

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES

Pursuant to Governor Charles Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020, the Assembly of Delegates held a Virtual Meeting @ 4:00 P.M.

APPROVED Journal of Proceedings – October 7, 2020

Call to Order

Speaker MCAULIFFE: It's Wednesday, October 7th, 2020, at 4 p.m. The meeting will be held through remote participation pursuant to Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

This meeting is live streamed on YouTube. Anyone who wishes to make a comment can do so by calling 1-929-205-6099 and using the ID 92378434050.

And if you want to raise your hand and you're on a phone, you have to press *9. If you need to unmute yourself, I cannot unmute someone who has muted themselves, so you would need to unmute yourself if you've muted your microphone; you do *6 to unmute.

And then I see several people on Zoom who are participating. It's a lot of numbers. If it went too fast, you could always go to the County website and pull up the Calendar of Business for today and all the numbers are at the top of that.

I would also like to say because we have a lot of people and faces I don't recognize that in our meetings, because we follow the Open Meeting Law, people need to raise their hands to be recognized to speak. And, obviously, I'll do my best with full screens, but if I'm missing you, you know, don't hesitate to wave your hand or let me know just hit the button for raise your hand. Okay. Thank you.

I would like to start with a moment of silence to honor our troops who 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: Unless you're speaking, would you mind muting so we don't get phones and ticking noises and background noises. Thank you.

Roll Call Attendance

Present (84.46%): (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), 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).

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 84.46 percent of the Delegates present; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business for 10/7/20

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

Delegate GREEN: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Any changes, comments, discussion? Okay. The Clerk will call the vote, please.

Motion to approve the Calendar of Business for 10/7/20

Voting "YES" (84.46%): (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), 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).

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: The Calendar of Business is approved 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the Journal of Proceedings of 9/16/20

Speaker MCAULIFFE: The next item is the Journal of September 16, 2020. I'll take a motion --

Delegate O'MALLEY: So moved.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: One little quibble with the minutes. When discussing one of the resolutions, it says, you know, it's so moved to approve it, and then it said so moved again instead of seconded. So we have two so moved and not a second.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: So that's one of the resolutions. All right. I'll look at that. I'll take care of it. Got it.

Speaker MCAULIFFE: Thank you. Anything else? All right. The Clerk will call the vote.

Motion to approve the Journal of Proceedings of 9/16/20

Voting "YES" (84.46%): (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), 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).

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the Journal of 9/16/20 passes with 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you.

Summary of Communications with the Board of Regional Commissioners

- **Commissioner Bergstrom updated the Delegates regarding actions taken by the County Commissioners at the past several meetings**
- **Commissioners are considering returning to live meetings in the next several months**
- **Recognition of Constitution Day in Barnstable County 9/17/20**
- **Recognition of Barnstable County Independence Day 9/27/20**
- **Commissioners submitted Proposed Ordinances 20-21, 20-22, 20-23, 20-24, 20-25 and 20-26**
- **Commissioners approved Ordinance Nos. 20-11 and 20-12**
- **Commissioners requested release of the IT Bond Bill to Governor Baker**
- **Registry of Deeds revenues are strong**
- **Commissioners swore-in AmeriCorps volunteers**
- **Fire Training Academy site expected to be capped in January**
- **Commissioners working on FY22 budget message and guidelines**
- **Commissioners approved updates to the Barnstable County Policy Manual**
- **Commissioners authorized several dredge projects**
- **Flu vaccine clinic for employees on 10/21/20**

Speaker MCAULIFFE: Next are communications and updates from Board of Regional Commissioners and County Administrator. I see the Chair of the Commissioners, Ron Bergstrom, and Jack Yunits is here. Good afternoon.

Commissioner RONALD BERGSTROM: Good afternoon. It's been a while since I addressed you. It's been like three weeks now, seems like forever.

Speaker MCAULIFFE: Yes, it does.

Commissioner RONALD BERGSTROM: I'll have to recite these agendas from memory while I'm looking at them on my computer screen. And we'll start with September 23 where we had our normal update on COVID-19 in Barnstable County. The numbers continue to be good. I see you've got Sean O'Brien with you here today, so I'll let him follow up on that but there's very few cases. There were a couple in ICU but now we are -- they are out and so the hospital -- very few hospitalizations. The Cape continues to be ahead of the curve as far as low numbers of positive cases.

We discussed the reopening of Barnstable County government. There's going to be some loosening of the restrictions of people coming and going. I'm looking toward perhaps using the East Wing coming up late in this month or perhaps early November we can set it up because even though it would be difficult for you seeing that you have so many, just the three of us and Jack and staff members can remotely participate using the big computer displays. I just feel that I'd like to get back to some sense of normalcy just to give people confidence that

we're moving along here. I can't say that we're absolutely going to do this, but I am looking toward doing it. Jack might have some more details on the actual reopening of the building.

We did a technical issue which has to do with a member of the Retirement Association for his credible service. I'm not going to go into it; it's complicated for us anyway, for the County, it was just a technical issue.

We recognize September 27, 2020, as Barnstable County Independence Day. I don't know if you remember, those that were with us last year, there was a document sent to the -- I guess to Boston saying that Barnstable County was going to be independent of the crown because of some requirements that were imposed on them. A little bit back-and-forth, but we renewed our recognition of that document and September 27, 2020, is Barnstable County Independence Day. We haven't succeeded in gaining independence but we're still working on it

We are proclaiming recognizing September 17, 2020, as Constitution Day in Barnstable County. And forgive me, but I forget what that signifies, so if anybody else would like to weigh in.

We had a discussion regarding an application by AmeriCorps Cape Cod for funding in Program Years 2021 through 2024. We learned that we would have 16 members of the AmeriCorps here on Cape Cod, and we discussed briefly the housing situation which is in effect.

We then passed a Proposed Ordinance to add to the County's Operating Budget in the amount of \$75,000 for the -- to fund the Purchase of National Resource Management Equipment for Wildfire Mitigation. The private firm that did this and they are going out of the business just in the time when we need more fire mitigation because of the drought here on Cape Cod and also Southeast Massachusetts.

So I am now submitting that proposed ordinance, \$75,000, to fund the purchase of National Resource Management Equipment for Wildfire Mitigation. I'm now submitting that ordinance to the Assembly for your consideration.

We added \$65,000 to the Dredge Operating Budget. That's taken out of the Dredge Fund Enterprise Fund supplemental appropriations. We also had a -- I think these ordinances came back to us from you after you passed them, \$449,297. So that we voted on, approved.

We asked -- we called on Massachusetts Governor Charles Baker as authorized by you, the County Assembly of Delegates, to release the funds designated for Barnstable County projects in the Act Financing the General Governmental Infrastructure of the Commonwealth or Information Technology Bond Bill. So we added our assent. We added our voices to call on him to release the funds.

Then we had a general discussion on the move by Conservation Law Foundation litigation about property sales and the impact on -- whether it will impact County finances. So that was quite a ways in the future, so even though we had a discussion, there was no resolution to that matter. The County finances continue to be good. We get weekly updates now from the Registry of Deeds, and the information we're getting is very good. A lot of home sales, a lot of action, people want to live here. Prices of homes are going up. It's not good for people who are looking for homes but it adds to the County coffers. So I'll get into that when we get into the fiscal situation of the County.

We added an amount of close to \$180,000 to provide facilitation services during stakeholder engagement for a Cape Cod Climate Action Plan for the period of September 30th,

2021, with the option to renew for two additional periods. So we're on that issue now dealing with climate issues here on Cape Cod and Barnstable County.

We amended the contract with Foth Infrastructure and Environment. They're the ones who are the consultants on the dredge. We added an additional \$154,180 for arrears from May 28th of last year to November 28th of this year for additional pre- and post-dredge hydrographic studies, plan preparation, and electronic line file preparation in the amount of \$33,800. I'll have some more information on the dredge when we get to our next meeting we had today.

We rejected all bids in response to a Request for Proposal for the Coastal Resilience Technical Assistance on behalf of the Cape Cod Commission. Apparently, the bids came in way over what we expected. The Commission advised us to. And that pretty much covers the 23rd.

Speaker MCAULIFFE: Sorry, Ron. I didn't hear your last statement. The bids came in way over; is that what you said?

Commissioner RONALD BERGSTROM: Yes, I'm saying is that we rejected all the bids.

Speaker MCAULIFFE: Okay.

Commissioner RONALD BERGSTROM: So we're going to have to go out again. That covers us for the 23rd.

We did not have a meeting on the 30th, so that brings us to today. At the top of General Business, we had the swearing-in ceremony for those 16 AmeriCorps volunteers. They showed up on my screen. They attended the meeting and they heeded the AmeriCorp swearing-in ceremony, and they're ready to hit the ground running, and we took care of that.

We also had our usual update on COVID-19 in Barnstable County from Sean, as I said it was optimistic.

We had an update on the County Fire and Rescue Training Academy. We're going to be capping, hopefully capping, and I think it's this January I might be wrong.

Speaker MCAULIFFE: Ron, I can't hear you.

Commissioner RONALD BERGSTROM: Oh, I'm sorry; I'm leaning back. We intend to cap the site to prevent rainwater from entering the ground and spreading the PFOS. Hopefully by January, I question on the weather, but we seem to think we can go forward unless there's extreme weather to cap that site completely. I still have to talk to DEP and get confirmation from DEP and the Town of Barnstable. That seems to be expected to move ahead on that.

We had a Fiscal Year 2022 discussion. We are going to begin the Fiscal Year 2020 Budget Message and Development Guidelines.

Then we get to the Stabilization Funds that we created today. First, we have a proposed ordinance to authorize us to create the special Stabilization Fund; we authorized -- the authorization we gave ourselves to create these funds.

Then there are three funds. One is to authorize Barnstable County to create a Stabilization Fund for the purpose of setting aside funds that are to be invested to secure reserves for a variety of projects and other needs.

Then there's one to create a Stabilization Fund for the purpose of setting aside funds that are to be invested to secure reserves for capital purchases -- for future capital purchases.

Then there is one to authorize Barnstable County to create a Stabilization Fund for the

purpose of setting aside funds to be invested into secure reserves for unforeseen emergencies.

We then went on to transfer funds from the Unreserved Fund Balance into the Capitalization Stabilization Fund, Emergency Stabilization Fund, and General Stabilization Funds in the amount of \$3 million; \$3 million to be put in the fund. And I am now handing those over to you, those ordinances over to you for your consideration.

Speaker MCAULIFFE: Okay. We will be probably placing them on the next agenda, so questions and discussions about them can come at the next meeting then.

Commissioner RONALD BERGSTROM: Other Business, we changed the Barnstable County Policies and Procedures Manual. In the past, if someone were hired as a Barnstable County employee, they would not be able to receive healthcare benefits for two months. So if they had to carry -- if they were coming from the private sector and not from another branch of Barnstable County or a town or an organizations, they would have to -- they would be without healthcare for two months. We changed our policies now to allow those employees to be insured --

Speaker MCAULIFFE: Good.

Commissioner RONALD BERGSTROM: -- on the effective date of the hire. If someone's hired, they'll have (Inaudible). And since they pay in advance, let's say at the end of the month they would have paid for the next month. When they leave service, they will have another month of coverage. This helps us really to recruit employees because there's been instances where they've lacked -- we've had a two-month lag of healthcare benefits which discouraged people from entering employment with the County.

Then, basically, there was a bunch of housekeeping articles; 87,000 for an existing FileMaker Pro Database.

We did something with the environmental -- I don't want to read the whole thing, but 190,000 for the Southeast New England Step Program to award funding for year two of the project in the amount of \$50,000.

Then there were several dredge projects which we authorized in Bass River, and then with Yarmouth and Bass River -- one with Dennis and Bass River, the other one is Yarmouth and Bass River. Then we did the Town of Yarmouth, the Town of Falmouth, and that was about it. That was what we did.

Speaker MCAULIFFE: Thank you.

Commissioner RONALD BERGSTROM: Any questions?

Speaker MCAULIFFE: Yes, any questions for -- and I have two screens, so like the last time, I will go through one screen, sweep over, and then come back again. Delegate Killion.

Delegate KILLION: Yes. Thank you, Madam Speaker. Good afternoon, Commissioner. I was having a hard time hearing you. Your voice was kind of breaking in and out, so maybe hold that tin can on the string a little closer to your mouth maybe we can hear you better.

But on the County reopening, can you go into a little more detail on what that entails? Are you talking about opening the offices backup and getting the employees back in the building?

Commissioner RONALD BERGSTROM: Yes, I'm going to have to defer to Jack on that because he's been in contact with the Court system really. I'm -- he gave us that report on the 23rd, so if Jack is here.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: Yes, Jack.

Administrator JACK YUNITS: We're actually talking about, frankly speaking, I think a reorganization plan, a reopening plan is going to feature a long-term work-from-home telecommuting program because of the apparent space needs that are going to be an ongoing challenge for at least the next 18 months.

As it pertains to the Assembly and the Commissioners coming back, the Commissioners could technically come back sooner because they can use the East Wing. We seldom have 25 people. And when Donnie did the numbers based on the Governor's guidelines, the most that we can have in the East Wing at this point in time and for the foreseeable future is 25 persons. So anytime we do run a meeting at that building, in order to be in compliance with the Open Meeting Law, and I would suggest that before we come back into the building we get an opinion from Bob Troy on this, that we do a dual broadcast so that we can have a live meeting but the public and people that don't want to come in person can still access the meetings from home. I think that's the fairest thing to do at this point in time, but we do see that coming sooner than later. We'd like to do it before the end of the year. And that's about where we are on reopening.

We're also talking about increasing our misting programs, and we'll just play it by ear. I did want to bring up one very important --

Speaker MCAULIFFE: What's your misting programs?

Administrator JACK YUNITS: Misting is when they come in and spray the buildings at night.

Speaker MCAULIFFE: Oh, okay.

Administrator JACK YUNITS: Yes. For instance, something I really want to alert you to is on the 21st of October, the County is running a vaccine day for County employees and that includes you; you're all County employees. It is by appointment only but please check that out. We'll get all the details to Janice so she can email them out to you in case you want to join us.

We did run a drive-through clinic a couple weeks ago, that Deirdre did an amazing job with, and over 600 people came through that day. But this is for County employees only, and at the end of that, obviously, because it's in the Harborview, the Harborview will be -- have to be sanitized by misting. That's just gives you an example. When you have meetings in a building, it has to be misted afterwards. So that's where we are on that.

One last thing I wanted to bring up, very important thing, you know, it was a special meeting. The Commissioners came in on a Friday because we had to get the grant approved by the end of the fiscal year, but the Commissioners approved a \$450,000 grant from the Department of Defense to the County to do a mitigation review of all the infrastructure at the Base including the wastewater treatment plant just to -- it's going to be managed by a steering committee from the towns which would include Sandwich, Barnstable, any of the towns, Mashpee, any of the towns that may or may not want to be part of this use of the wastewater treatment facility in the long term. It's been turned over to Kristy to quarterback. So the Cape Cod Commission who's already been out there working on things like this will run with Sean O'Brien and the County to oversee this grant. But it's a huge grant, 450,000. It's functional. It goes right to the heart of the debate about whether or not this space can be used for regional Upper-Cape wastewater treatment solution. And the Base is well on board with us on this.

They were a huge participant in the grant process. So all good news.

Speaker MCAULIFFE: Excellent.

Delegate KILLION: And if I may, Madam Speaker, I just want to -- also, I have questions regarding the Fire Academy. The Commissioner had two points there; one being we have an Ordinance for 75,000, and then a capping in January. Can you elaborate on that a little bit on that, Jack?

Administrator JACK YUNITS: Yes, we've already done -- the capping plan has already been approved by DEP. Subsequent to that, we tested the buildings that are out there, the old burn buildings, there are two of them and made the determination that they have to become knockdown and disposed of. DEP's now approved that plan, so we have to go back to Barnstable Conservation, hopefully, for a final approval, and that final approval will mean that we can begin the work, and we do expect to begin the work in December.

The funding for this is going to come from a SRF Loan, hopefully, from DEP but they can't approve the loan until the conservation permit is issued. So will be working in partnership with Mark Ells and the two towns and DEP, the town and DEP to try to get a concrete action plan before the Conservation Commission. I believe November 1 is when we go back in there before the board.

So that's the plan for the final closure. I should say it's very public. Not only is there a conservation meeting, but Hyannis is a PIP community, that means Public Information Process is in effect. So we'll be having a meeting before the Conservation Commission, the public, and then the Board of Regional Commissioners before that plan goes into play.

Delegate KILLION: That SRF Fund, is that federal or state?

Administrator JACK YUNITS: It starts out being federal. It comes -- federal grants that are managed by the state, the State Department of Treasury and DEP.

Delegate KILLION: Great. Thank you, very much.

Speaker MCAULIFFE: Thank you. I saw Delegate O'Malley and then Delegate Princi. Delegate O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker. This is for Commissioner Bergstrom; you did mention a \$180,000 Climate Stakeholder Action Study. Can you tell about what that is? Is that going through the Commission, the Cape Cod Commission?

Commissioner RONALD BERGSTROM: Yes, it is. I don't have it up here, but it's part of the -- let me get this -- did I mention that in today's agenda?

Delegate O'MALLEY: September 23rd.

Administrator JACK YUNITS: Yes.

Commissioner RONALD BERGSTROM: Here it is. It's for the Cape Cod Climate Action Plan, facilitation services during stakeholder engagement for a Cape Cod Climate Action Plan, which I think is a must of the Commission, the Cape --

Administrator JACK YUNITS: It is, yes, the Cape Cod Commission.

Commissioner RONALD BERGSTROM: \$177,690.

Speaker MCAULIFFE: Thank you. Are you all set, Delegate O'Malley?

Delegate O'MALLEY: Thank you.

Speaker MCAULIFFE: Delegate Princi.

Deputy Speaker PRINCI: I'm all set. My question was answered on Delegate Killion's follow-up question to Jack regarding the academy. Thank you.

Speaker MCAULIFFE: Okay. Any other Delegates with questions for County

Administration or County Commissioner? I'm just going to switch to the other screen. Okay. I think we're covered with that.

PowerPoint Presentation by Shannon Hulst on Coastal Resiliency and Flood Mapping

Speaker MCAULIFFE: Our next item on the agenda is a presentation from our Cooperative Extension Floodplain Specialist Shannon Hulst regarding coastal resiliency work including flood mapping. Welcome, Shannon.

Last time I think we heard from you, I think we were in the Harborview, I recall. So it's been a couple of years so it would be great to have an update. And I know there are some people who weren't at your first presentation.

Deputy Dir. SHANNON HULST: Thank you, Madam Chair, and good afternoon, Delegates.

Here we go. All right. So, again, my name is Shannon Hulst; I am Deputy Director of the Cooperative Extension; I am also the Floodplain Specialist, and Community Rating System Coordinator for the Extension, and I am also with Woods Hole Sea Grant. I'm one of the five Extension staff who are also Woods Hole Sea Grant.

So, today, I'm going to talk briefly to remind you what I do in my work and go over a couple of specific projects, and then also talk about a couple of projects having to do with flood mapping because that came up as a question.

Okay. So an overview of what I do. I focus on three primary things; one is the National Flood Insurance Program and implementing regulations related to that. One is the Community Rating System, which I'll give you more details on in a minute, but it's, basically, an incentive program for flood resilience in exchange for flood insurance discounts. And then I also do general flooding, sea-level rise, adaptation, and resilience work.

So getting into the National Flood Insurance Program and the Cape Cod Floodplains. So floodplains, what's dark blue here on the map, these are defined by FEMA through the National Flood Insurance Program. These are our regulatory floodplains and the regulations that apply here are, one, something called a Mandatory Purchase Requirement that anyone who purchases property with a federally-backed mortgage in one of these floodplains is required to carry flood insurance. And in 2014 when we got new flood maps, we added about 9,000 structures to the floodplains, and that means that anyone who had a federally-backed mortgage then had to pay for flood insurance even though they weren't in the floodplain when they purchased the property.

And then the other big important regulation is building regulation. So any new structure has to meet certain standards, and any structure that is improved 50 percent or more of the market value has to meet those standards as well. So there are lots of questions from building departments and individuals about that.

So in this -- in the National Flood Insurance Program field, I answer lots of questions from residents and business owners and towns on specific property-related questions for flood insurance and floodplain building regulations and conservation as well.

A quick overview of our floodplains and why these are so important. There are 52,000 acres or 20 percent of our land area. They are also our highly desirable land area. There are 28,000 parcels in the floodplains. They have a \$10.5 billion value. Something interesting here is there's only \$2.8 billion of flood insurance coverage on these properties. There are some other things going on there, but we are under insured in our floodplains so that's

something to be aware of, and every year we pay \$15 million into the National Flood Insurance Program for flood insurance premiums here on the Cape.

And so that brings me to the Community Rating System. So the Community Rating System is a part of the National Flood Insurance Program. It is an incentive program that provides flood insurance discounts in exchange for actions that reduce flood risk. So it's a community by community program. It improves flood resilience because it provides that incentive. It improves building code enforcement and awareness. We've really seen this over the last five years since this program started. It encourages Open Space Preservation. If there's nothing to be damaged by a flood, then there's nothing to ensure and there's also a much faster recovery period afterwards.

There's a lot of public education involved in this, and then the Community Rating System also has a 700-page manual and it gives you a lot of ideas for advanced floodplain management. Some of it is riverine focused and inland focused. They're expanding the coastal, the coastal focus. I am on the task force for this year's Coastal Committee to come up with more ideas on how we can credit for those coastal-specific floodplain management ideas.

I do want to mention that Barnstable County is the first region in the country to have a regional Community Rating System Management Program. So this program started five years ago. At that time, we had just had the increase in flood insurance maps, the expansion in the flood zones. We also had an increase in flood insurance rates. So this is something that the County saw as an opportunity to help communities save money for their residents on flood insurance especially because we were starting to see some middle and low-income properties, folks losing homes or nearly losing their homes because of the flood insurance cost. So this is something that we could do to help and then, also, it's a wonderful incentive for resilience.

So, in the last five years since this regional program started, we have now nine programs in the Community Rating System (CRS); there were four when the program started. Four additional towns have an application in progress. I will note that FEMA is currently understaffed and currently for a lot of this year they've been focused on coronavirus response and some other hurricane response, so they often get pulled off of their regional duties. So the map is probably going to look like this for a little while because FEMA is not able to get to us right away. But they know that we're here. They know that there are a lot of towns that want to join the CRS, and we are absolutely on their list.

Here is what the discounts and the savings look like for the communities that do participate in the CRS. A 15 percent discount is the highest that any community in Massachusetts has, actually any community in New England. The highest discount a community can get is 45 percent, but only one town in the country has achieved that and they basically removed all development from their floodplain, and I don't think that's what we want to do here. So 15 percent is something that I think is really great. I think that that is -- that's my goal for all of the towns is to get them to a 15 percent. For a while, we couldn't go beyond 15 percent because of certain building codes restrictions. We got those changed so now we can. But 15 percent does take a pretty big investment from town staff, and town staff, of course, as we know, have limited resources to put into this. So even with myself, as a regional CRS coordinator, there's only so much that I can do. The towns do have to do some things. So 15 percent is my goal, and those towns that have accomplished that 15 percent, they're doing really well, and all of the towns that are participating are doing really well.

You can see here that the total annual savings are \$450,000 and that's spread between 3,000 policyholders in these nine towns.

With that, I'm going to move on to some specific selected projects, and then I'll talk specifically about some flood mapping things. So a few selected projects here. Model floodplain bylaw, just last month this was released. I started a project to do a model floodplain bylaw for Cape Cod towns because I realized that our bylaws were not meeting FEMA's standards. Once DCR, the state Department of Conservation and Recreation, they manage floodplain regulations from the state side of things; once they realized that I was doing it here, they said, "Let's do this; let's work together and do it statewide because the whole state needs a new bylaw because we discovered that from working with Cape Cod towns." So I worked with the state and with FEMA to create that and that was just released last week, sorry last month, and just this week they've been doing trainings on that. And then that's the bare minimums of National Flood Insurance Program compliance.

We're also doing another part of that, which is higher standards. So I'm focusing on floodplains and then the Cape Cod Commission is also doing a resiliency bylaw project, and we're making sure that we are coordinating on those projects, and we will release them at the same time and work with the towns together to make sure that there's no confusion and make sure that we're coordinating well.

Another project that we've been working on also with the Cape Cod Commission is the Municipal Vulnerability Preparedness Program or MVP program. This is a state program that focuses on climate change adaptation. These are kind of hazard mitigation plans if people are familiar with those. You look at all of the natural hazards, those are federal requirements that most towns have. But this is specific to the state and specific to climate hazards. So there is money to create those plans. A County team of the Commission and myself and Greg Berman from the Cooperative Extension worked with seven towns to create these plans, and now we're also helping the towns to apply for action grants. One of the great things about this program is that while there's a lot of money in planning, there's not usually a lot of or there didn't used to be a lot of money in implementation and now the state is providing funding to towns for implementation of these actions. So we're continuing to help the towns with those action grants.

Another project is Historic Structures and Flooding that I've been working with the Cape Cod Commission on as well. They have a Historic Preservation Specialist, Sarah Korjeff. She and I were both getting questions independently about historic structures and flooding. So I've now learned a lot about historic structures, and she's learned a lot about flood regulations, and we've done lots of work with Historic District Commissions and with building officials to help them understand that there are special rules for certain historic structures when it comes to those floodplain building regulations, but they are very complicated. So we've been helping, helping folks understand those and also getting the word out to realtors because some of these historic structures that we value so much here on the Cape were being torn down because they thought that they had to in order to meet floodplain standards. So we're working with all of those stakeholders and trying to help towns start thinking ahead; okay, if these historic structures and all of our structures really are going to start to be adapted individually, do we want to have a more cohesive community-wide plan of what we might want our communities to look like as we adapt to increasing flooding.

So as houses elevate, what do we want it to look like? Maybe underneath that, what

do we want the aesthetics to look like? Do we want to have certain standards? So things like that.

And then the final selected project here is a partnership with the Cape Cod and Islands Association of Realtors. We've done a series of trainings with them. One of those series was with the Waquoit Bay National Estuary and Research Reserve. The Commission is also involved in this as well. We're doing lots of coordinated work with Commission.

We did a series of workshops, resilience workshops with realtors to get their feedback and see what they understood about the risks that we're facing. And then independent of that, I've done a series of trainings with the association on the basics of flood maps, how to read them, what flood insurance means for prospective buyers, all kinds of questions that might come up in the buying and selling process in a floodplain.

And then also, most recently, they created a Cape Cod Realtor designation that's specific to the Cape and part of that is video training that they asked me to put together on exactly that, the basics of flood maps and flood insurance. So that is now part of the training to become a Cape Cod-designated realtor.

So moving on to just two more projects specific to flood mapping now. So Storm Tide Pathways is one project. This is a partnership with the Center for Coastal Studies. This is basically advanced localized flood mapping. So the flood maps that we have from FEMA are -- they show us the total extent of flooding, but we don't know how the floodwaters get from one point to another and sometimes it's not in obvious ways. So that's what this information -- this mapping is going to tell us, and it's going to give us the moderate extent of the flooding moving into the future with potential larger storms. It will let us know where we can expect there to be flood problems not only for particular neighborhoods or houses but for particular areas of roads. This is really focusing on roads specifically and infrastructure and what emergency management departments -- Departments of Public Works can do during an event or right before an event to both protect their assets, so keep their firetrucks from going through saltwater and rerouting around; how do they reroute around these saltwater -- around this flooding.

This, once it's completed, it won't be completed -- the first round will be completed next spring. It will be incorporated into the National Weather Service flood predictions. So when the National Weather Service says, "Expect minor, moderate, or major flooding," you'll be able to pull up these maps. And if it says "moderate flooding," you'll be able to see what roadways are likely to be under water with that flooding and where the extent of flooding is likely to be so you know -- anybody can know, okay, I wanted to drive through that, that part of 6A in Sandwich there in the picture; okay, I can't do that today. So everybody will be able to have access to this information.

The mapping is in progress for Cape Cod Bay right now and then, also, going around and moving east to west, Chatham to Barnstable, and this has been funded by grants from the Seaport Economic Council funded the Cape Cod Bay projects and then the Economic Development Administration through the Cape Cod Commission. So a little while ago the Cape Cod Commission got a \$2 million grant from the EDA. Part of that was for this Barnstable or Chatham to Barnstable segment of this Storm Tide Pathways mapping.

So these grants were acquired in partnership with the Commission, and the Seaport one was also with the Regional Emergency Planning Committee.

The final project here having to do with flood mapping is not my project. It's called

Flood Factor. This is a property specific flood risk rating that was released by a nonprofit in New York called "First Street Institute." It had a very, very good marketing team, so they got lots and lots of press which generated lots of questions. It includes future risk and rainfall, which is great. Its incorporated into real estate listings now so every Realtor.com listing has a Flood Factor risk rating on it. This is great. We want people to be aware of their flood risk. Too often, people get to closing and then find out that the property is in a floodplain and then that they can't afford the flood insurance, or it's a big decision that they have to decide, and they may not realize that they have a risk of flooding so they might not take certain precautionary actions that they could.

So this is good; however, there are some significant accuracy concerns. There are some properties that have a low- front flood risk that are rated as high, and then vice versa as well that some that have a clear high-flood risk that I've even seen flood in the past have a very low rating. So, we don't want that kind of inaccuracy. We want to make sure that this is accurate. So I've been working with Flood Factor to figure out where these discrepancies are coming from after getting quite an abnormal number of calls from prospected buyers and sellers with questions about flood risk. And then I've also been added to Flood Factors; they just developed a Data Trust Management Team to check the accuracy of their information and make sure that it is accessible to the public, so that when we have questions about the data, we can see where the information is coming from. So that's just getting off the ground, but I'll stay involved with that to make sure that our real estate listings are accurate.

Just to sum up. So, again, the Floodplain Management and regional Community Rating System program has been around since 2015, mid-2015, so just over five years now. In that time, the program has won two national awards. One, actually, has not even been officially announced yet, but we are aware that it's coming, hopefully, very soon from the CRS program, which is really exciting. And this program has also been the inspiration for one piece of national legislation to create more positions like mine around the country because this position has been so successful.

We've had 700 different outreach events and technical assistance interactions. So some of those are events to lots of people, but a lot of those are the individual contacts with building officials, residents, and businesses that have specific questions about their property, their flood insurance, and their building regulations.

In our outreach, we've reached 5,000 people. The number of certified floodplain managers who are, basically, it's the official certification for what I do here, those have tripled on the Cape, and most of those are in municipal staff positions. So it's great that we have a better understanding overall of the importance of floodplain management. We've brought in \$750,000 in grant money into the County with partnerships, again, with the Commission, at the Regional Emergency Planning Committee and, also, Woods Hole Sea Grant. And then our total savings on flood insurance since the program started has been \$1.8 million.

And with that, I am happy to take any questions.

Speaker MCAULIFFE: Excellent. Thank you, so much, Shannon. I see Delegate Kanaga. I'll just have you take -- thank you. Delegate Kanaga's hand first.

Delegate KANAGA: Thank you, very much, Madam Speaker, and thank you, Shannon. That was very informative. I just had one question. It seems to me that the -- when you said that there was an underinsured -- large under insured factor, but isn't that sort of natural when there's a limit on the maximum flood insurance you can get of, I think, it's

250,000 isn't it per property?

Deputy Dir. SHANNON HULST: Yes, that's correct, for residential.

Delegate KANAGA: Yes, and if the average, you know, waterfront property or somebody in the floodplain is a million dollars, you're naturally only going to be 25 percent insured, you know, best case if everybody had it.

Deputy Dir. SHANNON HULST: Right. So that is one factor there. Another factor to consider is that insurance only covers the value of the structure, not the value of the property. So that's a really big difference.

But we are -- it's hard to get the exact data because FEMA won't release it, and then there are some private insurers now as well that do provide flood insurance. So we don't have those numbers. But the best information that we can get is that even with those caveats, we're only at about a 35 percent insurance coverage rate.

Delegate KANAGA: Okay. Thank you.

Deputy Dir. SHANNON HULST: Sure.

Speaker MCAULIFFE: Thank you. Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Shannon, thank you for that great presentation and the really important work you do, and congratulations on the latest award.

My question is about some of the data we saw specifically about Brewster. I'm glad that Brewster is participating in this, but it looks as though we have significantly fewer policyholders engaged at this point. I'm curious what the factors are there. And if this is a very nuanced conversation, I can talk with you after this meeting sometime.

Deputy Dir. SHANNON HULST: Sure. So the simple answer is that you have fewer structures in the floodplain in Brewster because of -- just because of the geography that you have in town. So part of it is the lack of insurance coverage, but that's certainly as we just discussed not specific to Brewster. But, still, I believe there are about a hundred structures in the floodplain. So compared to other towns, you just don't have that many structures and, therefore, wouldn't have as many policies.

Delegate CHAFFEE: Thank you, Shannon.

Deputy Dir. SHANNON HULST: Sure.

Speaker MCAULIFFE: Yes, Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. Just a quick question. You said people who have federal-backed mortgages, does that mean if you own your house in full you do not have to have any flood insurance?

Deputy Dir. SHANNON HULST: That is correct.

Delegate HARDER: And then does that mean that they're not -- should there be a flood and we get money from FEMA, does that mean they're not entitled to it?

Deputy Dir. SHANNON HULST: Sometimes. So it depends what money is coming but, yes, often if there is no flood insurance policy from the National Flood Insurance Program then that makes somebody ineligible for that assistance. So that is part of it. It also means that insurances are our best defense because everybody can do that for themselves. It's not public dollars coming in, so anybody who doesn't have that insurance -- flood insurance is a really strange animal that if you have flooding, your regular homeowners' insurance isn't going to cover anything and people don't realize that. So a lot of people do opt out of flood insurance because it is expensive. It is by -- it is far from a perfect system but, yeah, there's a pretty big risk of having no coverage even if your mortgage is paid off and you have no

requirements anymore.

Speaker MCAULIFFE: Okay. Let me scroll to the other screen and make sure. Any other Delegates with questions for Shannon Hulst? Yes, Delegate Killion.

Delegate KILLION: Thank you, Madam Speaker, and good afternoon, Shannon. Just a question on the discount. Once a town reaches its practical limit, is there anything required from the town to continue that yearly or is that kind of set in stone?

Deputy Dir. SHANNON HULST: No. It is an annual process and it is -- sometimes it's an onerous process every five years. There's a five-year audit that you have to go through everything again and then annually there are requirements as well.

When the County created my position, there was discussion of should a consultant be hired to just get the towns in and then call it good, but the towns all said, "No, no. We know that we're going to have to keep this up, so we want continued health." So I help them with the big audits every five years and also with the annual resubmissions.

Delegate KILLION: Excellent. Thank you.

Speaker MCAULIFFE: And I'm from Yarmouth, but I don't want to air Yarmouth's dirty laundry on a Zoom meeting; I noticed the last time you did the presentation that Yarmouth had not -- you had fewer towns that were enrolled in Yarmouth didn't stick out quite so much. So I will call you after this meeting and see if that's something we can facilitate.

Deputy Dir. SHANNON HULST: That's great. Thank you, Madam Speaker.

Speaker MCAULIFFE: Okay. I think that's it. I don't see any other hands up. Thank you, so much, and it's great to have an update. You know, it's very important work and it really -- I loved your slide at the end where you really, you know, can get very specific about not only dollars but numbers of people that have been involved and you do a terrific job. Thank you, so much.

Deputy Dir. SHANNON HULST: Thank you.

Public Hearing on Proposed Ordinance 20-20: Expansion of the County Nursing Program

Speaker MCAULIFFE: The next item is a Public Hearing, and this is on Proposed Ordinance 20-20, and this I will open the Public Hearing with the notice that says, "On October 7, 2020, at 4:15" -- it's after 4:15 now, "the Assembly of Delegates will hold a virtual Public Hearing on Proposed Ordinance 20-20 for FY21 County supplemental appropriation for expansion of the nursing program.

So this is to expand the public health or the County nursing program, and I will turn to -- is it Sean or Jack who's doing the presentation on this?

Administrator JACK YUNITS: It will be Sean and Deirdre.

Director SEAN O'BRIEN: It'll actually be Sean. Deirdre's at a flu clinic.

Speaker MCAULIFFE: Oh, all right.

Director SEAN O'BRIEN: -- in trying to spread the good word of public health. So, thank you. For the record and, first, thank you to the Assembly for considering this proposal.

For the record, I'm Sean O'Brien. I'm the Director of the Barnstable County Department of Health and Environment, and I'm a little tired because we've been kind of going through this COVID thing since March. And as we've gone through this whole thing, we've actually been able to sit back and assess some of the areas that as we look and we

potentially can see additional, you know, COVID cases and additional things coming along, areas where, as a department, we see the towns needing help, first and foremost, in areas that we just saw some problems with in response to this whole COVID event.

So, first, let me give you a little bit of background here. So, so far, between, you know, we've had about 400, excuse me, about 2,044 cases of people who have tested positive for COVID in Barnstable County, and we've also seen 174 fatalities.

Now, just recently, you know, last week, we did see a little bit of a bump with numbers coming into the region, and we are seeing a bump when it comes to the numbers in the state. We're seeing an increased number of cases; we're seeing increased hospitalizations, and we're not seeing as many fatalities as we had in March, April, and May, but we are kind of concerned this may be the time where we do see that bump as well.

Now lucky for us, over the last couple of days here on the Cape, you know, I should preface this last week here on the Cape, we actually saw an increase in hospitalizations. We had a little bit of a bump in that, and we had a little bit of an increase in the number of cases as well. Those seem to have quieted down. We think that may have been a little bit of a surge in cases maybe after the holiday weekend, etcetera. So, you know, but as of right now, today, the numbers looked really good. And right now in the hospitals, we have two patients.

So it kind of fluctuates, and we're seeing this move forward and forward. So, you know, as we predicted in the spring and in the summer, there's this potential that we might see a bump in cases across the country due to COVID-19. We think that may be the case what's happening right now in the Boston area. And the pattern last time was we started seeing most of the cases off-Cape, and then our area is starting to increase as well.

So what we've done is we've assessed, and we look at this and we say we really, you know, we've talked to the towns; we've talked to the local health agents, and we formed a little bit of a steering committee to look at some of the major issues that have come out when it has come to COVID.

So what we're doing is we're asking you for two full-time public health nursing positions but they are temporary. They are for an 18-month period. You should see a budget there with you, that budget is actually prorated for the end of this fiscal year, and then this would go into the budget for the next fiscal year as well for one more year. And, also, you should also have a copy of a white paper that we had put together was well.

So we talk to the health agents; we have a weekly call with them. We talked to them very early on in the process, and we set up just a little bit of a group to sit down and look at some of the major issues that were happening. We put together this quick summary, this white paper, and we felt that we needed these two positions. Both positions, as soon as they get started, are going to hit the ground running. First and foremost, we saw that we had a high incidence rate within our long-term care facilities here in Barnstable County. We have a good number of these facilities. We saw a lot of positive tests in those facilities. And of the 174-175 fatalities we saw within the County, 65 to 70 percent of the fatalities were in skilled nursing facilities and long-term facilities.

So one of these nurses will be focused on this issue in general, and I'll go into a little more depth on it. First of all, we have had a lot of discussions with Cape Cod Healthcare, with the health agents, and also with a couple of these -- with these skilled nursing facilities, and we're looking to put together a committee to start looking and kind of work with this -- work with this nurse to go out there and assist these facilities, first and foremost, with the

development of Infectious Disease Control plans for these buildings, for these institutions.

Basically, when COVID first started, we saw a high number of -- we saw very early on that the health agents were able to lock that front door and were able to really keep COVID out for a little bit of time because they eliminated visitors. They kind of went into -- these facilities went into a lockdown.

Unfortunately, where the issue had occurred was the back door. People coming into work, people who worked in multiple facilities, and it seems like we really needed to sit down and look at some of these Infectious Disease Control plans in these facilities, and they are things that we can work directly with them on.

Additionally, what we also saw was we saw a lack of personal protective equipment in them as well, and we really need to work on them for trying to build stocks and supplies when it comes to personal protection equipment.

Additionally, if we do see this bump and one thing that I can say took a lot of staff time here, it took a lot of staff time out in the communities, was actually the response and the investigation of the clusters that occurred that we saw in nursing homes. Honestly, there were days where we would receive notification that there was, you know, that there were, you know, 20 people that tested positive, and we would set up and institute some testing programs and some rapid response team testing out in those facilities with the help of Cape Cod Healthcare and Hyannis Fire. And we were able to get rapid test results and to find out if there, you know, and get these people isolated out.

In some cases because of these control plans, sometimes the horse was out of the barn, and we were able -- we saw -- we would see maybe one day it would be at 20 and in some cases we could see an entire wing be infected with COVID.

So it was really important, you know, it's really important for us to try to, number one, educate, get these control plans done; but, number two, also be able to implement our rapid response team. If we see this bump, we could be using it. Additionally, this team we could be using for school departments, businesses, etcetera. It's established. It's something that we're able to do now, and that's something that can help this program too.

We would be looking at protocols for staffing. We would be working with folks and putting together protocols, procedures when it comes to staffing. What's really important to remember is that people, instead of working on multiple floors on multiple shifts, during COVID the best time is to try to stay at that one location and not kind of be as flexible. And that's an important thing that we saw, and that was something that we worked out with Cape Cod Healthcare on very early on in this. We were able to say, listen, we need to, you need to make sure that your staff is doing this. Part of this is ensuring that still continues on.

And then a lot of it too is working on COVID vaccine when it becomes available and making sure that we have that available to these facilities, and somebody who can assist these facilities with coordinating the distribution of that vaccine.

So the second position we're looking at is with schools and supporting the schools that are out there. So first and foremost, they'll be liaising with the school nurses. Right now, we're working quite a bit with the schools on trying to, number one, establish -- well, quite honestly, a lot of times it is dealing with those positive cases that may pop up in a school, whether a student or whether a teacher and working directly with the health agent. It's become a lot of a team approach when it comes to this.

We have found that hand-in-hand the health agents are talking to us and working with

us as well as to look and to be there when it comes to, you know, determining whether we have to go into quarantine, whether we have to have -- who may be in close contact if a person comes up positive and even assisting because a lot of the case management with these cases do fall to the school departments and that is going to be an important role for this nurse as well is potentially doing contact tracing that needs to be done.

They would also be working on testing protocols. One of the difficult things that we're going through right now and we're trying as best we can to try to get asymptomatic testing more available here in Barnstable County. We've worked with some school, excuse me, with a couple of colleges seeing if they have capabilities in their laboratories. We also are looking to, you know, maybe expand some services with some existing testing protocols where we can see some additional testing being done, really PCR testing, Polymerase Chain Reaction or DNA testing, which is really the type of test we need, these antibody tests and these antigen tests really are not going to work for us right now when we're trying to test wide areas. It's really important for us to have antibody testing. So it's going to be really important for us to, you know, work with the schools and develop testing protocols for both their faculty and their students should the need arise. And this nurse would also be assisting with any of that contact tracing that may be happening as well.

They would also be -- this position will be working on the rapid response team protocols and the deployment (Inaudible). So we would be using this person to deploy out our rapid response team, which is made up of -- will be made up of these two nurses, our Public Health Nurse, some EMTs from Hyannis Fire, EMTs from Sandwich Fire, and also from Cape Cod Healthcare. So, if we needed to go out and test like we had to in Chatham and Harwich when we were running into some issues with folks testing positive in the food service industry, we were able to -- we can do that as well.

Another part of all of this too with this second position and the first position because we feel they could, if they needed to, they could cross over and help each other, is now every student in public school must be vaccinated against flu. And so that is really going to kind of add to the number of vaccines that we're doing as a health department and the number of vaccinations we're doing as a health department. So we're looking quite a bit in that position working there as well.

A lot of it will be education; we would be scheduling hours, if necessary, if the towns need some help and support. These positions would be there to schedule hours within town and office hours. Should time allow, we would also have them working with some of our wellness. We have -- COVID is actually canceled. A lot of the programs that we're doing out there for wellness, whether it be checking blood pressures at, you know, food pantries, etcetera. You know, just to help out with the catching up, that may be something that happens.

And then, in the end, with all of it, it's both positions are going to work on COVID vaccine and how we may be distributing that out. As you heard Jack talk about our regional flu clinic here and the drive-through that we did, first and foremost, it was there to be able to provide a service to the citizens here in Barnstable County and test. But there is also -- secondary, it was a chance for us to see how this facility works when it comes to the potential future distribution of any COVID vaccine that may be out there. It was a really important exercise for us to do. We saw some limitations with the site, and we'll be continuing to kind of develop those things as well. So, you know, in it I just really threw a lot of information at

you all at once.

Speaker MCAULIFFE: No, that's great. I think it preemptively will probably answer most of, you know, a lot of the questions. But thank you for the very thorough information.

I just wanted to just briefly let people know this is a Public Hearing and it is on this particular ordinance for the two nursing positions. The money that is asked for is \$140,000, excuse me, \$140,340, and this covers everything from salaries, in-state travel, office supplies, miscellaneous supplies, employee insurance, and medicines. So this is the budget that's being requested right now in this ordinance.

So what I would like to do is just see if there are any delegates that have any questions. The delegates won't be debating this because they will discuss it and debate it under the Assembly part of the meeting. But I just wanted to see if there were any questions.

And then after the delegates have a chance to ask questions, any members from the public who wanted to address this specific ordinance would be encouraged to give their comments at that point.

So any delegates have any questions? Delegate Green.

Delegate GREEN: Thank you, Madam Speaker, and thank you, Mr. O'Brien, for all of your tireless work. I understand you are tired, but I'm very grateful that you continue to continue.

I did have a couple of questions; can you update us at all about contact tracing in general? And, also, --

Speaker MCAULIFFE: This is a hearing for the nursing positions.

Delegate GREEN: Right.

Speaker MCAULIFFE: So if you would like, I can put the contact tracing on the next agenda or see if Sean could send us an email.

Director SEAN O'BRIEN: I'd be happy to.

Speaker MCAULIFFE: But this is specifically nursing positions right now.

Delegate GREEN: Right. So will both positions do contact tracing and will that expand the contact tracing that's already being done?

Director SEAN O'BRIEN: Yes. We would make both positions able to do such. Currently, we do the contact tracing for the Town of Provincetown. Our public health nurse serves as the public health nurse for the town of Provincetown. We will also make it -- it'll be available for the towns to use as well. Some of the towns will use it. We find, you know, and a lot of the contact tracing is done by a state consortium and then some of it is also done by the local VNA here in Barnstable County. We're doing it. I think once the towns realize that we're available to doing it -- do it and it may not cost them as much money -- it won't cost them any money compared to what it would cost to use the VNA, I think that service is going to get used.

Delegate GREEN: Thank you. And, also, I understand that people have to register with the locations where they're staying in all the six states now and have to quarantine for 14 days. As things evolve, will these nurses be involved with that process at all in tracking any of that information?

Director SEAN O'BRIEN: I think part of it is actually the way that we can help with that, Delegate Green, is by looking and trying to find and make available more non-symptomatic testing that will help out. So at least that -- at least if we need to in those cases where people are traveling and coming back or people who may have been, you know, who

may have had some exposure but may not be a direct exposure can at least get that testing done and we may see some of that happening.

So if people are coming in or coming home from vacations where they've traveled into other states, I think the important thing for us is trying to expand that. So both positions would be working with me on trying to get that expansion in those areas.

Delegate GREEN: Thank you, very much.

Speaker MCAULIFFE: Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. Two quick questions, Sean. So thank you for everything, by the way. So the money we have here now is for September '20 through June 30th, 2021.

Director SEAN O'BRIEN: Yes.

Delegate HARDER: You said 18 months, so then will they be continuing on until March or -- I mean, I want to be optimistic, but we may need them to continue longer?

Director SEAN O'BRIEN: If they do, I will be sure to be back to you if we need to expand those services. But the goal is if we can -- if we receive approval this evening, we would try to get those positions hired as soon as possible and, hopefully, I think now we would probably be looking at somewhere around the time of November 15 to November 30 of trying to get some people on board.

Delegate HARDER: Oh, okay.

Director SEAN O'BRIEN: So figure December would be that time. So figure 18 months from December 1 as a part of it. And that's actually a good time to bring them in because we're at that point where we're right in the height of flu season, and if there is this bump that we see, and that's kind of the indication that we're seeing right now with COVID-19 as well, we would be right in the middle of it. So the extra help would be greatly appreciated, and I'm sure the towns would appreciate it as well.

Delegate HARDER: Great. Thanks.

Speaker MCAULIFFE: Great. Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. Hello, Sean. Thanks for being here. One very quick question for you; would you remind us how many public health nurses are working for Barnstable County right now?

Director SEAN O'BRIEN: One. We do have a few contract people, but we have one public health nurse working full-time. And I'll be very blunt, when I started back in 1987, we had two; it went to three. And I've always believed in the philosophy that you really, in order to be a complete health department, you need a strong public health nursing program. And that is one thing that we saw with COVID-19 out of one person is how strong and how great of a job she did to follow-up and to assist the communities during this pandemic.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: Thank you, Sean. Delegate Killion, did you have your hand up?

Delegate KILLION: I did not.

Speaker MCAULIFFE: Okay. I'm just going to screen for delegates to see if there are any hands up. I'm going to scan the next screen. Okay. I see no more questions from delegates.

Are there any members of the public who would like to comment on the nursing -- on Ordinance 20-20? Okay. On screen one, I don't see anybody. I don't see any hands up.

Okay. So, thank you, very much. **I will close the Public Hearing.**

Speaker MCAULIFFE: And we will go to our next topic, which is communications from Public Officials. Is there a public official who has any communications? Okay.

Communications from Members of the Public

Speaker MCAULIFFE: The next is the public comment from members of the public. This would be the time where the people who have emailed or have, perhaps, have not emailed who would like to comment. I've heard from four people who have -- two from two different groups who wanted to, I guess, either read statements and then comment, but I wanted to get kind of a rough idea so we can kind of parse out the time. If we only have four or five people, that's not an issue. But if we have 10 or 12 people, time becomes an issue.

So people who are wanting to speak if you wouldn't mind just raising your hand. Okay. I see -- or using the signal for raising your hand. One, two, three, four, okay. Okay. I think it's four. Okay. Because I see the same people on two screens. Okay. That's great. So I'm not going to do a two-minute time limit. I do that when there are a lot of people. So I guess I will start with Susan Quinones. I saw your hand up.

Ms. SUSAN QUIÑONES: Yes.

Speaker MCAULIFFE: Yes.

Ms. SUSAN QUIÑONES: Thank you. Good afternoon. First of all, I want to let everyone know I'm Susan Quinones. I'm the Coordinator of the -- let me just -- I'm getting feedback from my thing. Okay. Susan Quinones; I'm the Coordinator of the Barnstable County Human Rights Advisory Commission, and I'm here on behalf of the Commission to support Proposed Resolution 20-06, which you will be discussing.

We believe that the incident that occurred at the Assembly of Delegates meeting on September 2 leading to the muting and removal of two women of color created a need for the adoption of this resolution to reassure the public that the Assembly of Delegates does welcome all comments, whether constructive or critical.

When these women of color were made to feel that they were being silenced, it validates a widespread relief within the community that why bother, no one cares, no one's listening.

Proposed Resolution 20-06 is a reaffirmation that the Assembly of Delegates does care about public input. Adoption of this measure says that you do care and that you are listening. We believe this is a good first step that we support.

However, we have also submitted some written amendments for your consideration should there be an opportunity at a subsequent time to make this resolution even stronger.

I thank you for allowing me to give this comment.

Speaker MCAULIFFE: Thank you. If there are people who have not given public comment before, this is a time for you to comment, and it is not a time where we respond or answer questions. What we will try and do is address questions in our part of the meeting as part of our discussion or presentation whenever we can. That's the first thing.

The second thing is we have received two documents with recommendations, and I'm not sure that they will be able to be addressed if we go forward, but it doesn't mean that those recommendations won't be discussed in an ongoing future time. So I just wanted to let people know that they're not being ignored. It's just more of a timing issue in terms of questions

coming in. Okay. I see Danielle Tobey. You need to unmute.

Ms. DANIELLE TOBEY: Okay. So, for me, this resolution is not speaking to the issue of racism. I feel like this is not fully speaking to Ms. McAuliffe's conduct at the September 2nd hearing because of the preceding email correspondence. She knew that what I was going to say and used that as an opportunity to publicly shame me. She went on to say that I was dishonest and a troublemaker without any evidence.

Unfortunately, the angry black woman, the dangerous black man, the Muslim terrorist, the drunk American Indian are all stereotypes that are common on Cape Cod. The fact that -- the fact is when these issues are ignored it can lead to situations like these and even further to threats of violence like the ones that I've experienced.

The resolution, to me, it says that it's not the conduct of the Assembly of Delegates that's the problem but it's that the public needs to know our rules. I heard statements like, "We know what we're doing. We have been doing this for a long time." Well guess what, people of color's voices on Cape Cod have not been heard of value on Cape Cod for a long time. There's no one that looks like me up there making decisions. So that's something that people should keep in mind.

This is not just about adhering to Open Meeting Laws. It would benefit the Assembly to include language that speaks to the civil rights of people during these hearings in terms of embracing diversity, in terms of public safety. It seems like there's a narrative that, you know, only voters can keep us -- can hold us accountable. But keep this in mind, you know, if my family is harmed in any way, if so much as a hair on my children's head is touched, I could sue the Town of Barnstable for everything down to the very chairs you're sitting on right now. So that's something that people need to keep in mind.

I can see why my relatives don't want to attend these meetings. It's emotionally exhausting and it's unhealthy. I had to take a pause from my involvement because of what occurred. That's the uncomfortable conversation that I feel like the Assembly of Delegates is avoiding, that you're not willing to have. I believe that the intention is there, and I think Brian O'Malley and the other Assembly of Delegates' people that stood up and did speak up that day, but I think that you guys need to go back to the drawing board. You need to seek out people in the community that are experts on racism. They're there, you know, Jean Dagwan (phonetic), Mwalim Peters, who's on the Human Rights Commission, you know; there's several people that you could reach out to to try and understand what it's like for us in these white spaces.

That is all I have to say. Thank you.

Speaker MCAULIFFE: Thank you. Muska, you need to unmute.

Ms. MUSKA YOUSUF: Okay. So I'd like to comment on Proposed Ordinance 20-06. I think it's a great first step; however, I do think that a few things need to be fleshed out. As many of you are aware, I'm an attorney so I'm a stickler when it comes to language. So I'm going to go step-by-step on phrases that need to be defined.

The phrase "courteous manner" on Line G needs to be defined.

The following phrases on Line H need to be defined: "professional competence," "reputation," and "character."

The phrase "decorum" needs to be defined in Line J. The phrase "fairly" needs to be defined in Line J.

The phrase "unruly" needs to be defined in Line K.

The phrase "unruly conduct" needs to be defined in Line L.

The phrase "unruly behavior" needs to be defined in Line N.

The reason I think that the specific language is important here is because people of color are often labeled troublemakers, unruly, out of order, or not acting with proper decorum when we are simply voicing our pain and suffering. So if you're going to insist on using this language be clear in what you mean because if one person's idea of an unruly comment is another person's idea of speaking truth to power, then there will continue to be issues between County government and people of color, and we will not be silenced. Every election we are going to bring up this issue.

So I hope that you take my comments into consideration and flesh out this ordinance so that it actually can be used for the public to know what you mean when you use a phrase like unruly or decorum. Thank you.

Speaker MCAULIFFE: Thank you. I have a hand up, but I don't have a person. I have a phone number. It's just the last three numbers of the phone number are 305. Is there someone on the phone, the last number's 305? I have a hand up there. You need to unmute by doing *9 -- I mean *6; *9 is the hand.

Ms. SUSAN QUIÑONES: Madam Speaker, I believe that's Alan Milsted.

Mr. ALAN MILSTED: So, yes, my name is Alan Milsted. I Chair the Barnstable County Human Rights Advisory Commission, which Susan is our esteemed coordinator.

And I wanted to follow-up Susan's note that we have submitted some comments to you. And one thing that strikes me is that some of the issues come from our still learning about these remote meetings and how they operate and how we, as more familiar users of it, are behaving, and how we assist other members of the public to participate so that there is, you know, open, spectral, and clear communication.

And it seems to me that a number of the things that have happened and which the Proposed Resolution could speak to could be addressed by taking up some of the points that we've made in our notes.

And, also, when we looked at this, and those members of the Assembly will also be aware, there is a Barnstable County Regional Government Code of Conduct to which we all affirm when we're appointed. And there are two points, in particular, I'd draw your attention to.

One is in the "Conduct Generally and in Relation to the Community," Number 6 says, "Demonstrate respect to the public being served," and, nine, "Conduct oneself to maintain public confidence in Community government -- County government."

And I think if the Assembly and the Board of Regional Commissioners could actually look at those -- that process and the comments we make in that spirit, I think we might be able to find ways to move forward.

In terms of observation of what happened at the September meeting, it seems to me that part of the difficulty arose because I'm not sure that the way in which the meeting was conducted and the way in which the public can contribute is explicitly enough presented to people before the meeting and before they speak. There is a document that refers to a public conversation, but I think it would be worth that being reviewed.

And there's an adjunct to this, too, that the Human Rights Advisory Committee had discussed in relation to the ordinance on recalls, and, again, not directly to say (Inaudible) but I think that some of the comments that were made about the capability of that ordinance only

to elected members of the Board of Regional Commissioners rather than to Assembly members because they have shorter terms is something that could be revisited.

Finally, I'm picking up a couple of comments that Danielle Tobey and Muska made about looking at ways of learning and that's something we can all be doing and should be doing.

The last point in our notes does refer to continuing education learning by all of us who are in public service in a general way, and, in particular, increasing sensitivity and listening so we hear all voices, we'll have a background.

So we are at the Commission very happy to participate in further discussions with the Assembly, and if Commissioner Bergstrom is still listening, with the Board of Regional Commissioners, too.

So thank you, very much, for the opportunity of speaking, and we are happy to continue to discuss things with you. Thanks.

Speaker MCAULIFFE: Thank you. Yes, is it Roderick Mac -- I don't have your full name. You'll have to give me your name.

Mr. RODERICK MACDONALD: It's Roderick MacDonald.

Thank you, very much. I'm a resident of Brewster, and I'm representing the Interfaith Justice Committee, which is made up of members of the Federated Church of Orleans and Am HaYam Jewish Havurah. And I'm also here to speak about our concerns related to Resolution 20-06 on public participation and meetings and hearings, which you'll be considering shortly. And our concerns are also in light of the painful experience on September 2 when two women were cut off from speaking and removed.

We're one of the groups that provided you with an email, and this follows on a letter which was read by a member of our committee at your last Assembly meeting.

First, we want to express appreciation to Delegates O'Malley, Chaffee, and Potash for offering this resolution, and we hope that it will help establish some clarity for both delegates and public commenters. We believe that a way could and should have been found on September 2 to continue to welcome the comments of two women of color. It was not necessary to silence them completely.

So we hope the guidelines in 20-06, if approved, will provide a means to keep such hurt from happening again for all concerned. This is the main goal of the questions that we pose in our email, and I won't repeat them all here, but we do urge that as you vote on these guidelines you have considered these things. And, yes, wording and understanding wording matters very much as Ms. Yousuf said. So I hope this won't be repetitious.

But one, that you have a clear understanding of what treating persons fairly means as you state that in the guidelines, especially in the case of persons who feel a need to speak because they're troubled by the actions of an official, whether Commissioner, Delegate, or other.

Two, to determine how persons who feel they have been so harmed might understand what their options are, including maybe what Executive Session means.

And, thirdly, to be able to answer how these guidelines, if approved, would provide a solution, a way through in a situation like that presented by Ms. Tobey and Ms. Yousuf that would keep healthy communication open.

And then, finally, we hope you will have determined how these guidelines will be made available so that anyone who wants to make a public comment can be prepared.

We continue to believe that an apology from the Speaker to Ms. Tobey and Ms. Yousuf would be constructive and would offer healing after that painful interaction.

But we strongly hope that these guidelines, if approved, will be used to bring greater fairness and openness in the future. Thank you for this opportunity to speak.

Speaker MCAULIFFE: Thank you. Is there anyone else? I'm going to screen to the next screen. All right. I don't see any more hands. All right. I believe everyone has had an opportunity to speak. Thank you, very much.

Assembly Convenes

Speaker MCAULIFFE: At this point now, the Assembly will convene, and this is a point where it's the Delegates only who speak, and I think we're also going to have a member of the Barnstable County -- our legal representative, Attorney Troy. **I would like to have a motion to suspend the rules so that we can have Attorney Troy available for the Assembly part of the meeting.** Is there anyone who would like to make that motion? Delegate --

Delegate HARDER: So moved.

Delegate GREEN: Second.

Speaker MCAULIFFE: Would the Clerk call the vote so that we can have Attorney Troy speak to us during this part of the meeting?

Motion to suspend the rules to allow County Counsel Troy to speak to the Assembly Voting "YES" (84.46%): (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), 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).
Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the rules have been suspended 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Discussion and Vote on Proposed Ordinance 20-20

Proposed Ordinance 20-20:

The Cape Cod regional government, known as Barnstable county hereby ordains:
To add to the County's operating budget for Fiscal Year 2021, as enacted in Ordinance No. 20-04, by making supplemental appropriations for the Fiscal Year two-thousand and twenty-one.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of September 03, 2020, 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 20-04, 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-one. Said funds are to be expended to fund the activities of the Public Health Nursing Program in the Health and Environmental Department. Said funds shall be derived from Unreserved Fund Balance for FY2021

Budget #	Sub-Program	\$ Amount
0013032 5100	Salaries	\$ 98,600
0013032 5282	In-State Travel	\$ 3,000
0013033 5369	Office Supplies	\$ 4,550
0013033 5399	Misc Supplies	\$ 2,760
0013009 5983	Employee Insurances	\$ 30,000
0013009 5984	Medicare	\$ 1,430
TOTAL SUPPLEMENTAL APPROPRIATION		\$140,340

Speaker MCAULIFFE: Okay. Thank you. So I think Attorney Troy is here. I think we will want his input on the resolution.

But our first order of business in the Assembly is the vote on Proposed Ordinance 20-20, the County supplemental appropriation for expansion of Nursing Program. **Is there a motion to put 20-20 on the floor?** Yes.

Delegate HARDER: So moved.

Delegate GREEN: Second

Speaker MCAULIFFE: Is there any further discussion on this ordinance from the Assembly? Yes, Delegate O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker, and I want to very much thank Mr. O'Brien for the work he's done during this time. I think I speak very strongly supportive for this appropriation of money. I think one of the things that we've seen in the last six months as this epidemic has unfolded is that we do not have anything resembling a system for healthcare. It is a series of independent providers who are working in an uncoordinated way.

And I refer, in this case specifically, to the situation in our long-term care facilities. They are independent of one another. They essentially do not coordinate in any way. In each facility, someone is put in the position of being an infection control person because federal regulations require that.

I should point out that nursing at long-term care facilities are none of them under significant control by the towns. They're entirely regulated by the state and by federal law.

But the notion that there would be someone who works with all of these long-term care facilities and tries to provide a standard of communicable disease control, personal protective approaches, contact tracing is a critically important piece. And I think it's so very helpful that the County is stepping in here to provide that linkage not to the individual towns so much as to the facilities, but it's to the residents of the Cape, and I'm very enthusiastic to support this effort.

Speaker MCAULIFFE: Okay. Any other -- yes, Delegate Chafee.

Delegate CHAFFEE: Thank you, Madam Speaker. I also want to speak in support of this proposed ordinance.

Whenever we consider something like this a new spending proposal, I always go back

to the County Charter and the purpose for Barnstable County government which is quote, "To have the means and structure to deal with regional issues which transcend the existing boundaries of municipal governments," and the impact of COVID has certainly been a problem that has transcended our town boundaries. And it's not only increased the workload for thinly-staffed town health departments, but we've heard Mr. O'Brien say that it's meant the County public health nurse has not been able to continue doing many of her other important duties.

There are unmet needs in Barnstable County right now, and these two nurses will affect the lives and the health of Cape Codders. It's smart that the roles are being designed to address two of the biggest needs, both involve some of our most vulnerable citizens, children, and their teachers and staff, and the vulnerable individuals in our nursing homes. I think this is a really important use of County resources. Thank you.

Speaker MCAULIFFE: Thank you. Yes, Delegate Zuern.

Delegate ZUERN: Yes. I am opposed to using money for some of the things that were listed, and one of them is contact training, I mean, tracking. I just don't think that those are the kinds of things that we should be doing as a County. So I will be voting against it.

Speaker MCAULIFFE: Thank you. Let's see. I don't see anyone. I'm going to flip to the second screen. Any other Delegates have any comments or questions? Okay.

All right. So I will call for the vote. Will the Clerk please call the roll for the vote?

Motion to adopt Proposed Ordinance 20-20

Voting "YES" (75.31%): (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), 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).

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

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-20 passes with 75.31 percent of the Delegates voting yes; 9.15 percent no; 15.54 percent are absent, now known as Ordinance 20-13.

Ordinance 20-13:

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

To add to the County's operating budget for Fiscal Year 2021, as enacted in Ordinance No. 20-04, by making supplemental appropriations for the Fiscal Year two-thousand and twenty-one.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of September 03, 2020, 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 20-04, 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-one. Said funds are to be expended to fund the activities of the Public Health Nursing Program in the Health and Environmental Department. Said funds shall be derived from Unreserved Fund Balance for FY2021

<u>Budget #</u>	<u>Sub-Program</u>	<u>\$ Amount</u>
<u>0013032 5100</u>	<u>Salaries</u>	<u>\$ 98,600</u>
<u>0013032 5282</u>	<u>In-State Travel</u>	<u>\$ 3,000</u>
<u>0013033 5369</u>	<u>Office Supplies</u>	<u>\$ 4,550</u>
<u>0013033 5399</u>	<u>Misc Supplies</u>	<u>\$ 2,760</u>
<u>0013009 5983</u>	<u>Employee Insurances</u>	<u>\$ 30,000</u>
<u>0013009 5984</u>	<u>Medicare</u>	<u>\$ 1,430</u>
<u>TOTAL SUPPLEMENTAL APPROPRIATION</u>		<u>\$140,340</u>

Speaker MCAULIFFE: Thank you, very much. And, Sean, thank you, so much, for shepherding this through. We're in the middle of a weather event, so I know this pulls you away from one of your other jobs but thank you.

Director SEAN O'BRIEN: And thank you, all, so much. Yeah, I just heard about a 70 mile and hour wind in Western Mass. So I've got to run. All right.

Speaker MCAULIFFE: Okay. Take care. Thank you.

Director SEAN O'BRIEN: Thank you, all, very much. Bye-bye.

Discussion and Vote on Proposed Resolution 20-06

Proposed Resolution 20-06:

Public Participation in Barnstable County Assembly of Delegates Meetings and Hearings
Whereas, the Barnstable County Charter defines Cape Cod regional government's purposes as providing extensive services, in a fiscally sound manner, to the region known as Barnstable County, and providing the means and structure to deal with regional issues which transcend the boundaries of municipal governments; and
Whereas, the Barnstable County Assembly of Delegates exercises the legislative powers of the Cape Cod regional government; and
Whereas, the Barnstable County Charter requires that all meetings of the Assembly of Delegates be open to the public, unless an Executive Session is convened; and
Whereas, the Assembly promotes openness and transparency in government by operating in compliance with the Massachusetts Open Meeting Law (M.G.L. Ch. 30A, § 18-25); and
Whereas, the Massachusetts Attorney General's interpretation of the Open Meeting Law must be respected when formulating standards of procedure for Assembly meetings inasmuch as provisions of State law may not be waived or amended by a public body; and
and
Whereas, the Barnstable County Regional Government Code of Conduct states that all elected and appointed members of Barnstable County Regional Government should demonstrate respect for the public and conduct themselves to maintain public confidence in County Government, including to desist from publicly criticizing an individual employee or department; and

Whereas, the Assembly of Delegates, as the legislative arm of Barnstable County Regional Government, encourages the public to be aware of and engaged in its deliberations and activities; and

Whereas, public engagement is beneficial in the policymaking process and it is valuable for the Assembly to receive the public’s comments; and

Whereas, Assembly meetings include an agenda item titled, “Communications from Members of the Public,” during which the public may address the Assembly at the discretion of the Assembly Speaker; and

Whereas, the Assembly holds public hearings on proposed ordinances and resolutions where public comment on the specified policy is invited; and

Whereas, the Speaker presides over Assembly meetings, with the responsibility of ensuring the orderly completion of the Assembly’s business; and

Whereas, the Assembly promulgated “Assembly of Delegates Meeting Guidelines for the Public” in 2017 and it is appropriate to update those guidelines; and

Whereas, civil discourse and respectful decorum create the preferred environment for the public exchange of ideas.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates: Sets out the following guidelines for conduct by meeting participants and will uniformly apply these guidelines to meetings of the Assembly and its committees.

- a. A member of the public should notify the Assembly of their wish to address the Assembly. In an in-person meeting, a member of the public should use a sign-in form to indicate they wish to address the Assembly. In a remote (virtual) meeting a member of the public may alert the Speaker or the Clerk in advance of the meeting by email or other communication or may indicate their interest by using the technique indicated by the Speaker during the meeting.
- b. The Clerk of the Assembly will advise the Speaker of members of the public who wish to address the Assembly, and if known, the order in which they requested to speak.
- c. The Speaker will invite a member of the public to speak who has notified the Assembly of their interest in addressing the Assembly.
- d. When recognized by the Speaker, a member of the public should state their name, town, and subject they wish to address.
- e. Members of the public may speak at the Speaker’s discretion for up to five (5) minutes unless the Speaker has modified the available time period.
- f. Signs, banners, and similar items are not permitted in the Assembly chamber during non-remote meetings.
- g. Public comment should be presented in a courteous manner.
- h. Comments in public session concerning any Barnstable County elected or appointed official, or employee, should be limited to discussion of professional competence. Comments relating to the reputation, character, physical condition or mental health of aforesaid individuals or relating to discipline, dismissal or complaints brought against same, may only be discussed in Executive Session, after the requirements of the Open Meeting Law are observed.

- i. Under the Open Meeting Law, the Assembly is unable to discuss comments made by the public on a topic that does not appear on the agenda. However, the Speaker may add a topic raised by the public to a future agenda or refer the commenter to a County resource or other entity for assistance
- j. The Speaker is responsible for preserving decorum at meetings and seeing that all persons and matters are treated fairly.
- k. The Speaker may rule certain comments or unruly behavior out of order and issue warnings.
- l. Under state law, the Speaker may order a person to leave a public meeting for unruly conduct, and if the party does not leave, may order a constable or other officer to remove the party from the meeting (M.G.L. Ch. 30A, § 20(f)).
- m. If all efforts fail to resolve the situation, the Assembly may adjourn the meeting to another date.
- n. In a virtual (remote platform) meeting, the Speaker will provide a warning to a member of the public who is violating these guidelines and specify the reason for the warning. If the unruly behavior continues, the Speaker may have that member of the public blocked or removed from the remote meeting.

Speaker MCAULIFFE: Our next item is the discussion and vote on Proposed Resolution 20-06. This is the Public Participation Guide and this was co-authored by Delegate O'Malley, Delegate Chaffee, and Delegate Potash for consideration. And, also, we have Attorney Troy to join us, too, because of the Open Meeting Law considerations with this resolution.

Delegate O'Malley, I see you unmuted first.

Delegate O'MALLEY: Thank you, Madam Speaker. The Assembly of Delegates is the legislative body for the regional government of Cape Cod known as Barnstable County. Each of us, as Delegates, are representing the community which elected us. We are responsible to listen to the public during our regular public meetings.

All members of community clearly deserve equal access for their attendance and testimony both in Public Hearings and in the communications from members of the public sections of our meetings.

A recent meeting resulted in significant public questioning of that equal access. Such concerns must be clearly addressed by this body to make it clear that we represent all members of the Cape community. And I might add, to the extent that we as a representative body do not adequately reflect the demographic composition of this community. We have all the more responsibility to listen to all.

This resolution is proposed to offer clear guidance to the public as to the defined expectations of them and to support the Speaker in their appropriate responsibilities in regulating the public meeting. The uniform application of these standing procedures will improve confidence in our process.

Under the Home Rule Charter Section 6(c)(3) (sic), a resolution may be adopted concerning quote "Rules governing the conduct of the Assembly."

Our own conduct and, in particular, our interface with the public during our meetings is the whole focus of this proposed resolution. There is nothing controversial, there's nothing

new. This codifies existing policies and procedures. The intent is that these guidelines will be made readily available on our website in the meetings area for any interested public to reference. Thank you.

Speaker MCAULIFFE: Thank you. Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. And thank you, Delegate O'Malley, for starting off this conversation.

Public engagement is a really important part of our meetings and our work, as is the orderly exchange of ideas, and this Proposed Resolution has great educational value, I think. It lets all of the people who are engaged in Assembly of Delegates' meeting including the Delegates, our County staff and employees and officials who frequently come before us, other guests who present to us, and the members of the public who participate in our meetings. It makes the rules that exist in several different areas right now, it compiles them in all one place.

Importantly, the resolution is not putting forth any new policies but it's compiling what's in existence right now and putting it into an easier to use format to make it easy for all of us to understand what the rules are.

I want to thank all of you who are here and who have given us feedback and comments on this resolution. It's really helpful to hear that. I do want to say that this resolution is not intended to resolve very difficult and complex and long-standing social justice issues that were raised in the public comment period and previously. The purpose is to identify the rules that are in place for how we all interact during our public meeting when we are addressing problems. And we received a very useful memorandum from County Counsel, Attorney Troy, when Delegate O'Malley and I developed the first draft of this document, and we asked for County Counsel to review it because we recognized, as one of the speaker says, "The power of individual words and language." And my favorite class in law school was about crafting policy and the care that must be taken to get the right meaning in the right places.

So I think it would be helpful, Madam Speaker, if it's okay, to have Attorney Troy summarize some of the key concepts that he provided to us in the memo, specifically, to talk about the sources of law and regulations that we use in the conduct of our meetings.

Speaker MCAULIFFE: Thank you. And, Delegate Potash, I just wanted to, before I go to Attorney Troy, because Delegate Potash was one of the cosponsors, did you have any comments, or did you want me to have Attorney Troy address us?

Delegate POTASH: I would like to just briefly speak if I may?

Speaker MCAULIFFE: Yes.

Delegate POTASH: So I wanted to make clear that I appreciate being afforded the opportunity to sign on to the work done by Delegate Chaffee and Delegate O'Malley. I read their draft, and I immediately asked if I could sign on to that, but their work was impeccable.

And it's difficult when you have terms like "discretion." They're hard to swallow, the idea of discretion, but I think a big focus is on the abuse of discretion. So that would be something going forward that will always be an issue, and it will be a matter of opinion. But at the end of the day, I think discretion is what's always going to make this a nebulous document. And we all have to live by that and evolve, and I hope that this resolution, if passed, goes towards the healing process. And we can always go forward and never back and learn from what's happened and try to be positive and respectful.

And the last thing I'd like to say is, although it's not in the resolution, I think it's super

important to address everyone by a title, whether it be Delegate Potash or Attorney Troy, Madam Speaker, and everybody that comes into the meeting should be addressed as Miss or Ms. or whatever way they like to be addressed. And if you don't -- if someone who is running a meeting doesn't know how to pronounce someone's name, they should immediately ask that and then go to Miss or Ms. or Mrs. or Mr., however they want to be addressed and that's respectful. It's courtly. I'm an attorney. That's how court is. We don't call each other by first names no matter how well we know each other, that's just not done because it's a matter of respect that everybody's entitled to.

So thank you for listening.

Speaker MCAULIFFE: Thank you. Attorney Troy. You need to unmute yourself.

Thank you.

County Counsel ROBERT TROY: Madam Speaker, thank you. First of all, I appreciate the opportunity to be here, but I want to clarify my role. First of all, I, in my memo, have recited this, but I want to reiterate that I defer to the wisdom of the members of the Assembly on any of the substantive provisions. I defer to the proponents of the resolution, Delegates Chaffee, O'Malley, and Potash as to supporting the resolution.

My purpose here is not to support it or urge that it be adopted but, instead, simply to highlight the legal concerns that I voiced in response to the request that I review the resolution.

So having that in mind and having in mind that my analysis is limited to legal review, I want to give you the background of the resolution in terms of the authority of the Assembly to adopt such a resolution.

So, first of all, the first and the most critical component is that the Assembly does not have the authority to either pass an ordinance or a resolution that is inconsistent or contradicts state law or the Charter. The state law, which is all our statutes, as well as the Charter itself, which is a statute passed by the legislature prevails. And so to the extent that the Assembly wants to pass a resolution which is consistent with state law, that is within the realm of the Assembly. But to the extent that the Assembly wishes to pass a resolution that has standards that's inconsistent with state law, that would not be allowed. And I'm not suggesting in any way that this Proposed Resolution is inconsistent with state law; I'm simply asking you to view it through that lens.

So, when you look at the resolution in terms of what I believe it is intended to accomplish, I think it's very clear that there are provisions of state law and the Charter which define the authority of the Speaker in this case or in any body such as this the person who's running the meeting. And I have cited the provisions of the Charter which specifically imbue upon the Speaker broad and, really, I consider it to be unlimited authority to run the meeting. That is also consistent with state law in the Open Meeting Law, and I've quoted the Open Meeting Law guide in which the powers of the Speaker are delineated.

And I would respectfully suggest that I believe that legally the provisions of the Proposed Resolution are consistent with those particular delineations of the Speaker's authority. And one of the -- if I could read you just a brief couple of sentences from the Open Meeting Law guide issued by the Attorney General, it mentions, "That the public is permitted to attend meeting of public bodies. While the public is permitted to attend an open meeting, an individual may not address the public body without the permission of the chair. An individual may not disrupt a meeting of a public body. And at the request of the chair, all

members of the public shall be silent. If after clear warning a person continues to be disruptive, the chair may order the person to leave the meeting. If the person does not leave the meeting, the chair may authorize the constable or other officer to remove the person."

I think that language -- that's issued by the Attorney General. And in the Attorney General Maura Healy's guide, which is relatively recent, I think that it's clear that state law mirrors the Charter and the Speaker has plenary authority to decide all questions of order under a meeting.

The second area I would like to address is the area of deliberation, which is a legal term used in the Open Meeting Law, but it also concerns the jurisdiction of the public body. And here I think the point is that the Assembly of Delegates is limited by law as to which subjects it may legally discuss. The Charter defines, and I quoted it in my memo, several areas of what the Charter intends for the Assembly and the County Commissioners to do. And it says, "It's the intent of the Charter to encourage a continuing review to be made of the functions being performed by the Cape Cod Regional Government, and to enable the Regional Government to cause any duty to be performed in the most efficient and expeditious manner possible."

It also notes the preamble defines the term "jurisdiction," in other words, this is what the Assembly is supposed to be doing at its meetings. And when it says the jurisdiction in which the Assembly operates is quote "A Regional Government providing extensive services to its region, known as Barnstable County, and being fiscally sound to reestablish for ourselves and the communities the means and the structure to deal with regional issues which transcend the existing boundaries of municipal governments."

So, therefore, the deliberations of the Assembly by law must be concerned with the jurisdictional anent that the legislature has given to the Assembly and to the County Commissioners.

There are a variety of other forums which are available to address other actions which are outside of the Assembly's jurisdiction but may implicate the conduct of a public official. So, for instance, the Open Meeting Law gives to the district attorney and the attorney general the authority to enforce its term. The state and the federal courts would have a variety of criminal and civil remedies to address improprieties by public officials. The MCAD and the EEOC provide avenues in which people who believe that they are being unfairly treated for illegal discrimination are able to pursue their rights, and there are a variety of other statutes, for instance, the Public Records Law in which citizens are allowed to request records of public officials including emails or any other transmissions and have a remedy in which they are able to procure information which may aid them in seeking whatever relief they are interested in achieving. But the point is is those avenues are separate and distinct, and Assembly meetings are intended by law to be restricted to matters which are within the jurisdiction of the Assembly, and that's basically County business.

And so finally the only -- the third point that I made in the memo was that if there are matters that refer to the terms which have been included in the resolution which differentiates between a discussion or professional competence, that's within the Assembly's jurisdiction without any question, to be done in public session. But if there are comments related to the reputation, character, physical condition, or mental health of individuals or relating to discipline, dismissal, or complaints brought against people, the law provides a remedy to do that. You can ask that that discussion be held in Executive Session. And, as you know, the

particular individual involved as a matter of law has the right to be notified of the Executive Session and to appear at the executive session to defend himself or herself as the case may be.

So I think looking at those three areas, it's very, very clear that the Assembly has legal authority to adopt this resolution if it deems appropriate.

I want to just observe one other point related to some of the discussion that has been shared with the Assembly today. It is true that all terms are not always precise, and as we all know the courts apply the test when they deal with language in a statute that is the ordinary and plain meaning, that's what words mean. So I would point out as to the differentiation between professional competence and reputation, character, physical condition, or mental health, that parrots the statute. The legislature has passed those standards, and the courts have interpreted those standards. So I think it's reasonable to assume that there is some type of common interpretation of what those terms mean.

And in terms of other concerns about language, which I appreciate and respect, I think you use the ordinary and plain meaning. So, for instance, the word "courteous," I looked it up, one definition; I'm not saying this is exclusive. It defines "courteous" as being polite, respectful, or considerate in manner. And the word "decorum" is defined as behavior in keeping with good taste and propriety, and the word "unruly" is defined as disorderly and disruptive and not amenable to discipline or control.

So I think if you use the mechanism that the courts encourage and you use the ordinary and plain meaning of words and you apply them to the language used in this resolution, while there's no question all words, all terms have a number of nuances, but it does allow the Assembly to have a reasonable basis to approve the language that is in the Proposed Resolution if that's the Assembly's choice. Those are my comments, Madam Speaker.

Speaker MCAULIFFE: Thank you. Thank you. Any comments for any delegates or any questions of Attorney Troy? I saw Delegate Harder first. You need to unmute.

Delegate HARDER: Thank you, Madam Speaker. I think Attorney Troy's letter was very clear, and he points out that we are not allowed to discuss at our meetings anything that's not on the agenda. If something comes up, we can say, "Thank you for bringing it to attention, we'll put it on next week's agenda." But if something comes up at a meeting, by law we can't address it if it wasn't already on the agenda.

The other point he makes, and this is the one that I think is key, is that we are not in public allowed to discuss other -- any public official regarding their reputation, character, physical condition, or mental health. We can only discuss their professionalism.

However, that is in the public meeting that, you know, the Assembly of Delegates has. We do have a recourse which is that there is a way for members of the public to bring to us complaints about someone, whether it's a member of the Assembly of Delegates; whether it's a member of the Commission, or whether it's one of the Commissioners. And if they have a problem with one of those officials, we have the power to hold an Executive Session.

Now we are, as Delegate O'Malley said, we are a legislative branch. All legislative branches have something like an Executive Session, an Ethics Committee or something like that, whatever it's called, in order to hold public officials accountable.

So this resolution is great because it says what we're allowed to do at these meetings and how everyone has to conduct themselves at their meetings. But then we need to have a resolution next meeting that goes into how to address the holding public officials accountable. That's what I'd like to say. Thank you.

Speaker MCAULIFFE: Attorney Troy, I have a question. Can the Assembly have an Executive Session on a County Commissioner, and what sort of authority do we have to do anything about a County Commissioner?

County Counsel ROBERT TROY: Well, I think the answer is the statute does not define any specific class of people. I think the statute allows you to have an Executive Session on those matters that were just identified by Delegate Harder about an individual.

So if there is a complaint that relates to the type of, say, reputation, character, I believe that it is appropriate and legal for the Assembly to vote to go into Executive Session and hear the merits of that complaint and, obviously, it's a prerequisite to that. The Assembly would be required to notify the person at least 48 hours ahead of time that the Executive Session is going to go forward, and they have the right to be there and to have counsel represent them so that it's a fair process. I think, so to answer your question --

Speaker MCAULIFFE: So what would the outcome be? If there was an Executive Session to discuss a complaint about, let's say, a County Commissioner, what would the Assembly be able to do about the complaint?

County Counsel ROBERT TROY: Well, the Assembly could -- I mean there's a number of things they could do. They could adopt a resolution. They might decide that there might be some type of action that was possible through the ordinance process. If the, as you know, the work of the subcommittee, including Delegate Chaffee and Delegate Harder and Senator Moran, that's going to the legislature. If that passed, it could be that the Assembly could recommend that -- to take some role in the recall process. There's a number of possibilities. I think you can't -- you can't really explore the availability of remedies until you really understand what the problem is. But if it's a serious problem then, certainly, it does not immobilize the Assembly from taking action.

I think that Delegate Harder has very clearly underscored the difference is that one is - - certain issues that are discussed about professional competence in public session, open session, and certain discussions are held in Executive Session, and I think that is mirrored in the Proposed Resolution.

Speaker MCAULIFFE: Okay. Thank you. Delegate Zuern, did I see your -- Yes, Delegate Zuern.

Delegate ZUERN: I'd just like to say that we've used the same policy for years and years and years before any of us were on the Assembly, and the Speaker -- thank you, Madam Speaker. The Speaker has always run a well meeting, and, especially, our present speaker. There's no one who has been fairer and objective than the Speaker that we have right now running the Assembly.

I don't think that we need a three-page resolution to point out every single step and thing that should be done at a meeting. I think that's at the discretion of the Speaker. And I think it just makes it easier for that person to run a meeting. You know, instead of looking at this page, oh, did I do f. under Number 2 or did I do this? And some of the words are subjective, like treated, treated fairly. The Speaker treated the people who were at the meeting in September very fairly, and they chose to make an issue out of it, that was their decision. I don't think that we need to change any of our policies. And I applaud the Speaker for all the work that she's done and for the way she's run the meetings. Thank you.

Speaker MCAULIFFE: Thank you. I would say that this resolution is an excellent, as Delegate Chaffee said, an excellent sort of codification of a lot of laws and guidelines, and the

Charter, and it's in one place so it's easy for the Delegates and it's easy for the public to see how meetings should be run. That meetings -- we're a governmental body; we have work to be done; we need to get the work done; we need to have some order and some way of making sure that the work is done.

I would say that I am very consistently a very tight control on a meeting. I have always not allowed people to make personal attacks, and I have stopped delegates from doing it. I have stopped members of the public. I believe that this resolution is the -- is actually an excellent guideline for what the Speaker and what the Assembly of Delegates needs to do.

And I think that this would be a great education tool, as Delegate Chaffee said, but it's also a great -- it actually is a great support for how meetings should be run. And I think that I feel that this is an excellent step for the Assembly to take.

Yes, Delegate Green.

Delegate GREEN: Thank you, Madam Speaker. I acknowledge it can be complicated for the public when faced with attending various meetings at different local, county, state, and federal entities. Each has its own rules, and I know from being on the other side of this table that it is, indeed, frustrating at times.

I am, perhaps, 30 to 40 members of the public from at least eight Barnstable County towns attended our first Assembly meeting over a decade ago. The topic we were interested in was on the agenda after the Assembly convened. We didn't realize that we needed to speak at the communication from members of the public agenda item and lost our opportunity to speak that afternoon. This meeting with the preparation and travel took almost an entire day for me. I recall feeling fairly devastated after realizing I wouldn't get to speak not only for me but also for the others in attendance. We had made assumptions about how the meeting was run and we were wrong.

From that experience and others, I do have empathy for the public and for any unfortunate recent situations. Also, as an Assembly Delegate, having had these experiences as a member of the public raising concerns to the Assembly, when members of the public from my town have expressed concerns to me, I have encouraged them to communicate with the entire Assembly, and I have explained how the Assembly meetings work and when is the appropriate time for them to speak, and I've spent considerable time doing that.

I have listened to the people in my town, who have identified as from being from Wellfleet, about this issue, and I have come to believe that feelings are not right or wrong, and it is important to acknowledge the feelings of others. I, as an Assembly Delegate, am truly sorry that members of the public felt that they had a negative experience recently.

I also apologize, as an Assembly Delegate, and I apologize that it took this situation to bring forth this resolution to clarify public participation. But I am, indeed, glad that my fellow delegates have had the good sense to do so at this time. Hopefully, if this resolution is passed, the public will accept our apology and also will continue to contribute to good government.

I think public participation in government is critically important, and this resolution should help clarify procedures during an Assembly meeting. I support this resolution as submitted. Thank you.

Speaker MCAULIFFE: Delegate Gallagher.

Delegate GALLAGHER: So I, too, would like to speak up in support of this resolution. I think the incident of a month ago was truly unfortunate and stained the

reputation, stained the public reputation of the Assembly.

I would like to apologize to Ms. Yousuf and Ms. Tobey that I did not speak up that day. It all happened so quickly; I was unable to react.

In my past career as a journalist, it was important to avoid the appearance of the possibility of a conflict of interest. Now, conflict of interest is not an issue here, but there had been accusations of systemic racism. It happened so quickly I don't even -- I don't even know if racism was a motive here, but I think it's important that we avoid the appearance of the possibility that systemic racism was a factor.

I think the rules that existed at that time were obscure, were not clear to anyone let alone someone participating in a Zoom meeting perhaps for the first time; they were certainly not made explicit at the beginning of the meeting. I think the two women were ejected summarily without adequate explanation or warning, and that, in fact, it is the fact that we're meeting on Zoom that made it so easy to do that. If we had been meeting in a room, it would not have been able to be resolved in that way.

So, I think they are deserving of further opportunity to speak without restraint, and I've offered my personal apology. I think they deserve an apology from the Assembly, and I think this resolution goes a long way toward beginning that process, but I'm not sure it's the end of it. Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? Any other delegate? Yes, Delegate Potash.

Delegate KANAGA: Madam Speaker.

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

Delegate KANAGA: Yes, it's been up since before Attorney Troy spoke.

Speaker MCAULIFFE: I'm sorry. I'm sorry. You're in a corner of my screen.

Delegate Potash, I'm going to go to Delegate Kanaga first. Delegate Kanaga.

Delegate KANAGA: Thank you, Madam Speaker, and I want to thank Delegates O'Malley, Chaffee, and Potash for doing the legwork on this and putting the work in. I think it is a good summary and guidelines. I do think there are words which are subject to interpretation but that's always the case. And I would point out that the same speaker who was saying that the words "decorum" and "unruly" were too vague and needed definition was actually the same speaker who was proposing the word "inappropriate" for the discussion on the recall proposal. So I think there's a little bit of inconsistency and maybe unfair criticism of this particular language in this proposal.

That being said, I would also say it's really hard for me, many of you know I've been involved in First Amendment litigation and action for over 30 years. And I do have real reticent about content-based or language-based restrictions and that people should be able to speak freely. So I understand what's being said about state law and what we're able to discuss. At the same time, I am reticent to exercise very much control over the content of speech.

So, anyway, all that being said, I feel like this is a good basis moving forward. I would -- I have one possible proposal that I'd like to just ask the signers of this if they would be interested in including, and that is in Item j. where it says, "The Speaker is responsible for preserving decorum and seeing that all persons" -- I would add the words, "are treated equally," and then continue "all matters are treated fairly." I think that says a little more about all men being created equal and should be treated equal and all women, and I think -- anyway, I would --

Speaker MCAULIFFE: Is that an amendment? Would that be an amendment?

Delegate KANAGA: Only if they think it's helpful.

Speaker MCAULIFFE: Well, propose the amendment and we'll see if it gets a second.

Delegate KANAGA: All right. I propose that we, after the words "seeing that all persons," that we add the words, "are treated equally," and that the remainder of the sentence be "and all matters are treated fairly."

Delegate POTASH: I will second that.

Speaker MCAULIFFE: Okay. Any discussion then on the amendment? Delegate Chafee, did you have your hand up? Yes.

Delegate CHAFFEE: Yes, very briefly, I support that change. Thank you, Delegate Kanaga.

Speaker MCAULIFFE: Oh, okay, Delegate O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker. I'm unclear about exactly what language, but I think the intent is appropriate, and I'm in agreement with inclusion of the words or something to the effect that all persons and matters are treated equally and fairly. All persons are treated equally, all matters cannot be treated equally, however. I'm interested in what language you want to craft there, Mr. Kanaga.

Delegate KANAGA: All right. This is Chris, again, Madam Speaker. May I?

Speaker MCAULIFFE: Yes.

Delegate KANAGA: The sentence would be after "and seeing that all persons," I would add, "are treated equally" right there.

Delegate HARDER: Under j.

Delegate KANAGA: Under j. and then continue after that, "and all matters are treated fairly." So I'm agreeing with you, but I think that language treats the persons equally and the matters fairly, which is what we're trying -- is trying to be said.

Speaker MCAULIFFE: Yes, Delegate O'Malley.

Delegate O'MALLEY: I'm comfortable with that and would accept and second that --

Speaker MCAULIFFE: Amendment.

Delegate O'MALLEY: -- amendment, amendment.

Speaker MCAULIFFE: Anyone else on the amendment? Delegate Potash.

Delegate POTASH: Not on the amendment. I agree with it but --

Speaker MCAULIFFE: Okay. I'm going to just go to the other screen. Okay. So will the Clerk please call the vote on the amendment to the resolution.

Motion to amend language in item #j of Proposed Resolution 20-06

Voting "YES" (84.46%): (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), 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).

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the motion to amend language in item #j of Proposed Resolution 20-06 is approved 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: All right. Any more discussion on the resolution itself? Delegate Harder.

Delegate HARDER: Thank you, Madam Speaker. In thinking about the language problems that we were discussing -- I think that perhaps instead of "unruly" if we said "disruptive." That might -- would that help? Would that be more specific, Attorney Troy or Mary?

Speaker MCAULIFFE: Do you want to make that -- do you want to make that a motion to amend and substitute "unruly" for "disruptive"?

Delegate HARDER: I'll defer to Attorney Troy or Delegate Chafee on that since I'm not a lawyer, but it just seems that might make it clearer.

Speaker MCAULIFFE: Yeah, but you have the right to make the amendment, and then the delegates then can discuss it and then vote on it.

Delegate HARDER: Okay. Then I move to amend to change the word "unruly" in all places to "disruptive."

Delegate O'MALLEY: Second.

Okay. Any discussion on the amendment of the language change? Attorney Troy, do you have any comments or do you want this to be sorted through with the delegates?

County Counsel ROBERT TROY: Well, I defer it, as always, to the delegates. However, the definition that I read of unruly, one of the synonyms is disruptive. So it really is just a preference with whatever the delegates prefer. I agree that they're consistent in terms of what, you know, what they mean.

Speaker MCAULIFFE: Okay. Any other comments from any of the delegates? I'm going to go to the next -- oh, Delegate Chaffee.

Delegate CHAFFEE: Oh, thank you. Thank you, Madam Speaker. I agree with Attorney Troy that these words are extremely similar in meaning. I think somewhat tipping the scales toward the use of disruptive is that is the language used in the attorney general's interpretation of the Open Meeting Law.

Speaker MCAULIFFE: Thank you. Anyone? Okay. I don't see anyone else's hand up. Delegate O'Malley. Delegate O'Malley.

Delegate O'MALLEY: I concur. I would concur with the change in the word to disruptive. I think it's very clear what that means.

Speaker MCAULIFFE: Okay. I think we're ready for a vote. I don't see any other hands up. Would the Clerk please call the vote on the amendment of exchanging the word "unruly" with the word "disruptive" in the resolution?

Motion to amend and change the word "unruly" in all places to "disruptive" in Proposed Resolution 20-06

Voting "YES" (84.46%): (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), 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).

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the Amendment passes with 84.46 percent of the Delegates voting yes; 15.54 percent are absent.

Speaker MCAULIFFE: Thank you. Now for the vote on the Proposed Resolution 20-06, the Public Participation Guide. Yes, Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I just have a couple of other comments relative to some of the feedback that we received, and I'd like to address a few of the issues raised. A number of the concerns discussed with us may not fit into the purpose of this particular resolution but may need to be raised in relation to the County Code of Conduct, for example. And I do want to reiterate that this is largely an educational tool, and we're not changing policy or making any new policy. We're just compiling it and that was raised earlier and I wanted to clarify that.

The Human Rights Advisory Commission provided a number of suggestions, and I think two of them in particular if, indeed, this passes tonight would be very easy to accomplish. They suggested that this should be posted visibly, and I would agree with that and that it's also distributed widely on County social media and in email so that people are aware it exists if, indeed, it does pass tonight.

One other recommendation was to update the handout that the Speaker had made several years ago that were used at meetings and that would be a very easy thing to do.

The Advisory Commission also recommended ongoing learning opportunities about unconscious bias, racial, and social justice, and though that doesn't really fit into this policy, I fully support that. I think it's a great idea, and I encourage both the legislative and the executive branches to take a look at this.

And some of the other feedbacks that we've received from folks here tonight really implicate the Barnstable County Code of Conduct, a document that addresses behavior more broadly than this resolution which is just more narrowly focused on how meetings are conducted. And we crafted that document, I think, three years ago now, so, perhaps, it is time for -- to ask the executive branch if they might take a look at it and see if there are sections of that that need to be updated. Thank you.

Speaker MCAULIFFE: Thank you. Yes, Delegate Potash.

Delegate POTASH: So even though it was a few moments ago, I want to also say that I wish that I had spoken up on that day, and I think I would benefit from training as to how to appropriately speak up if I see an injustice during -- if I think I see an injustice so that I can be clear what would be the appropriate way to manage it as a delegate.

So I'm happy to go to training. I don't consider myself somebody that likes to let things happen and not say anything. I'm very chatty. I'm very vocal, but I want to do it appropriately. And I was -- I don't want -- not by way of excuse, but just by way of explanation, I was taken a little bit off guard, and I think with some training I would be able to recognize things better and appropriately respond.

So I, personally, apologize that this happened and that feelings were hurt and my personal apology is appropriate on record. Thank you.

Speaker MCAULIFFE: Thank you. Anyone else? Delegate Green.

Delegate GREEN: Just a point of order; I didn't recall that there was a motion to put this on the table.

Speaker MCAULIFFE: You are correct. We had the discussion before the motion. Delegate Chaffee or Delegate O'Malley, would you like to put the resolution on the table?
Delegate O'Malley.

Delegate O'MALLEY: Yes, I move Proposed Resolution 20-06 with two amendments noted

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Okay. So we're ready for a vote. Will the Clerk call the vote, please?

Motion to adopt Proposed Resolution 20-06 as amended

Voting "YES" (75.31%): (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), 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).

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

Absent (15.54%): Douglas Brown (14.61% - Falmouth), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 20-06 as amended passes with 75.31 percent voting yes; 9.15 percent voting no; and 15.54 percent are absent.

Resolution 20-06:

Public Participation in Barnstable County Assembly of Delegates Meetings and Hearings

Whereas, the Barnstable County Charter defines Cape Cod regional government's purposes as providing extensive services, in a fiscally sound manner, to the region known as Barnstable County, and providing the means and structure to deal with regional issues which transcend the boundaries of municipal governments; and

Whereas, the Barnstable County Assembly of Delegates exercises the legislative powers of the Cape Cod regional government; and the Barnstable County Charter requires that all meetings of the Assembly of Delegates be open to the public, unless an Executive Session is convened; and

Whereas, the Assembly promotes openness and transparency in government by operating in compliance with the Massachusetts Open Meeting Law (M.G.L. Ch. 30A, § 18-25); and

Whereas, the Massachusetts Attorney General's interpretation of the Open Meeting Law must be respected when formulating standards of procedure for Assembly meetings

inasmuch as provisions of State law may not be waived or amended by a public body;
and

Whereas, the Barnstable County Regional Government Code of Conduct states that all elected and appointed members of Barnstable County Regional Government should demonstrate respect for the public and conduct themselves to maintain public confidence in County Government, including to desist from publicly criticizing an individual employee or department; and

Whereas, the Assembly of Delegates, as the legislative arm of Barnstable County Regional Government, encourages the public to be aware of and engaged in its deliberations and activities; and

Whereas, public engagement is beneficial in the policymaking process and it is valuable for the Assembly to receive the public's comments; and

Whereas, Assembly meetings include an agenda item titled, "Communications from Members of the Public," during which the public may address the Assembly at the discretion of the Assembly Speaker; and

Whereas, the Assembly holds public hearings on proposed ordinances and resolutions where public comment on the specified policy is invited; and

Whereas, the Speaker presides over Assembly meetings, with the responsibility of ensuring the orderly completion of the Assembly's business; and

Whereas, the Assembly promulgated "Assembly of Delegates Meeting Guidelines for the Public" in 2017 and it is appropriate to update those guidelines; and

Whereas, civil discourse and respectful decorum create the preferred environment for the public exchange of ideas.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates: Sets out the following guidelines for conduct by meeting participants and will uniformly apply these guidelines to meetings of the Assembly and its committees.

- a. A member of the public should notify the Assembly of their wish to address the Assembly. In an in-person meeting, a member of the public should use a sign-in form to indicate they wish to address the Assembly. In a remote (virtual) meeting a member of the public may alert the Speaker or the Clerk in advance of the meeting by email or other communication, or may indicate their interest by using the technique indicated by the Speaker during the meeting.
- b. The Clerk of the Assembly will advise the Speaker of members of the public who wish to address the Assembly, and if known, the order in which they requested to speak.
- c. The Speaker will invite a member of the public to speak who has notified the Assembly of their interest in addressing the Assembly.
- d. When recognized by the Speaker, a member of the public should state their name, town, and subject they wish to address.
- e. Members of the public may speak at the Speaker's discretion for up to five (5) minutes unless the Speaker has modified the available time period.
- f. Signs, banners, and similar items are not permitted in the Assembly chamber during non-remote meetings.
- g. Public comment should be presented in a courteous manner.

- h. Comments in public session concerning any Barnstable County elected or appointed official, or employee, should be limited to discussion of professional competence. Comments relating to the reputation, character, physical condition or mental health of aforesaid individuals or relating to discipline, dismissal or complaints brought against same, may only be discussed in Executive Session, after the requirements of the Open Meeting Law are observed.**
- i. Under the Open Meeting Law, the Assembly is unable to discuss comments made by the public on a topic that does not appear on the agenda. However, the Speaker may add a topic raised by the public to a future agenda or refer the commenter to a County resource or other entity for assistance.**
- j. The Speaker is responsible for preserving decorum at meetings and seeing that all persons are treated equally and matters are treated fairly.**
- k. The Speaker may rule certain comments or disruptive behavior out of order and issue warnings.**
- l. Under state law, the Speaker may order a person to leave a public meeting for disruptive conduct, and if the party does not leave, may order a constable or other officer to remove the party from the meeting (M.G.L. Ch. 30A, § 20(f)).**
- m. If all efforts fail to resolve the situation, the Assembly may adjourn the meeting to another date.**
- n. In a virtual (remote platform) meeting, the Speaker will provide a warning to a member of the public who is violating these guidelines and specify the reason for the warning. If the disruptive behavior continues, the Speaker may have that member of the public blocked or removed from the remote meeting.**

Speaker MCAULIFFE: I don't believe there are any committee reports at this point. I don't see any hands. Oh, okay, Delegate Harder.

Delegate HARDER: Sorry, not about committee reports. What resolution number does this become?

Clerk O'CONNELL: 20-06.

Delegate HARDER: It stays 06.

THE CLERK: Yes.

Delegate HARDER: Thank you.

Speaker MCAULIFFE: Okay. The next is report from the Clerk.

Summary Report from the Clerk

- **Public hearings will be scheduled on 6 proposed ordinances at the 10/21/20 meeting**
- **Recall Provision (ordinance 20-10) will be submitted to House Clerk James this coming week**

Clerk O'CONNELL: Yes, briefly. As you could see earlier in the meeting, you'll probably have a Public Hearing at the next meeting for six proposed ordinances. There are a few presentations that are being scheduled and planned. Perhaps the Speaker may want to let you know about that under other business.

And, also, the petition for the Recall Provision in the Charter will be submitted to the

House Clerk this week. I will send copies to all the Cape Cod legislators, and once that's completed, I'll send you a copy of what I have sent up to Boston as well. I'll email you that information.

And that's all that I have to report.

Speaker MCAULIFFE: Thank you. And on the Recall Petition, that is an enormous amount of work and a huge -- it's a first for the Charter Review Committees that I've seen; it's an actual work product, an actual action taken by a Charter Review Committee and the Assembly.

So, I think the subcommittee and the Assembly needs to take some pride in the fact that it was a long slog but something actually did come out of it. So it will be in the hands of the state legislature very shortly. Thank you, everyone.

Other Business

Speaker MCAULIFFE: The next is Other Business. On the agenda is a request from Falmouth Delegate Douglas Brown. He had a personal matter, so we will not be discussing the topic he wanted to discuss. This will be put on the next meeting because this was his request. So there's no discussion of that item even though it's on the agenda.

Does anyone else have any other business? Okay. Delegate Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I just wanted to briefly mention that on September 21, the Brewster Select Board voted to send a letter to Governor Baker modeled on the Assembly's letter urging him to release the IT Bond Bill funds.

Speaker MCAULIFFE: Excellent. Thank you. Yes, Delegate Green.

Delegate GREEN: Yes, and the Wellfleet Board of -- Select Board did the same last week. So thank you, all, very much.

Speaker MCAULIFFE: Delegate Potash.

Delegate POTASH: And Chatham Board of Selectmen same. Thank you for your advice on that, Delegate from -- Lilli-Ann Green. Thank you.

Speaker MCAULIFFE: Thank you. And then I would just say to all the people who attended today, this is the second big attendance and I think it's great. I think there's no better education than actually participating.

And specifically to Danielle Tobey, I think it would be great if some people who are maybe getting involved would consider running for office. It's not a matter of us choosing people or appointing people, it's a matter of people, you know, getting politically active. There are a lot of things that people can do. It doesn't have to be as big as running for the Assembly, but I know certainly, as an activist, that's how I got started was attending meetings to promote a cause, getting bitten by the bug, and then running for office. And I know that's a big step for a lot of people, but I think we have a lot of interest in the Assembly over the last couple of meetings. And maybe the big benefit of that is that people are interested and challenged by what we do and they might consider in two years running for the Assembly or getting involved in another, you know, local political event. I think that that -- I am a strong believer in, you know, bringing new people in, fresh ideas, and I think that would be something that would be very welcome.

The second item is I don't want to ignore that there have been a lot of issues and complaints about things that I and the Assembly haven't done or have done, so I think going forward we can look at constructing some agenda items that might address some of the needs

that some of the delegates have suggested and/or developing some sort of mechanism for complaints if there's not a resolution for people with the current way things are. You know we do follow the law and we do follow the Charter in terms of running the meetings, and I know it can be a challenge for everyone.

And I will reiterate what I said before is that I am equally -- I apply all the rules and laws equally. I do not -- I do not single anyone out, and I do not give anyone a break either. You can be a delegate or you could be a family member, but I will follow the rules to run the meeting the way it is supposed to be run.

So, going forward, we will -- I will -- I would like to hear from delegates about agenda items or topics or things that they want to put forward; they want to discuss; they want to have presentations. Whatever the ideas are coming forward, I would welcome them.

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

Delegate CHAFFEE: So moved.

Delegate GREEN: Second.

Speaker MCAULIFFE: Thank you. We're adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:50 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar for 10/7/20**
- **Unapproved Journal of Proceedings of 9/16/20**
- **Written comment submitted by Human Rights Advisory Commission**
- **Written comment submitted by Roderick MacDonald and Judy Thomas**
- **Proposed Ordinance Nos. 20-21, 20-22, 20-23, 20-24, 20-25 and 20-26 submitted by Commissioners**
- **PowerPoint Slides on Floodplain Management**
- **Public Hearing Notice on Proposed Ordinance 20-20**
- **Memo from Sean O'Brien regarding Proposed Ordinance 20-20 and expansion of county nursing program**
- **Proposed Ordinance 20-20**
- **Proposed Resolution 20-06**
- **Reference memo dated 9/14/20 from County Counsel Troy regarding drafted Proposed Resolution 20-06**