

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
Report and Minutes of the Standing Committee on Health & Human Services
Proposed Ordinance 15-06
July 1, 2015

Dear Mr. Speaker and Assembly Delegates:

Proposed Ordinance 15-06 was submitted to the Assembly of Delegates by the Board of Regional Commissioners at the Assembly of Delegates regular meeting on June 17, 2015. The Standing Committee on Health & Human Services met on Wednesday, July 1, 2015 at 3:55 p.m. to conduct a public hearing on the proposed ordinance and take comments. The start of the meeting was delayed due to the lack of a quorum.

The public hearing was duly advertised in the Cape Cod Times on June 24, 2015.

The purpose of Proposed Ordinance 15-06 was to propose specific amendments to Section 2 of adopted Barnstable County Ordinance 08-12 (known as the Human Rights Commission Ordinance).

Committee members present: Chairman Patrick Princi, Christopher Kanaga, and Brian O'Malley. Committee Member Edward McManus joined the meeting at 5:25 pm when the committee was reconvened following a recess taken at 4:15 p.m.

Brian O'Malley motioned, and was seconded, to waive the reading of the public hearing notice for Proposed Ordinance 15-06.
Motion passed 3-0-0.

Chairman opened the committee meeting and public hearing at 3:55 p.m.

Chairman of the Human Rights Commission John Reed made brief comments to the committee. He stated that members of the Human Rights Commission were in agreement with the recommendations of the Human Rights Sub-Committee and would recommend the Health and Human Services Committee accept the proposed changes. Until such time that the recommendations are approved the Human Rights Commissioners are handling priority complaints.

Julia Taylor commented that the changes reflect what the responsibilities of the position will be - as an employee versus a contractor.

Vice-Chairman of the Human Rights Commission Paul Houlihan said he supports the recommendations of the Human Rights Sub-Committee. He said suggestions that the Human Rights Commission work towards becoming a non-profit are not realistic due to economic times.

County Commissioner Leo Cakounes offered his opinion to the Human Rights Committee regarding the recommendations made by the Human Rights Sub-Committee in Proposed Ordinance 15-06. Leo Cakounes did not approve the recommended changes. He submitted and recommended changes to what was being proposed via a handout. This handout will be considered an attachment to these minutes. One specific change recommended was with regards to reporting. Leo Cakounes disagrees that the Coordinator should report to the County Administrator but should report to a department head because it is a part-time position. Reporting to the County Administrator would create a department head position. Leo Cakounes feels these changes should not be rushed through. The Coordinator's contract has been extended temporarily and more time needs to be taken to review the structure.

The Chairman closed the public hearing at 4:10 p.m.

Christopher Kanaga motioned, and was seconded, to recess the committee meeting and reconvene at the conclusion of the Assembly meeting estimated to be at approximately 5:15 p.m.

Motion passed 3-0-0.

Meeting recessed at 4:15p.m.

Meeting reconvened at 5:25 p.m.

Committee Member Edward McManus joined the meeting.

The Committee reviewed the changes proposed by Commissioner Leo Cakounes. Brian O'Malley stated that in his opinion the scope of the committee's charge was completed.

Beth Albert responded to a question from Committee Chairman Patrick Princi regarding the reporting structure proposed by Leo Cakounes. She stated that the Human Rights Commission is not an office of her department but is an office of Barnstable County. This would be appropriate because the Human Rights Commissioners are appointed by the County Commissioners and not by the Director of Human Services based on the current charge and existing ordinance.

Patrick Princi agrees with the recommendation made in Section 3.c by Leo Cakounes regarding the seeking of grant funding and said this is consistent with the direction the County should be taking regarding its programs. Brian O'Malley said this is beyond the scope of the charge of the Human Rights Sub-Committee and this would be something that should be a part of the Coordinator's job description. Edward McManus agrees it should not be part of the language in this section.

Brian O'Malley motioned, and was seconded, to recommend Proposed Ordinance 15-06 as presented to the full Assembly.

Motion passed 4-0-0.

Brain O'Malley motioned, and was seconded, to adjourn the meeting at 5:35 p.m.

Motion passed 4-0-0.

Respectfully submitted:

Patrick Princi, Chairman
Christopher Kanaga
Edward McManus
Brian O'Malley

**Leo Cakounes Draft suggested changes to the ordinance 08-12
NOT SUPPORTED BY THE COUNTY COMMISSIONERS
Proposed changes DRAFT June 5 2015 for discussion
The changes are in RED and (XX) means remove original text
BARNSTABLE COUNTY**

In the Year Two Thousand and Eight

Ordinance 08-12

To amend Ordinance 05-18 and 06-02 regarding the Barnstable County Human Rights Commission.

BARNSTABLE COUNTY hereby ordains,

Section 1. Policy of Barnstable County

It is the policy of Barnstable County to promote equal opportunity for all persons in Barnstable County regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability where unlawful discrimination exists in housing, employment, education, public accommodations, Town and County services, insurance, banking, credit, and health care. Barnstable County will not tolerate retaliation or reprisal against persons exercising or supporting the exercise of equal opportunity rights.

Section 2. Establishment of Human Rights Commission, Membership, Term, Officers, Administration.

There is hereby established a County office to be known as the Human Rights Commission of Barnstable County (hereinafter referred to as the HR Commission). The HR Commission shall consist of **nine (9)** members to be (a) nominated by the Barnstable County Health and Human Services Advisory Council, and/or County Commissioners. (and) (b) Members shall be appointed by the County Commissioners. The members of the HR Commission shall be residents of Barnstable County and, so far as practicable, shall be selected so as to provide Countywide, culturally and economically diverse representation.

Terms of HR Commission members shall be three years, except that in expanding the HR Commission from seven to nine members, the initial terms of the new members shall be of such a duration that the terms of no more than three (3) members shall expire in any given year. The members of the HR Commission shall serve without compensation.

The HR Commission shall meet each January to elect one (1) of its members as Chairperson, **one (1) of its members as Vice Chairperson**, and to decide on a schedule of meetings for the year.

The HR Commission shall convene a **sixteen (16) member Representation Council (hereinafter referred to as the Council)** consisting of a representative from each town in Barnstable County and a representative from the Mashpee Wampanoag Tribe. The Towns respective Board of Selectmen or Town Council, and Tribal Council shall appoint a representative to the Council. Terms of the appointments to the council shall be determined by the appointing authority.

The Council's purpose shall be to serve as a liaison between **each Representative's respective community** and the HR Commission, also **to work within his or her community to support the County's human rights and discrimination policy**, and to advise the HR Commission about issues particular to the County's various communities. The Representation Council shall meet at **least** quarterly. --- chair, vice Chair and Clerk for minutes etc???--- recommend that the Chair, Vice Chair and Coordinator of HR Commission act in this fashion.

There shall be a Coordinator of the HR Commission. **The HR Commission shall be structured within the Human Services Department for administrative and organizational purposes.** The HR Commission **and the Coordinator** shall have available (to it) all the County Government resources and support available to other programs, offices, and departments that are structured as part of County Government subject to fiscal year budgeting request and format..

The Coordinator of the HR Commission shall be an employee of Barnstable County. The position shall be directly responsible and report to the Director of Human Services Department. Duties shall include matters of strategic planning and programing for the HR Commission, complaint investigation and referral, and staff for organizational matters for the HR Commission.

Section 3. Functions, Duties, Powers of the HR Commission:

(a) To enlist the cooperation of racial, religious, ethnic, civic, fraternal, benevolent, and private and public agencies in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious inter-group relationships.

(b) To initiate intake, information gathering, and assessments into the existence of unlawful discrimination or harassment, retaliation or reprisal, and to resolve matters of unlawful discrimination, whenever possible, through (mediation) referral to appropriate agency.

(c) To apply for grants and funding for the purpose of, yet not limited to, issue such publications and such results of assessments and research, as in the Commission's judgment, will tend to promote good will and to minimize or eliminate discrimination.

(d) To provide for community awareness of possible human rights violations and to promote understanding of diverse cultures through education and community action.

(e) To make recommendations to the Massachusetts Commission on Discrimination (MCAD) to improve access and support the promotion of human rights in Barnstable County.

(f) To keep the County Commissioners and the Assembly of Delegates informed of HR Commission action, by periodic report upon request, and by means of an annual written summary of its work.

(g) To **periodically** provide **opportunities** at which the public is (given an opportunity) allowed to discuss incidents of **and/or concerns about human rights violations** and to provide referrals, where appropriate, to the MCAD as well as other public and private organizations that in the HR Commission's judgment will assist with resolving discrimination and human rights issues.

Section 4. Construction of Ordinance

The provisions of this ordinance shall be construed liberally for the accomplishment of the purposes thereof, but nothing contained in this Chapter shall be interpreted to contravene the General Laws of the Commonwealth.

NOTE; I BELIEVE THAT THE TERM COMMISSION SHOULD BE REPLACED WITH THE TERM COMMITTEE; IT IS GENERAL BELIEF THAT A COMMISSION HAS BEEN CREATED BY STATE STATUE AND CONTAINS STATUTORY ATHOURITY.

The county is not in the financial position to fund the Coordinator position full time, and adequately enough to have the position be an "advisor" or "give any legal advice" to any person(s) seeking such advice. I believe that position would require a salary of in excess of 90,000 and require an education and degree in such a field.

This position is funded in the FY16 Budget as a Part Time with NO benefits position. I am concerned of what the County's Liability will be having a Clerk position with such authority. The County needs a specific Job Discription before moving forward...