

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
Special Committee of Inquiry into CLC and CVEC
February 1, 2012
Minutes

The Special Committee of Inquiry into CLC and CVEC met on February 1, 2012 beginning at 1:00 p.m., at the Assembly Chambers Hall in Barnstable, Massachusetts.

Present: Speaker/Chairman Ronald Bergstrom, Committee Members Leo Cakounes, Deborah McCutcheon, and John Ohman, and Clerk/Secretary Janice O'Connell. Committee Member James Killion was absent.

Chairman/Speaker Ronald Bergstrom called the meeting to order. Motion was made by Deborah McCutcheon, and seconded, to approve the minutes of January 18, 2012. Motion carried.

Chairman Ronald Bergstrom began the public forum and acknowledged individual speakers to come forward and address the committee from the podium. The following individuals took the opportunity to address the committee and others present.

James Rogers: Thanked the committee for its work, its concerns with good government, transparency and keeping on task.

Bob Mahoney: Spoke about his experience and said there are statutes that authorize and protect contracts from public disclosure. Non-disclosure agreements are routine in power purchase agreements, and CLC contract awards are competitive and follow Massachusetts General Law. Under the Intergovernmental Agreement the Chairman has broad authority and responsibility. CLC funds have been properly audited and statements to the contrary are not correct.

Ed Lewis: Asked for and received clarification of voting percentages reflected in Resolution 11-02 that was adopted by the Assembly of Delegates and took exception to the comments that were made by the committee at the January 4, 2012.

Liz Argo: Understands that a dialogue between the groups that are voicing concerns about the operations of these utilities is not something that can take place based on her prior experience.

Kathy Sherman: Concerned with where the money is coming from and how it impacts the rates. Would like to know more about the mil ladder, who authorizes changes to it, and how the public is notified regarding changes.

Eric Bibler: Concerned that Executive Committee minutes, from CLC and their sub-committees, are not being kept even though they are obligated to notice these meetings to the public and keep minutes, and that the source and use of funds by a public entity are subject to full disclosure. No accounting for the pool of money collected (through the mill ladder) and it is not unreasonable to ask for it. Concerned that the use of rate payer funds from CLC for gifts and grants to CVEC may not be appropriate (in keeping with the CLC charter) and can be answered by the rate payer advocacy division or others credentialed to do so.

Peter Kenney: Concerned about public claims that they cannot understand how they these entities operate. CLC's claim of independence from the county should not apply. Where does the money come from and where are the records. CVEC has not presented a forward looking budget to anyone. Would like the committee to get to the bottom of the problem because they have the power and authority to do so. Concerned about CVEC's lack of process and not their effort.

Attorney Charles McLaughlin: Concerned about things that have been said that go towards the personal integrity of staff and volunteers. Asked the committee to be very careful and deliberative about the observations they make. Encourages the opportunity for a subject specific evaluation. Legislature allows for the type of contract processing used by CVEC and this practice in the industry is allowed by the legislature. CVEC is an independent 501 c3 and the statutes are not clear as to what they must follow but have subjected themselves to following the rules related to minutes. Because transparency is important suggested that if the committee feels the need to look at the executive session minutes they (CVEC) could provide a confidential in-camera opportunity using independent counsel of choice to review these minutes and come back with a report but substantive areas would need to remain confidential. Would like to have the opportunity to review and discuss the report drafted by the committee in a session with the committee.

Noreen Donohue: Would like clarifications on the savings that will be brought back to Cape towns as stated by Charles McLaughlin in the amount of 50 million dollars.

The committee will send their questions for the draft report to Clerk/Secretary Janice O'Connell and Deborah McCutcheon. Deborah McCutcheon will compile a draft report for the committee to review at their next meeting. The tentative date for the next meeting was set for February 15, 2012.

The meeting adjourned at 3:00 p.m.

Janice O'Connell, Clerk
Assembly of Delegates