

May 6, 2015 Commissioners Meeting

Discussion on specialized legal Counsel Item # C

It has become apparent to me, that the Chair is obsessed with replacing County Counsel.

This matter has been not only discussed at length at numerous prior meetings, i.e.; March 4th at which time the Chair's motion did not receive a second, and March 28, at which time the motion failed 2-1.

At the March 28th meeting I submitted, for the record, the Bio of current County Counsel Attorney Robert Troy of which I requested as pertains to matters of "Employment Law". The Commissioners were comfortable with the representation of County Council and took no action to hire "Special Legal Counsel" at that time.

Unless matters pertaining to Employment Law, Legal Filings, or other related employment situations have changed since March 28th, I see no need to continue to address this matter again and again.

On April 25th, I received an "Opinion from Special Legal Counsel", not current County Counsel, of which I never authorized nor was aware of until after the fact. This action leads me to believe only one of two actions could have occurred.

1. The Administrator, acting alone, requested this information from Special Counsel, thus in violation of the Charter, Section 2.3 © where it clearly states ..."the Board of Commissioners may also authorize Department heads to employ special counsel" ...
I do not believe that is what occurred.
2. The Chair with the support of, or without the support of, Commissioner Flynn, instructed the Administrator to solicit an opinion from Specific Special Legal Counsel. In this case, the Chair once again violates the Charter, Sec 2.3 acting as The Commissioners without their approval. (Please refer to "concerns of conduct" submitted by Leo Cakounes on March 11 2015.)

Action # 2 seems to be most likely to have happened, since the Special Counsel contacted by the Administrator is the same firm that the Chair (without the vote of the Commissioners) invited to participate in Legal Discussions during an Executive Session on Jan 7 2015, and employed by the same firm also invited by the Chair to advice in matters pertaining to Administrator Search process on Jan 14 2015, and again on Feb 14 2015.

If Commissioner Flynn was aware of this request for opinion, I am also concerned that a violation of Open Meeting Law has occurred. Discussions between Commissioners on all matters held outside the requirements of a meeting notice are clearly a violation.

If Commissioner Flynn has somehow came into information specific to this vote today that would somehow change her position as voted on March 28th, then I would respectfully ask how and when this information was conveyed., and why I have not received it.

Specifically to this matter, I stated before, numerous times, and would ask to go on record once again.

I do not support the hiring of Special Council Specific to Employment law at this time for the reasons listed below:

1. Sends wrong message to long time employee and current situation of extended leave.
2. The County has competent County Council to advice on this matter.
3. County going through numerous administrative changes that need to be addressed first.

Respectfully Submitted by Leo G. Cakounes County Commissioner.

Request that this statement become part of official minutes of May 6, 2015