis. We charge towns 5 dollars for bacteriological sampling for their monthly water tests.

Speaker MCAULIFFE: Wow.

Director SEAN O'BRIEN: That's unbelievable and that was one of the first things that our consultant saw was just those costs are, I mean, it's just -- it's just too low; it's not covering. So, we're looking at raising things 25 percent this fiscal year and then 25 percent the next fiscal year. And there are some other analytes that we would be asking for the same thing.

Like, right now, we pay -- it costs \$45 to do a standard well test. That well test gives you a bacteriological sample, manganese iron, nitrate, which is always a concern for any well owner here on the Cape, sodium pH and conductivity.

So, there are these analytes and if we charge separately for them, we're looking at over -- we're looking at over probably \$65-\$75 maybe even \$85. Our thought is is to raise it by 10 to 20 because we do know there's an inflation and a lot of -- but maybe within two years having that price raised either to \$65 or \$75 and so that would benefit.

The other one that we would potentially be bringing into you is the cost of analytical services for volatile organic compounds. We charge \$85 for that and most other laboratories are charging probably in the neighborhood of \$120. So, we're looking at the potential of maybe bringing that up to \$95 and then \$105, I mean, or even just under what a

private laboratory costs because there's really only one other environmental laboratory here in the County, but at the same time as we're all thinking business on this, we are also a service to the community. So we want to make sure that we are still doing something for our citizens too.

So it's a very fine line, but we want to make sure that we, you know, we also take into consideration what the towns pay in and all of that. And so, any numbers that you see in the future, we will have discussed -- we will have really vetted them as to where we're at.

Speaker MCAULIFFE: Great. Thank you. Yes, Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. Sean, what you just brought up at the end of your last statement is what I was thinking. We are the County government and we do work for the residents of the County.

Director SEAN O'BRIEN: We do.

Delegate O'HARA: And a lot of towns still have a lot of well systems in the ground.

Director SEAN O'BRIEN: They do.

Delegate O'HARA: And now that becomes a health issue. You want to protect the health of these residents. So I think there has to be a balance, and I know that it would be nice if you would break even and the cost was, you know, equal.

Director SEAN O'BRIEN: Sure.

Delegate O'HARA: But at some point, and I don't know where that line is, but it's our duty as employees of the residents here that we should be able to provide them those services at a reasonable cost to protect their health.

Director SEAN O'BRIEN: I agree fully and I think what's going to be the issue that brings that up for us is PFOS and PFAS analysis. So we're going to have a lot of folks who have private wells that are concerned over this, and we're going to get a lot of business out of public water supplies as well.

So, I think one thing that we're going to talk to you about in the future is also two sets of numbers. Number one; if we become certified for PFAS, which is what we're going to be working for, and we're in it, I mean, our numbers are looking really good. We have to really expect samples from coming off Cape and from other private areas.

So, really, we should be looking at two sets of prices too. If you live within the County or you're a business or you are a municipality within the County, this is your price. If you're outside of the County and you're bringing something in because I can anticipate private wells in Plymouth coming into our laboratory. Anybody who has a private well that might be near an area that used foam or some sort of PFAS compound, we're going to see them coming in, and it's a short drive for Plymouth County; it's a short drive for Bristol County. So we may see some of that business come in. Really, I think we need to start to say on that, it's a, you know, there is a different price for that.

Delegate O'HARA: I would agree.

Director SEAN O'BRIEN: And that's part of the -- and that's going to be part of the recommendations from the consultant as well is that we're going to be looking at, you know, making sure that the folks here on the Cape benefit but also be able to provide a service to folks off Cape too.

Delegate O'HARA: Right and that makes sense to me. And I was thinking as you were talking that you have a private developer coming in with a 40-unit neighborhood subdivision and you can charge the developer --

Director SEAN O'BRIEN: Sure.

Delegate O'HARA: -- into the testing. I mean that's a different price. It's not a residential. But I see ways of doing it but I don't want to lose the feeling of County government trying to make money because we are owned by the residents in the towns.

Director SEAN O'BRIEN: And I agree with that fully. I mean, I think there's, as I said, I guess I'm not a business person, but my thoughts on this are we still have to remember what our mission is. And our mission, the bottom line of our mission is that we make sure that we have sound public health and environmental services for the people of Barnstable County.

And I mean there are going to be some times, and I'll tell you the way we used to do it. There are some times with me as my -- with my position as being the Director or the Chief Health Officer for the County, is, you know, there may be sometimes where we have a public health emergency and we're going to be staying away from fees because we have an area where maybe an oil truck turned over or something like that and we need to test some private wells. I don't see those missions changing.

Delegate O'HARA: Right, right, and those are the things as you were talking was, again, I'm thinking the Base, the Upper-Cape, we're all concerned about the Base.

Director SEAN O'BRIEN: Absolutely.

Delegate O'HARA: And now we're going to start testing for, I believe, it's the PFAS --

Director SEAN O'BRIEN: And you have the biggest plume on the Cape.

Delegate O'HARA: Right. So it seems like there's a lot of work still to be done. So, thank you, Sean.

Speaker MCAULIFFE: Thank you. And then the final part under Section 2 of the ordinance is the EVI charging equipment.

Finance Director ELIZABETH BRACCIA: There was one last one on Section 1 I'll just quickly -- it's for --

Speaker MCAULIFFE: Oh, I'm sorry Facility Improvement.

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: I didn't see that. Yes, I'm sorry. I didn't turn the page. Thank you, Sean.

Director SEAN O'BRIEN: Thank you.

Finance Director ELIZABETH BRACCIA: Thank you, Sean. So the last one in Section 1 is \$25,000 for the RDO AmeriCorps buildings. We have three residence buildings that our AmeriCorps folks live in, and they had some unexpected repairs that had to happen which kind of put that budget at zero right now. So she needs to -- we're putting some money in there for the rest of the year for if there's any other repairs that we may need to do, for example.

Speaker MCAULIFFE: Okay. And then the Section 2 is the EVI charging equipment?

Finance Director ELIZABETH BRACCIA: Yes.

Administrator JACK YUNITS: This really relates back to the Assembly's mission to talk about the County's bigger role in climate change. And we did that by applying for a DEP grant that funded us for a County charging station. It's a dual station and subsidized the rental on two electric vehicles which will be coming in later on this fall.

We also decided that once we had Eversource in here to do the construction diagrams

for us that we would increase the amount of charging stations and make four charging stations available for public use. The way the public pays for that is through an app that they'll purchase that matches the type of station we use. So we're in the process of selecting the same charging station that the DOT uses across the Commonwealth of Massachusetts. It's the one that's used in Boston. It's going to be used here at the mall.

So they're about \$10,000 apiece. That can change but having the money on hand will allow us to apply for any DEP grants that come out. There are none presently on the table but there's a lot of talk about increasing the grants for electric vehicle charging stations going forward.

So that's why that \$40,000 is part of the asking piece. I think it's consistent with your mission, and I think your mission makes all the sense in the world.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: Jack, as I go through this material from charge point, the packet that was distributed to us, I'm struck by the number of commitments that are -- these are not standalone units. They have interfaces and activation cloud service. There's clearly a whole package of things that the manufacturer needs to interface -- Internet connections.

So my question is going to be beyond the installation costs, what are we looking at in terms of maintenance, contracts? Is this like another Microsoft Cloud enterprise kind of thing?

Administrator JACK YUNITS: They have contracts that we will purchase to make sure that they're maintained on a regular basis. There's obviously there's some type of warranties that come with them for a short period of time. But you're a hundred percent right, nobody really knows yet what's going to be the long-term impacts and the cost associated with these breakdowns.

The equipment we had here actually ran for years without interruption, and the reason we shut it down is we just thought it was being abused. Nobody was making any donations to the County, and it was getting expensive to come in here and try to patch together a budget on a cold Saturday morning in January and see a hundred thousand dollars Tesla charging on our account.

So, we needed to -- we needed to take a more active role in doing it right and that's why we're doing it this way.

Speaker MCAULIFFE: Yes, an app or a credit card swiper will work.
Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Just a clarification, there will be a total of four or six parking spots for charging?

Administrator JACK YUNITS: There will be one for the County; it's a dual station for the two vehicles.

Delegate CHAFFEE: Okay.

Administrator JACK YUNITS: And there will be four for the public use.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: And the unreserved -- both of these -- the total \$215,000 is coming from the Unreserved Fund balance?

Finance Director ELIZABETH BRACCIA: Correct.

Speaker MCAULIFFE: And how much is in the Unreserved Fund, please?

Finance Director ELIZABETH BRACCIA: Well that's going to be next but at the end

of all the Capital stuff we did.

Speaker MCAULIFFE: Yes. Okay.

Finance Director ELIZABETH BRACCIA: There will be 6.2 million.

Speaker MCAULIFFE: Okay. So that's after we rescind all -- the next part, Part II.

Finance Director ELIZABETH BRACCIA: Yes.

Speaker MCAULIFFE: Okay. Great. And I just wanted to also clarify something. In our heads last year we kept hearing of supplemental budgets, supplemental budget that was going to come in to reduce estimates in terms of a 10 percent increase that were estimated in the budget and the early retirement, and that is -- this is not that supplemental budget. I think we were waiting for a budget that was going to show us the decreases and the savings and this is clearly a separate animal.

In March you talked about anticipating a supplemental budget adjustment. There will be a supplemental budget submitted. There was going to be one submitted in June and then it was going to be -- this all predates you Elizabeth, but it was a budget that was going to come in. When we passed the budget, we were anticipating a supplemental budget, but that's a whole different animal. This is not that. This is additional money on top of 2020 to take care of these expenses.

Finance Director ELIZABETH BRACCIA: Right, yes.

Speaker MCAULIFFE: Okay. And we can deal with whatever decreases and stuff that were -- the over estimates from last year's budget when you present next year's budget.

Finance Director ELIZABETH BRACCIA: Yes, you know, in my experience, it has been wise to leave your budget intact and turn back the money.

Speaker MCAULIFFE: To the Unreserved?

Finance Director ELIZABETH BRACCIA: Yes, it will turn back to the Unreserved and that we will report at the end of the year like we did this past year. We'll show you where all the savings were in each department.

Speaker MCAULIFFE: Yes, great. Thank you. So this is just this ordinance right now, so I just want to go through the hearing on this ordinance.

Is there anyone from the public who wishes to speak on this, on Ordinance 19-17? Okay. I'm going to close the Public Hearing on 19-17.

Public Hearing on Proposed Ordinance 19-18

- **Finance Director Elizabeth Braccia provided comments regarding the request to rescind authorized and unissued appropriations of \$2,275,047**

Speaker MCAULIFFE: And open the Public Hearing on Proposed Ordinance 19-18 which is the rescission of authorized appropriations. Okay. So, for an explanation on this, Elizabeth, would you give us a --

Finance Director ELIZABETH BRACCIA: I'm happy to. So, --

Speaker MCAULIFFE: -- thumbnail on this? Thank you.

Finance Director ELIZABETH BRACCIA: I'll be happy to. So, let me start with the process for completing the Capital Fund research. It was very extensive. We went through each Capital appropriation back to 2006 in the current software, and then I approached the IT Department to give me access to the legacy software so I could go even further back because there was a deficit that came forward when they switched over in 2006 from the

legacy software. So I needed to go back and see what else was out there.

So, at the end of that whole process, we took apart each Capital expense line item, determined the different year that they were voted because they were posted in the same line item each, like, you know, separate year. So I broke it down to see what was expended out of each appropriation, what was rescinded. There was a rescinding done, I think, like five years ago. So I had a whole spreadsheet. I think you guys got that in your packet to show what was rescinded, what was actually expended, what needed to be funded, and what was already funded. Unfortunately, not a lot of them were funded. There wasn't a single revenue posted to the Capital Fund until 2016 when we actually started posting the reimbursements that we got back from the Commonwealth for the buildings that we share.

There was a bonding done; I think that was in '17, the multiple purpose bond. So when I finished this process, the bottom line of this exercise is we identified expenses totaling \$6,786 --\$786,450 thousand dollars that needed to be funded.

So, on October 30th, the Commissioners voted to transfer from our General Fund Reserve Fund -- Unreserved Fund balance, there was a \$13 million -- \$13.2 million amount in that fund, so we moved from the General Fund over to the Capital Fund that \$6.7 million. It leaves 6.4 million in our Unreserved Fund balance.

The reason for that is when you look at what happened, there's no revenue posted there. So where did all the revenues go all these years that came from the Commonwealth? They got posted to the General Fund. It's just an accounting correction at this point. So, then the next step was, okay, what are we rescinding? So we looked at and met with the appropriate people: Facilities, Steve Tebo, Jack. So we sat down, and we went through and said, okay, let's resend these Capital items. Those totaled \$2,275,000. They're outlined individually on your ordinance, which leaves us -- give me one second -- I have an authorized unissued balance here of all of our Capital appropriations. We authorized \$8,049,300 for Capital expenditures. After we rescind this \$2,275,047, we'll have a remaining balance of \$5,774,253 of authorized appropriations that if we get to get those projects done because sometimes we can't get them done; the Commonwealth doesn't approve it. You know, then we would come back and say, okay, we have to rescind this because we're not going forward with that project.

So of all the rest that's left, the \$5,700,000, right now we're planning to do those, and they would be borrowed. Okay.

So, that is the result of all of that work in front of you. Please rescind 2 million 2. We've already covered the deficit so I feel very good about that. I was like a big sigh of relief from me to have this done.

Speaker MCAULIFFE: Yes.

Finance Director ELIZABETH BRACCIA: Because it was probably about a hundred hours of time spent on this.

Speaker MCAULIFFE: I'm sure. It just looks yeoman work. Yes.

Finance Director ELIZABETH BRACCIA: Yes, but it had to be done.

Speaker MCAULIFFE: Yes, I know, but it's still a daunting, daunting task. Thank you.

Finance Director ELIZABETH BRACCIA: Sorry, one last comment.

Speaker MCAULIFFE: Yes.

Finance Director ELIZABETH BRACCIA: I do reserve the right to come back one

last time if I have to if anything pops up because the old software, I couldn't extract data, so it was all manual reports. I did the best I could based on looking at that many years' worth.

So, hopefully, there aren't any little ones sitting out there but there might be, so I reserve the right to come back.

Speaker MCAULIFFE: Yes. Absolutely.

Finance Director ELIZABETH BRACCIA: Thank you.

Speaker MCAULIFFE: Are there any questions from any of the Delegates? No.

Anyone from the public wish to speak? No, all right. So we'll close the Public Hearing then on Ordinance 19-18.

Finance Director ELIZABETH BRACCIA: Thank you.

Assembly Convenes

Speaker MCAULIFFE: So now the Assembly will convene.

Proposed Ordinance 19-17:

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

To add to the County's operating budget for Fiscal Year 2020, as enacted in Ordinance No. 19-04, by making supplemental appropriations for the Fiscal Year two-thousand and twenty.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 22, 2019, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-04, are hereby appropriated from Unreserved Fund Balance as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to fund the activities of the Health and Environmental Department and Resource Development Department. Said funds shall be derived from Unreserved Fund Balance for FY2020.

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
0013002 5221	Electricity Charges	\$20,000
0013022 5279	Equip Maint/Repair	\$20,000
0013022 5239	Prof & Tech Services	\$60,000
0013021 5100	Salaries, Perm-Health	\$50,000
0011118 5804	Facility Improvement	\$25,000

Section 2.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 22, 2019, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-04, are hereby appropriated from Unreserved Fund Balance as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to fund the Facilities Department budget for the purpose of purchasing 4 Electric Vehicle Charging Stations. Said funds shall be derived from Unreserved Fund Balance for FY2020

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
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0012048 5850 EVI Charging Equipment \$40,000
TOTAL SUPPLEMENTAL APPROPRIATION \$215,000

Speaker MCAULIFFE: And we will go into votes on these two ordinances. The first Proposed Ordinance is the 19-17, which is the FY20 Supplemental County Operating Budget Appropriation, the increase of \$215,000.

Is there a motion to approve this ordinance?

Delegate OHMAN: Motion to approve.

Speaker MCAULIFFE: Is there a second?

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Is there any further discussion? Okay. We will have a roll call vote.

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, 100 percent of the Assembly approves Proposed Ordinance 19-17, and it's now known as Ordinance 19-16.

Speaker MCAULIFFE: Thank you.

Ordinance 19-16:

The Cape Cod regional government, known as Barnstable county hereby ordains;
To add to the County's operating budget for Fiscal Year 2020, as enacted in Ordinance No. 19-04, by making supplemental appropriations for the Fiscal Year two-thousand and twenty.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 22, 2019, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-04, are hereby appropriated from Unreserved Fund Balance as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to fund the activities of the Health and Environmental Department and Resource Development Department. Said funds shall be derived from Unreserved Fund Balance for FY2020.

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
0013002 5221	Electricity Charges	\$20,000
0013022 5279	Equip Maint/Repair	\$20,000
0013022 5239	Prof & Tech Services	\$60,000
0013021 5100	Salaries, Perm-Health	\$50,000
0011118 5804	Facility Improvement	\$25,000

Section 2.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 22, 2019, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections two through four of Barnstable County Ordinance 19-04, are hereby appropriated from Unreserved Fund Balance as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and twenty. Said funds are to be expended to fund the Facilities Department budget for the purpose of purchasing 4 Electric Vehicle Charging Stations. Said funds shall be derived from Unreserved Fund Balance for FY2020

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
0012048 5850	EVI Charging Equipment	\$40,000
TOTAL SUPPLEMENTAL APPROPRIATION		\$215,000

Proposed Ordinance 19-18:

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

The following amounts of authorized and unissued debt are hereby rescinded

Section 1.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 12-04 in the amount of \$3,391 is rescinded.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$5,000 is rescinded.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 18-06 in the amount of \$1,000 is rescinded.

For the purpose of funding costs associated with IT Training Room Interior Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,043 is rescinded.

For the purpose of funding costs associated with IT Training Room Interior Renovations as authorized in Barnstable County Ordinance 18-06 in the amount of \$2,000 is rescinded.

For the purpose of funding costs associated with Telephone System – Information Tech Service as authorized in Barnstable County Ordinance 14-02 in the amount of \$60,016 is rescinded.

For the purpose of funding costs associated with Wide-Area Networks – Information Tech Service as authorized in Barnstable County Ordinance 14-02 in the amount of \$4,738 is rescinded.

For the purpose of funding costs associated with First District Court HVAC as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,344 is rescinded.

For the purpose of funding costs associated with First District Window Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$37,160 is rescinded.

For the purpose of funding costs associated with First District Window Replacement as authorized in Barnstable County Ordinance 15-05 in the amount of \$60,000 is rescinded.

For the purpose of funding costs associated with replacing First District Fan Coil Univents as authorized in Barnstable County Ordinance 10-04 in the amount of \$4,895 is rescinded.

For the purpose of funding costs associated with Ceiling Improvements/Restoration as authorized in Barnstable County Ordinance 13-03 in the amount of \$4,826 is rescinded.

For the purpose of funding costs associated with Second District ADA Improvements as authorized in Barnstable County Ordinance 03-10 in the amount of \$6,138 is rescinded.

For the purpose of funding costs associated with Superior Court Roof Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$360,000 is rescinded.

For the purpose of funding costs associated with Superior Court HVAC/Heating Upgrade as authorized in Barnstable County Ordinance 14-02 in the amount of \$220,000 is rescinded.

For the purpose of funding costs associated with Superior Court HVAC/Heating Upgrade as authorized in Barnstable County Ordinance 15-05 in the amount of \$269,000 is rescinded.

For the purpose of funding costs associated with Superior Court Interior Repairs/Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,000 is rescinded.

For the purpose of funding costs associated with Superior Court Exterior Repairs as authorized in Barnstable County Ordinance 13-03 in the amount of \$199,353 is rescinded.

For the purpose of funding costs associated with Superior Court Exterior Repairs as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,200 is rescinded.

For the purpose of funding costs associated with Superior Court Window Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$20,000 is rescinded.

For the purpose of funding costs associated with Ceiling Improvements/Restoration as authorized in Barnstable County Ordinance 09-03 in the amount of \$35,000 is rescinded.

For the purpose of funding costs associated with County Complex ADA Improvements as authorized in Barnstable County Ordinance 13-03 in the amount of \$7,500 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 12-04 in the amount of \$7,899 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 13-03 in the amount of \$5,000 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 14-02 in the amount of \$48,000 is rescinded.

For the purpose of funding costs associated with County Complex Paving Repairs as authorized in Barnstable County Ordinance 12-04 in the amount of \$52,076 is rescinded.

For the purpose of funding costs associated with County Complex New Locking System as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,882 is rescinded.

For the purpose of funding costs associated with Registry of Deeds HVAC as authorized in Barnstable County Ordinance 13-03 in the amount of \$11,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds HVAC as authorized in Barnstable County Ordinance 14-02 in the amount of \$11,111 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Flooring as authorized in Barnstable County Ordinance 13-03 in the amount of \$5,423 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Flooring as authorized in Barnstable County Ordinance 14-02 in the amount of \$10,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Electrical Improvements as authorized in Barnstable County Ordinance 14-02 in the amount of \$2,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Storage Shed as authorized in Barnstable County Ordinance 14-02 in the amount of \$140,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Epoxy Coating Ramp as authorized in Barnstable County Ordinance 15-05 in the amount of \$7,125 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Fire Escape as authorized in Barnstable County Ordinance 13-03 in the amount of \$45,014 is rescinded.

For the purpose of funding costs associated with Children's Cove Building Addition as authorized in Barnstable County Ordinance 15-05 in the amount of \$72,500 is rescinded.

For the purpose of funding costs associated with Children's Cove Gate as authorized in Barnstable County Ordinance 15-05 in the amount of \$5,920 is rescinded.

For the purpose of funding costs associated with Children's Cove Paving as authorized in Barnstable County Ordinance 13-03 in the amount of \$888 is rescinded.

For the purpose of funding costs associated with White House Roof Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$85,000 is rescinded.

For the purpose of funding costs associated with Public Safety Building A/C Units as authorized in Barnstable County Ordinance 99-09 in the amount of \$2,638 is rescinded.

For the purpose of funding costs associated with Old Jail Roof Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$35,295 is rescinded.

For the purpose of funding costs associated with Old Jail ADA Improvements as authorized in Barnstable County Ordinance 13-03 in the amount of \$23,693 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 11-06 in the amount of \$11,444 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 12-04 in the amount of \$86,000 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$49,500 is rescinded.

For the purpose of funding costs associated with Old Jail Fire Alarm Panel as authorized in Barnstable County Ordinance 12-04 in the amount of \$13,900 is rescinded.

For the purpose of funding costs associated with Old Jail Painting as authorized in Barnstable County Ordinance 13-03 in the amount of \$9,200 is rescinded.

For the purpose of funding costs associated with Fire Training Academy Roof Replacement as authorized in Barnstable County Ordinance 15-05 in the amount of \$60,000 is rescinded.

For the purpose of funding costs associated with Fire Training Academy HVAC Replacement as authorized in Barnstable County Ordinance 15-05 in the amount of \$15,879 is rescinded.

For the purpose of funding costs associated with Planimetrics Joint Initiative as authorized in Barnstable County Ordinance 14-02 in the amount of \$152,002 is rescinded.

For the purpose of funding costs associated with Health Lab Equipment as authorized in Barnstable County Ordinance 14-02 in the amount of \$44 is rescinded.

For the purpose of funding costs associated with Health Lab Small Equipment as authorized in Barnstable County Ordinance 15-05 in the amount of \$1,010 is rescinded.

Speaker MCAULIFFE: And our next item is Proposed Ordinance 19-18 to Rescind Unissued Authorized Debt. Is there a motion to put this ordinance on the floor?

Delegate O'HARA: Motion to move.

Delegate HARDER: Second.

Speaker MCAULIFFE: Motion made and seconded. Is there any further discussion? Seeing none. We'll call for the roll call vote.

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, 100 percent of the Delegates approved Proposed Ordinance 19-18, now known as Ordinance 19-17.

Speaker MCAULIFFE: Thank you. Thank you, very much, for all your work and the thorough explanations. And I think that the lab tour really set this up in terms of giving us a real eyeball on your strengths and needs. So, thank you, and thank you for your diving into the data for us.

Finance Director ELIZABETH BRACCIA: You're welcome.

Ordinance 19-17:

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

The following amounts of authorized and unissued debt are hereby rescinded

Section 1.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 12-04 in the amount of \$3,391 is rescinded.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$5,000 is rescinded.

For the purpose of funding costs associated with IT Office Interior Renovations as authorized in Barnstable County Ordinance 18-06 in the amount of \$1,000 is rescinded.

For the purpose of funding costs associated with IT Training Room Interior Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,043 is rescinded.

For the purpose of funding costs associated with IT Training Room Interior Renovations as authorized in Barnstable County Ordinance 18-06 in the amount of \$2,000 is rescinded.

For the purpose of funding costs associated with Telephone System – Information Tech Service as authorized in Barnstable County Ordinance 14-02 in the amount of \$60,016 is rescinded.

For the purpose of funding costs associated with Wide-Area Networks – Information Tech Service as authorized in Barnstable County Ordinance 14-02 in the amount of \$4,738 is rescinded.

For the purpose of funding costs associated with First District Court HVAC as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,344 is rescinded.

For the purpose of funding costs associated with First District Window Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$37,160 is rescinded.

For the purpose of funding costs associated with First District Window Replacement as authorized in Barnstable County Ordinance 15-05 in the amount of \$60,000 is rescinded.

For the purpose of funding costs associated with replacing First District Fan Coil Univents as authorized in Barnstable County Ordinance 10-04 in the amount of \$4,895 is rescinded.

For the purpose of funding costs associated with Ceiling Improvements/Restoration as authorized in Barnstable County Ordinance 13-03 in the amount of \$4,826 is rescinded.

For the purpose of funding costs associated with Second District ADA Improvements as authorized in Barnstable County Ordinance 03-10 in the amount of \$6,138 is rescinded.

For the purpose of funding costs associated with Superior Court Roof Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$360,000 is rescinded.

For the purpose of funding costs associated with Superior Court HVAC/Heating Upgrade as authorized in Barnstable County Ordinance 14-02 in the amount of \$220,000 is rescinded.

For the purpose of funding costs associated with Superior Court HVAC/Heating Upgrade as authorized in Barnstable County Ordinance 15-05 in the amount of \$269,000 is rescinded.

For the purpose of funding costs associated with Superior Court Interior Repairs/Renovations as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,000 is rescinded.

For the purpose of funding costs associated with Superior Court Exterior Repairs as authorized in Barnstable County Ordinance 13-03 in the amount of \$199,353 is rescinded.

For the purpose of funding costs associated with Superior Court Exterior Repairs as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,200 is rescinded.

For the purpose of funding costs associated with Superior Court Window Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$20,000 is rescinded.

For the purpose of funding costs associated with Ceiling Improvements/Restoration as authorized in Barnstable County Ordinance 09-03 in the amount of \$35,000 is rescinded.

For the purpose of funding costs associated with County Complex ADA Improvements as authorized in Barnstable County Ordinance 13-03 in the amount of \$7,500 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 12-04 in the amount of \$7,899 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 13-03 in the amount of \$5,000 is rescinded.

For the purpose of funding costs associated with County Complex New Flooring as authorized in Barnstable County Ordinance 14-02 in the amount of \$48,000 is rescinded.

For the purpose of funding costs associated with County Complex Paving Repairs as authorized in Barnstable County Ordinance 12-04 in the amount of \$52,076 is rescinded.

For the purpose of funding costs associated with County Complex New Locking System as authorized in Barnstable County Ordinance 14-02 in the amount of \$1,882 is rescinded.

For the purpose of funding costs associated with Registry of Deeds HVAC as authorized in Barnstable County Ordinance 13-03 in the amount of \$11,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds HVAC as authorized in Barnstable County Ordinance 14-02 in the amount of \$11,111 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Flooring as authorized in Barnstable County Ordinance 13-03 in the amount of \$5,423 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Flooring as authorized in Barnstable County Ordinance 14-02 in the amount of \$10,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Electrical Improvements as authorized in Barnstable County Ordinance 14-02 in the amount of \$2,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Storage Shed as authorized in Barnstable County Ordinance 14-02 in the amount of \$140,000 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Epoxy Coating Ramp as authorized in Barnstable County Ordinance 15-05 in the amount of \$7,125 is rescinded.

For the purpose of funding costs associated with Registry of Deeds Fire Escape as authorized in Barnstable County Ordinance 13-03 in the amount of \$45,014 is rescinded.

For the purpose of funding costs associated with Children's Cove Building Addition as authorized in Barnstable County Ordinance 15-05 in the amount of \$72,500 is rescinded.

For the purpose of funding costs associated with Children’s Cove Gate as authorized in Barnstable County Ordinance 15-05 in the amount of \$5,920 is rescinded.

For the purpose of funding costs associated with Children’s Cove Paving as authorized in Barnstable County Ordinance 13-03 in the amount of \$888 is rescinded.

For the purpose of funding costs associated with White House Roof Replacement as authorized in Barnstable County Ordinance 14-02 in the amount of \$85,000 is rescinded.

For the purpose of funding costs associated with Public Safety Building A/C Units as authorized in Barnstable County Ordinance 99-09 in the amount of \$2,638 is rescinded.

For the purpose of funding costs associated with Old Jail Roof Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$35,295 is rescinded.

For the purpose of funding costs associated with Old Jail ADA Improvements as authorized in Barnstable County Ordinance 13-03 in the amount of \$23,693 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 11-06 in the amount of \$11,444 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 12-04 in the amount of \$86,000 is rescinded.

For the purpose of funding costs associated with Old Jail Window Replacement as authorized in Barnstable County Ordinance 13-03 in the amount of \$49,500 is rescinded.

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For the purpose of funding costs associated with Fire Training Academy HVAC Replacement as authorized in Barnstable County Ordinance 15-05 in the amount of \$15,879 is rescinded.

For the purpose of funding costs associated with Plani-metrics Joint Initiative as authorized in Barnstable County Ordinance 14-02 in the amount of \$152,002 is rescinded.

For the purpose of funding costs associated with Health Lab Equipment as authorized in Barnstable County Ordinance 14-02 in the amount of \$44 is rescinded.

For the purpose of funding costs associated with Health Lab Small Equipment as authorized in Barnstable County Ordinance 15-05 in the amount of \$1,010 is rescinded.

Discussion and Vote by Assembly on Charter Review Committee Recommendation

- **Consideration by Assembly to restructure the executive branch by eliminating County Commissioners and replacing with a strong appointed County Administrator**
- **Assembly voted to suspend the rules to allow Charter Counsel Troy to comment**
- **Delegate Princi proposed an amendment to the Charter Review recommendation to seven delegates elected by region with equal vote**
- **Delegate Princi's proposed amendment failed to pass**
- **Assembly vote on proposed restructuring as recommended by Charter Review Committee failed to pass**
- **Assembly voted to suspend the rules to allow Commissioner Bergstrom to comment**

Speaker MCAULIFFE: Our next item is a discussion and vote on a proposal put forth by the Charter Review Committee to restructure the executive branch by eliminating County Commissioners and replacing with a strong County Administrator. This was voted at the last Charter Review meeting. It's coming forward for a full committee discussion and vote.

It would require a -- it's on a timeline or a deadline is one of the reasons why it's coming forward now in order to get it up to the legislature if there's a will of the Assembly to go forward with this recommendation.

We have Attorney Troy here if we want to suspend the rules because this is not a Charter Review Committee. I think some people wanted a little bit of, not reassurance, but a little bit of understanding if you could give it to them in terms of if this is a legitimate --

Delegate OHMAN: Madam Speaker, I move to suspend the rules to allow Attorney Troy to comment.

Speaker MCAULIFFE: Thank you. Is there a second?

Delegate O'HARA: Second.

Speaker MCAULIFFE: Roll call vote for that.

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 delegates voted 100 percent to suspend the rules to allow Attorney Troy to comment.

Speaker MCAULIFFE: Excellent. Yes, we wanted to hear a little bit of information because there's been a lot of thoughts and ideas and not only County Counsel but Counsel to the Charter Review Committee. I know you had wanted to make a couple comments so thank you.

County and Charter Counsel ROBERT TROY: Sure. Well, thank you, and, first of

all, I agree with the Chair of the County Commissioners and what many of you have said; we do not want to be distracted by process. This is a substantive issue and it's an issue that you, as the Assembly, has to decide. It's not the first time in the Charter Review process that questions about the executive branch have been looked at in previous -- I have the reports of other Charter Review Commissions. They've looked at whether or not the County Commissioners should be regionalized. They've looked at similar issues in the past.

And, so, as you know for the record, I think all of you will agree that at no time have I in any way recommended or suggested that any change be made. That's not my role. My role is just to advise you as to whatever you decide to do if you decide to do anything that it is done in a way that it can be effectuated.

So the most important thing I have to share with you is what you have before you today, you are not making the decision about changing County government. Whatever happens, you are starting a process which involves potentially the County Commissioners, potentially the legislature, and most importantly the voters. So if any one of those groups of people could void anything that you recommend, all you are doing, in effect, is creating a menu, an opportunity for these other bodies to consider.

And given that, if you do that, it's just the first step. You're just kind of putting an option on the horizon. What happens to it happens as a result of one of the groups.

So, for instance, you could decide that you want to recommend this particular ordinance; the County Commissioners theoretically could endorse it; it could go to the legislature, and you could all do you it unanimously and the legislature could say no dice; we're not going to do it. Or the legislature could approve it and then it could go to the voters and that's the end of it.

So all this is is the initial part of the process. So my suggestion is instead of arguing about the different paragraphs of Section 9.1, whatever you do, if you decide to do something on this or any other matter regarding the County Charter and changing any provision is you simply label it as a petition under any provision of Barnstable County Charter Section 9-1 or any other authority under the General Laws or under the Massachusetts Declaration of Rights.

And I have made some informal inquiries with the legislature, and I can report to you that if a majority of this body sends them a petition such as this, the legislature is going to accept it. It is going to consider it. It may not, granted, it may not agree. There could be as part of the political process some type of decision that this is not something that the legislature wants to do, but it at least is going to have a hearing.

And I know incidentally that Representative Hunt actually filed on behalf of another petitioner with the legislature a petition for recall. We talked about that at one of our previous meetings and the legislature accepted it. The legislature didn't do anything with it, but the process is the legislature takes the proposal, the petition, as it were, that's why the word petitioner is used, and it assigns it to a committee.

What happens after that, we all read the newspapers, you know better than I that if the powers to be, if the leadership in the legislature decide they don't want to go down that path, it dies. It's never heard from again.

So, I think that much of the discussion that we've had today is not pertinent insofar as what you need to look at is the substance instead of the procedure. Make your decision on the substance and then the process issued will resolve themselves. You can alternatively if

you decide on this or any other issue that you do under Charter Review, you can go under the first paragraph in Section 9.1 or the second paragraph or the third paragraph or the fourth paragraph.

Now I have done my best in interpreting the Charter, and I stand by all of the written opinions that I wrote about different sections of that. I'm not going to get into that because it's kind of an academic discussion, but the question that has been raised that I have specifically answered in the earlier session of Charter Review this year was can the fourth paragraph of Section 9.1 permit the Assembly to do just what it says, "File a petition." And in my opinion of March 22nd of 2016, I wrote in my opinion the fourth paragraph of Section 9.1 permits the Assembly by a vote representing a majority of the population to file a petition proposing a "special law" relating to the organization or operation of the Cape Cod Regional Government.

Now, in all of the opinions that I wrote, there are problems with understanding what the Charter is saying. And one of the interesting things is there has been talk about there is some prohibition about doing anything with respect to the office of County Commissioners, and, I have attempted to interpret that, and I interpret it as saying that I believe the language encompasses the Office of the County Commissioners.

But, actually, if you write this down and you want to look at a riddle sometime, look at Section 9.1, paragraph 2. When it talks about the things that the County Charter Commission can't do, it says you can't do anything about the composition, mode of election, the term of office, or, now listen, the legislative body, that's you, you can't touch the Assembly of Delegates without going to the legislature and the voters or the mode election or term of office of the chief executive or administrative officer of the Cape Cod Regional Government.

Now Kopelman & Paige may read that and disagree with my opinion, and if they do, they would have solid grounds to do so because Kopelman & Paige could say that the County Commissioners are not the chief executive or the administrative office of the Cape Cod Regional Government; it's the County Administrator. So there's a lot of varying -- variables involved in interpreting the Charter, and I'm simply suggesting that the legislature is not going to be interested in those nuances. The legislature has absolute authority over this subject.

If tomorrow afternoon the Speaker of the Legislature decided that he did not like this particular governmental entity, Barnstable County, the Cape Cod Regional Government, the legislature could abolish the entire Cape Cod Regional Government without any consultation with anybody and send it on to the Governor. The legislature has absolute authority. The legislature created this governmental structure and the legislature can take away what it's created without any recourse from anybody. The legislature has absolute authority.

So, what I'm suggesting to you is that you just have to do your best as the Charter Review Commission to consider the various proposals. If you think they're a good idea and a majority of you vote in favor, you can send it to the legislature. You can send it to the County Commissioners. You can as a private petitioner -- any person can file -- the government in Massachusetts was, under the Declaration of Rights was the original -- the original entity which recognized the importance of the right of private petitioners, of people who had been oppressed by the king to be able to go to their representatives and ask them to

do something. And the legislature routinely accepts petitions, all kinds of petitions from everybody about all types of various subjects.

So, the process should not be your problem. You need to focus on the substance and look at each of the proposals including this.

And one final note, I had suggested at the beginning when we talked about subjects for Charter Review that we might want to look at Section 9.1. And in my research, I've been County Counsel for a number of years, and I have all of the access to the documents. I went back and I looked at all the previous Charter Reviews before I began this. This is going to make all of us feel young because the more things change, the more they stay the same.

The 2005 Charter Review Commission wrote, "By a majority vote of the Assembly of Delegates," this is one of their concerns, "They may file a petition for special law relating to the organization or operation of the government." I'm not going to read it all, but it says in the end, "Could this be clarified?" I think it could. And that may be something that before you finish your work you might want to look at that of clarifying this section, so you don't have to worry about the process.

Speaker MCAULIFFE: Thank you. Thank you. That helps. I agree with the process. I'm just -- I guess I'm looking at this as a Charter Review process and a non-Charter Review entity reacting to the Charter Review process and that is -- I'm trying to keep things on track and separate.

Does anyone have any questions of Attorney Troy at this point? Thank you.

County and Charter Counsel ROBERT TROY: Thank you.

Speaker MCAULIFFE: So the proposal before us is a restructuring of County government by having a strong Administrator as executive, and it would eliminate the Commissioners and have the Assembly as the representative legislature of the County.

Anybody want to talk about this more? Anybody want to vote?

Yes, Delegate Harder.

Delegate PRINCI: Madam Speaker.

Speaker MCAULIFFE: Yes, Delegate Princi.

Delegate PRINCI: I'd like to please amend what's on the floor now to have it include that in addition to eliminating the Commissioners and replacing a strong County Administrator that the Assembly of Delegates be changed from a 15-member town by town weighted vote to seven delegates elected by region with equal vote.

Speaker MCAULIFFE: I hear what you're saying. The problem is that we are voting on something that came from the Charter Review Committee that would appropriately, I believe, be discussed and handled in the Charter Review Committee and then brought forward to the Assembly.

Delegate PRINCI: Okay. Should I save my amendment for later after discussion?

Speaker MCAULIFFE: I'm just saying that the only vote the Charter Review Committee took was this particular vote. I defer to you. I mean would the Assembly have the ability to amend the Charter Review proposal at this point?

Delegate PRINCI: It's on the floor of the --

Speaker MCAULIFFE: Of the Assembly.

Delegate PRINCI: My understanding, yes, it's on the floor of the Assembly, but as we're before the full Assembly, my interpretation is that anything can be amended and/or changed, whether it be supported or not.

Speaker MCAULIFFE: Yes, Attorney Troy, I'm going to defer to you. I'm going to ask Attorney Troy. If the Charter Review Committee voted a specific proposal, it comes to the Assembly, is that correct then that the Assembly then can do anything in terms of -- anything it wants to that proposal?

County and Charter Counsel TROY: Well, my memory of what happened is there were various things that were considered by the Charter Review Committee, and then this was one of the ones that received the quantum of vote that it moved. So that's before you. I don't see that there's any reason why a member of the Assembly cannot amend that.

Speaker MCAULIFFE: Okay.

County and Charter Counsel TROY: Despite the fact that a similar or a proposal because otherwise it would seem that the Charter Review Committees' recommendation is cast in stone.

Speaker MCAULIFFE: Okay.

County and Charter Counsel TROY: And I think that the reason why it's here is up to the Assembly to decide what it wants to do.

Speaker MCAULIFFE: Okay. So, Patrick, your amendment then would be seven Delegates? Patrick?

Delegate PRINCI: Yes.

Speaker MCAULIFFE: Seven Delegates and you're saying equal --

Delegate PRINCI: By district with equal vote.

Speaker MCAULIFFE: Okay. By district with equal vote, and you're amend -- you're proposing that; is there a second?

Deputy Speaker MORAN: Second for purposes of discussion.

Speaker MCAULIFFE: Okay. It's been seconded. Discussion on the amendment? Anyone want to discuss the amendment?

Delegate O'HARA: I will discuss it.

Speaker MCAULIFFE: Delegate O'Hara.

Delegate O'HARA: Thank you. Thank you, Madam Chair. So, all along one of the benefits that I've always felt about this is that each town has its own representative and it means an awful lot. I talked to -- I think each one of us talked to people in our community, not the same people all the time, but people in our community and they think there's a true value to that, and I think that's really what County government is. Its small government and they do have a voice here. There are important issues that are going to come up, and I don't think having seven delegates is going to work.

As it is, you know, the fact that I'm a Selectman makes me more available to people; otherwise, I don't know that they would know who I was or where to find me. To have seven and make it harder to find a Delegate to have a conversation with or approach a different opinion or different ideas, I'm not comfortable with it. I think the 15 Delegates are a vital part of County government as it exists right now.

Thank you.

Speaker MCAULIFFE: Anyone else on the amendment? Okay. We're going to vote on the amendment by roll call.

Voting "YES" (20.92%): Patrick Princi (20.92% - Barnstable).

Voting "NO" (76.24%): 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), Linda Zuern (9.15% - Bourne).

Absent (2.84%): Randi Potash (2.84% - Chatham).

Clerk O'CONNELL: Madam Speaker, the proposed amendment by Delegate Princi failed to pass with 20.92 percent voting yes; 76.24 percent voting no; and 2.84 percent absent.

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: All right. Now we're back to the main proposal which is the one outlined at the beginning.

Yes, Delegate Harder.

Delegate HARDER: Thank you. Attorney Troy said something very interesting that I think I'd like everyone to keep in mind before we vote, which is that our vote today if we all voted yes on this proposal doesn't mean there are no Commissioners. It means that we're putting that idea, that premise forward for discussion to the Commissioners, the legislature, and potentially the voters.

And, I think, one of -- in reading past minutes from past Charter Reviews over the years, it always seemed like people were afraid to make a big change and so they said, "Ooo, why are we making such a big change? Is there really a need for it? What problem is this solving?"

But I feel like it's obviously been discussed over the years basically since this government was set up in this manner, and I feel like the time is right for people, besides the Assembly of Delegates, to have a right to weigh in on this proposal and make their feelings known and that occurs if we vote yes and send it forward.

Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? Yes, Delegate Zuern.

Delegate ZUERN: I have thought, you know, both ways, and at the last meeting I expressed my thoughts about having a balance of government. Sometimes we vote to get rid of something because of the personalities that are engaged at that particular level. And we're not looking really at the form of what the government section is really supposed to do.

And I think with having the Commissioners gives us a balance, and if we had just the Town Administrator and the Assembly, the Assembly could be just as partisan once we got rid of the Commissioners, if we did that completely. And we are regional -- I mean we are local and the Commissioners are voted in on a Cape-wide basis.

So, I think it's just a different form that needs to be in place that needs to remain. Thank you.

Speaker MCAULIFFE: Delegate Ohman.

Delegate OHMAN: Thank you, Madam Speaker. To me, I'm just going to go on with two things. I'm against this proposal but I just want to come up with two things, and I wrote them down so I wouldn't lose my train of thought.

What this proposal would do is eliminate a part of County government that's been around for more than a century and I think that's a mistake. I think that we have a history here and a good government and it's done well over the course of time. We're relatively new. We're approaching our, what, 31st year coming up, only starting our fourth decade.

Secondly, whether it survives or not, a gauntlet, the gauntlet of future hearings and testimony, the ongoing effect would dampen the number of qualified candidates that would consider running for County Commissioners and likely leaving us with the fringe elements of the County that might want to usurp the County and I think that's a very dangerous place to go.

There are people that will not run knowing that they might be eliminated. And by the time it comes through that gauntlet, we'll probably have an election and we might not get the candidates we want for that, and I think that's very important.

Third, and this is different, I read -- I listened to your proposal about what is on the table. It did not say how the County Administrator would be selected. There has been controversy about whether it be elected or appointed. But what you read today did not designate either one and I would like a clarification on that, if possible.

Thank you.

Speaker MCAULIFFE: The initial proposal was appointed by the Assembly.

Delegate OHMAN: I didn't hear today.

Speaker MCAULIFFE: Yes, I think that was lost in the headline, I guess.

Delegate Chafee.

Delegate CHAFFEE: Thank you, Madam Speaker. I've spoken against this before, and, tonight, I will speak against this again. I agree with the Delegate from Dennis, our unique bicameral structure has served the County effectively for 30 years since 1988.

This proposal if passed would eliminate the Commissioners who have an oversight role with the County Administrator, would make the County Administrator more powerful and would require us to take on the responsibility of monitoring that person.

And I've tried to imagine the logistics and the practical side of who in this group is going to do that and how would that very complex role work.

The proposal would give the Assembly the power to appoint the only representative of the executive branch thereby lodging -- a huge amount of power and authority only in the legislative branch. I don't support this.

Speaker MCAULIFFE: Thank you. Delegate O'Hara.

Delegate O'HARA: Thank you, Madam Chair. So, I thought about this and one of the Delegates just a short while ago had mentioned that, you know, it gives the public an opportunity to vote for something different. And I thought about that and I've been thinking about it for a while, not at this meeting but as if we've been discussing this whole issue, and I have had nobody come to me. This didn't come to me to this group through any member of the public. This all came about from this board here the thought of changing it from a strong Administrator and removal of the Commissioners.

And I've taken that and then I've gone to the town; I've talked to a number of people. What do you think about this? How do you feel about removal of the Commissioners, knowing that they all know what's going on in the community. They paid attention to how the County government's been working, and nobody has an opinion. Nobody felt that there was need for a change.

So as far as it being, you know, given the opportunity for individuals to vote for something different, I mean, I literally spent hours. I asked probably at least a hundred people, "What's your opinion? How do you feel about this?" None of them had any opinion at all. They were just like, "What's wrong it? Its fine," other than the few glitches they read in the newspaper and the comments made.

And because of that, I just feel as though -- I said this in the past, you know, if it's not broke, don't fix it. I don't think it needs -- I think it needs to be fixed. I don't think it needs to be thrown out. I think that we can do a better job working with the Commissioners. I think we need to build better lines of communication. I think we need to work more together for the residents, but I don't feel as though it needs to be changed. It just needs to be tuned up.

Thank you.

(Patrick Princi disconnected himself from remote participation call)

Clerk O'CONNELL: Can we verify he's still there?

Speaker MCAULIFFE: Yes, Patrick, are you still here? Patrick? Yes, we heard a disconnect.

Delegate O'HARA: It sounded like it.

Speaker MCAULIFFE: Patrick?

Clerk O'CONNELL: Okay. Hold on.

Speaker MCAULIFFE: Does anybody have his -- oh wait a minute, I do, I think. I was going to say text him to call back in.

Deputy Speaker MORAN: I might too.

Speaker MCAULIFFE: Okay. It's reconnected again for call-in.

Clerk O'CONNELL: I don't have an email from him yet.

Speaker MCAULIFFE: I'm seeing if this is a -- I've texted him before so. I just told him to call in again. We'll see.

Yes, Delegate Gallagher.

Delegate GALLAGHER: Madam Speaker, several of the speakers, including Chairman Bergstrom, pointed out earlier this is a momentous and perhaps unprecedented decision. Thirty years of its institution, no major change of this order has been undertaken.

I had the occasion to appear before my Board of Selectmen on Monday. We had a discussion of this subject, and in preparation for that, I went over the documents as they appear on the website, now the minutes of the Charter Review Committee, over the last several months.

This proposal that we're now considering was your proposal on October the 2nd, and the minutes of that session are somewhat sketchy, not to fault anybody, but I was trying to articulate to my Selectmen why we're doing this, and I did to the best of my memory. But given that this is such a momentous decision, I think it would be worthwhile at this juncture to ask for a summary of what problem it is we're trying to solve and why this is the best solution.

Speaker MCAULIFFE: Let me get my notes.

Delegate GALLAGHER: Okay.

Speaker MCAULIFFE: When I had proposed this form of government, it was a --

along the lines of what the Dukes County structure is right now. It's a strong manager with a deputy manager and then it would be just a legislative body, either Commissioners.

It was a proposal to try and make the County government more accountable, more connected to the people, more efficient. Right now with the three branches of government, there's a lot of ability to not take accountability for things, things will sometimes not happen or fall through the cracks because there isn't a direct line of communication like there is with the Board of Selectmen, County Administrator, or a Town Administrator. There are frequent times when things don't happen, and I see this probably more as Speaker in terms of the Assembly trying to have things done or work with things, and it would be more efficient to have a direct chain of command. I think there would be better oversight over the Administrator.

I talked a little bit about some of the issues with having just three Commissioners. It's a challenge in terms of a lot of things which -- Open Meeting Law. It's a challenge in terms of their ability to dilute a personality that might not work well or a personality that might be a challenge. It can be -- in my experience, it can be a group of people who totally ignores the Assembly, won't work with the Assembly, will dismiss the Assembly, or will, in effect, just not bother with the Assembly. And I've experienced that as a member of the Assembly over the last eight years. I'm not talking about currently but over the last eight years and I'm sure people before.

So it was an attempt to streamline to make things more efficient, a little leaner, a little meaner, a little bit more direct that there would be someone -- a professional because County Commissioners are not professionals; they would be professional making executive decisions and administrative decisions, and there would be a policy board that would then be able to provide the policy or the direction for the administration. I'm looking here. It would spread out the work. There would be more minds involved in terms of the strength of this group. There are 15 very strong minds and opinions, and I think you get a better product when you have more people contributing to the decision-making process. I think 15 is the outside limit. In all the group theory, 15 is your maximum but it works with us as a Charter Review, and I think it would work as the County government.

Let's see; as I said, stronger connection to the towns. When I was a Selectman, we had no idea what the Commissioners did. They would come in once a year and provide us with lists of grants and things like that. But we knew who our Delegate was and they would keep us updated and they would report to us.

So, I think that you would have a stronger visibility, less confusion. It would save money; we've talked about that. That's a debatable thing depending on how much you pay people. We can -- I know there have been issues about extra work; yes, it would probably be some extra work but I have also experienced with this Assembly people wanting to do a little bit more and take on a little bit more.

The current Commissioners, every single thing according to the Charter that they do can be delegated. Now if you can delegate everything that that particular job does, then that job, you know, kind of defines itself. They decide how much or how little they will do.

And that was pretty much -- and I did this with the overview of understanding that change is a very daunting thing. And I am coming from a place where I worked 30 years in government and that I think that there is room for improvement. I think it's not the people. I think the structure is unwieldy. I think the structure tends to lead us to kind of people want

to kind of exert their will over one group or one group is feeling dismissed or it's just, to me, it's an extra layer.

And Patrick and I, I think, agree on that in many ways because he wants it even further streamlined, you know, to be very efficient.

But I think, to me, that that was a good compromise was to have accountability, local ties, good minds going forward with -- and it would -- you would not have one person having the impact in the government the way you do currently with the County Commissioners. That was just my two cents.

And I would like to just say that I don't think -- I understand Delegate Ohman's point about not getting good people. This could be proposed for 2020 if that's, you know, the legislature may take its time, may not even consider it so we don't even know that. But even when we do have good people, we don't necessarily get the right people.

Delegate GALLAGHER: Thank you, Madam Speaker. I found your introduction persuasive and I support this proposal, but I just thought that the recapitulation would be useful at this juncture.

Thank you, very much.

Speaker MCAULIFFE: I wasn't going to speak. I was going to let people make their decision. To me, this was -- I didn't think this was going to pass the first meeting so I was ready to give up.

Yes, Delegate O'Malley.

Delegate O'MALLEY: I also would like to add my compliments for that very, off-the-cuff, unexpected, nice synthesis of a lot of the arguments that we've had here already. I wanted to just throw in a thought in response to a concern expressed by the Delegate from Brewster, and that is how would it work? And this has been a subject of, obviously, debate and discussion amongst us. You know, we've got a crew that travels back-and-forth and we have touched on this, and I think the most interesting approach that comes forth is the idea that if the Assembly of Delegates took its committee chairs to be sort of a governing committee, an executive committee, I could anticipate that what that might want to be doing is meeting weekly with the Administrator. That would create the decision-making body, the rapid response body that on a need to act basis could be regularly there.

I think the importance of the Assembly in this whole business is that it's the connection to the community. Clearly, I think we're seeing in the world that as power concentrates in smaller numbers of hands, we have trouble. You get people pushing their way around, throwing their weight around, and I think that the advantage of the Assembly is that we have 15 people here. This is always going to be a place where there are discussions, able to have conversations; I think that has been remarkably a more effective functioning of this Assembly as we've gone on in these recent years.

I think the Assembly represents the community very organically, and given a little change in the structure, clearly, every two weeks is not enough to give Jack the kind of ongoing guidance, but you create some form of an executive. It doesn't have to be the committee chairs, but you create an executive that does that function.

And I do think that we -- there are no functions that I see the Commissioners performing that this body couldn't equally do. So much of it is routine and of the decisions of the real policy decisions that have to be made, quite frankly, I would rather see them being made by the legislature than by the executive.

So, I'll leave it with that, but that's a potential solution to how would we actually make it work.

Clerk O'CONNELL: I think Chris has to leave.

Speaker MCAULIFFE: Chris, what kind of deadline are you on, Delegate Kanaga?

Delegate KANAGA: I've got to be in Orleans at 6:30 so.

Speaker MCAULIFFE: Oh, okay.

Delegate KANAGA: I drive fast but not that fast.

Speaker MCAULIFFE: Oh okay.

Delegate HARDER: I can get you there.

Speaker MCAULIFFE: We'll hear from Delegate Green quickly and then take a vote so Delegate Kanaga can participate.

Delegate KANAGA: Thank you.

Delegate GREEN: Thank you, Madam Speaker.

Speaker MCAULIFFE: I'm sorry to put the pressure on.

Delegate GREEN: I did not support this, and I really do appreciate all of the thought that you've put into this and bringing this forth. For some of the various reasons that you said the Assembly would be able to have more control and have -- be taken more seriously at the executive level and the County Administrator.

I've seen through being on the other side as being a member of the public and bringing issues forth, I've seen how the Assembly and the Commissioners have a certain dynamic together.

And I think looking at the big picture and looking at now we have a strong executive, we have a Finance Director who seems very on top of things, but I've seen other situations as well and for that very reason, I think that it would be very important to keep the role of the Commissioners. There's three people and they really should have the authority to hold the executive accountable, and we should also be holding the executive accountable too.

And I think 15 people, I think, it will get lost. I don't -- I really think that other thing, the other big issue I have is the public. I think the public always has to have a voice in County government, and I've seen situations where the public has been cut off, and I think that the public has a better chance with two bodies to have their voice heard.

And I just don't support this. Thank you.

Speaker MCAULIFFE: Thank you. If it's all right, I think people pretty much know where they're going to be regardless of what people say to allow everyone to participate. I'd like to call for the vote.

Clerk O'CONNELL: Was there a motion to put it on the floor and a second?

Delegate CHAFFEE: I move to put it on the floor.

Deputy Speaker MORAN: Second.

Speaker MCAULIFFE: Yes, okay. Roll call.

Yes, let me try and call Patrick too just because he was on there. Let's see if I can get him to call back in.

Delegate OHMAN: You didn't do that for me.

Speaker MCAULIFFE: We emailed you.

Delegate OHMAN: Email him.

Clerk O'CONNELL: It's connected.

Speaker MCAULIFFE: It's connected.

Clerk O'CONNELL: Yes.

Speaker MCAULIFFE: Hey, Patrick, do you want to call in? We're going to take a vote. Patrick, can you hear me? It's Suzanne. Yes, if you want to call in, we're taking the vote. Okay. It's all right. It's all right if you can't. Thank you. No, he can't.

Clerk O'CONNELL: All right. Roll Call.

Assembly Vote to restructure the executive branch by eliminating County Commissioners and replacing with a strong appointed County Administrator as recommended by the Charter Review Committee

Voting "YES" (24.12%): J. Terence Gallagher (2.30% - Eastham), Elizabeth Harder (5.67% - Harwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham).

Voting "NO" (54.96%): Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Linda Zuern (9.15% - Bourne).

Absent (20.92%): Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the restructuring proposal fails 24.12 percent voting yes; 54.96 percent voting no; and 20.92 percent are absent.

Speaker MCAULIFFE: Thank you. Okay.

Commissioner RONALD BERGSTROM: Could I move to suspend the rules for a second?

Speaker MCAULIFFE: No, you're not on the Assembly.

Commissioner RONALD BERGSTROM: Can I ask a member of the Assembly to ask to suspend the rules? Well, it doesn't matter.

Delegate GREEN: I would. I'll move him to suspend the rules.

Speaker MCAULIFFE: Well, you know, we have people who have to leave.

Delegate ZUERN: Well, they'll leave but --

Speaker MCAULIFFE: Well, okay, if you want to move -- is someone going to second it?

Delegate HARDER: Second.

Speaker MCAULIFFE: Oh, we haven't got Patrick so it's a voice vote. All those in favor? Aye. Opposed? **Okay.**

Commissioner RONALD BERGSTROM: Quickly, you know, my predecessor had a more autocratic attitude toward County government than I do. I felt that I should empower the people who work including the Assembly.

When I ran, people said, "What are you going to do," and one of the things I said and maybe you guys have heard me say that, I said I know that I have a team of people and I expect the Assembly of Delegates to be my allies by providing, you know, ordinances and resolutions according to how you feel the County should be run, and I still feel that way, and I have always felt that way.

So I mean I'm appealing to you to help me if you feel there's something the executive branch should do, submit a resolution, submit an ordinance, and I will certainly consider it and support it if I think it's a good idea. And, you know, I have a great deal of respect for the Assembly.

One thing else I'd like to say, I know I'm taking some time, but I don't want to dissuade you of the feeling that somehow things aren't getting done because we've made a lot of progress in the last 10 months. We've done a lot of good things. You've seen me come before you every two weeks and I tell you all the things that are happening at the Police Training Academy, with the Fire Training Academy.

So I just feel that we're in a good place. I'm glad we're going forward together, and I hope to make it even better at least on my end for the next 11 months and then we'll see who else inherits the role.

Okay. Thank you.

Speaker MCAULIFFE: Thank you.

Summary of Committee Reports

- **Delegate O'Malley provided a brief report of the November meeting of the Human Rights Advisory Commission**

Speaker MCAULIFFE: All right. Committee reports. Delegate O'Malley, did you want to just give a very -- a one sentence update.

Delegate O'MALLEY: Well, the biggest --

Speaker MCAULIFFE: It's not good news, yes.

Delegate O'MALLEY: Well, the biggest issue is that the Human Rights Coordinator, the newly appointed Human Rights Coordinator has had to submit a resignation for health issues. It's a very -- it's a major blow. They just expanded. They put out recruitment. They've had new people coming in and this came as a totally unexpected -- it was an unexpected change in plans.

So, obviously, the search is opening up again. This is going to be a bit of a scramble. It comes at a very tough time for the Human Rights Advisory Commission because they were, as I say, just really reorganizing and had seemed to have some nice energy to make this work collaboratively going forward. I don't know where this is going to go.

Speaker MCAULIFFE: Well, keep us updated. Thank you. I'm sorry it's so discouraging.

I don't believe there are any other committee reports.

Summary Report from the Clerk

- **Holiday Gathering on 12/18 immediately following the Assembly meeting**
- **Registration is open for the MMA Annual Conference in January 2020**
- **Assembly FY21 budget development underway**

Speaker MCAULIFFE: A report from the Clerk. You had a couple things.

Clerk O'CONNELL: Quickly, a couple things I had put off but I can't put them off any longer. With regards to the holiday gathering, I put a notice in all of your folders. That will be at the conclusion of the meeting on the 18th.

And also with regards to the MMA conference coming up in January, if that's something that you think you want to attend this year, please let me know. There are a few questions I need to have answered from you in order to submit the registration electronically this year. So that's a change and that's great. It makes it easier, faster. You take care of hotel accommodations on your own. Once you pay for it, you give me the receipts and that's how you get reimbursed for everything.

And, other than that, I started to build the budget, and you heard Elizabeth mention that we're starting that process now. I've been conversing with the Speaker with regards to those budget items. I'm not going to bore you with the details. No big changes in the budget with the exception of a Legal Expense line item for the Assembly going forward for 2021.

And that's it.

Speaker MCAULIFFE: Great. Yes, Delegate Harder.

Delegate HARDER: Sorry, I already did my -- if we already did our submission for the --

Speaker MCAULIFFE: SFI?

Delegate HARDER: The Mass. Municipal thing.

Speaker MCAULIFFE: Oh.

Clerk O'CONNELL: You did?

Delegate HARDER: Yes.

Clerk O'CONNELL: Oh, okay.

Delegate HARDER: I did it on my own once I decided to go. I didn't know.

Clerk O'CONNELL: I'll talk to you after about it.

Delegate HARDER: Sorry.

Clerk O'CONNELL: Yes, I'll talk to you after.

Delegate HARDER: And can we -- if we're not, I would like to ask the chair if since we're not -- since we are keeping the Commissioners, if we could please have a Recall Committee meeting soon.

Summary of Other Business

- **Additional work anticipated for cleanup of Charter language**
- **Several legislators committed to coming to the December 18th Assembly meeting to provide a legislative update to the delegates**

Speaker MCAULIFFE: Yes. There's a lot of things hanging from this and that was going to be part of my other business is going forward there are a lot of language issues.

Attorney Troy mentioned some things that need to be cleared up. There's a lot of things if you read through the Charter that just don't make any sense because none of its happening. So we need to clean up the language.

So, with this restructure thing off the table, there's not a deadline or a timeline, so we will jump into that then, probably not till January, I would guess.

We have the legislators, three or four legislators coming, yeah about only half of them are able to make it in December at our final meeting.

Any other "Other Business"?

Okay. I'll take a motion to adjourn.

Deputy Speaker MORAN: So moved.

Speaker MCAULIFFE: Okay. We're adjourned.

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

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar 11/20/19**
- **Unapproved Journal of Proceedings 11/6/19**
- **Memo and Proposed Ordinance 19-19 submitted by Cape Cod Commission**
- **Public Hearing Notice for Proposed Ordinances 19-17 & 19-18**
- **Proposed Ordinance 19-17**
- **Memo and supporting documents submitted by Sean O'Brien and Elizabeth Braccia related to Proposed Ordinance 19-17**
- **Proposed Ordinance 19-18**
- **Charter Review Committee draft meeting minutes dated 11/6/19**