

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES @ 4:00 PM
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - September 20, 2017

Speaker MCAULIFFE: Okay. It's 4 o'clock. I'm going to convene the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, September 20th, 2017, at 4 o'clock.

I will ask if anyone is recording other than our regional recorder? Okay.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call Attendance (94.52%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (5.48%): Mary Chaffee (4.55% - Brewster) Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 94.52 percent of the Delegates present; 5.48 percent absent.

Speaker MCAULIFFE: Thank you.

Approval of the Calendar of Business; is there a motion?

Mr. BERGSTROM: So moved.

Speaker MCAULIFFE: Is there a second?

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussions? All those in favor? Aye.

Speaker MCAULIFFE: Any opposed? The calendar is approved.

Speaker MCAULIFFE: Approval of the Journal of September 6, 2017; is there a motion?

Mr. O'MALLEY: Madam Speaker. With a very minor typo, I find no other corrections and move approval as distributed.

Speaker MCAULIFFE: Is there a second?

Seconded.

Speaker MCAULIFFE: All those in favor? Aye.

Ms. ZUERN: One abstention.

Speaker MCAULIFFE: And one abstention. Any opposed? Journal approved.

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: We will go to communications and report on County issues from the Board of Regional Commissioners, and this is followed by a discussion with the Assembly to include State Auditor's report.

We have expanded, a little bit, the language in this item due to an Open Meeting Law complaint about communications from the Commissioners. So that's why it looks a little different.

Welcome.

Commissioner CAKOUNES: Thank you for having me, and I brought a Commissioner with me today.

Speaker MCAULIFFE: Welcome.

Commissioner FLYNN: Good afternoon.

Commissioner CAKOUNES: I'm going to report to you for two meetings. September 13th and there was actually two meetings on September 13th, but I want to go through them relatively quickly because you guys do have a big agenda and then today's meeting.

On September 13th at our regular meeting, we did a number of things. Actually, we didn't approve some minutes, but then we postponed them until today because one of them wasn't ready.

Anyhow, we also had a discussion on the rules and duty and the authority of the position of the Chair of the Board of Regional Commissioners and also the behavior of some of the members on the board as well as a continuing discussion on the Code of Ethics. And that's that one that you all remember got us in trouble with an Open Meeting Law violation, so we will not answer questions on that today. But I'll let you know that the board is moving forward with discussing again a voluntary code of ethics that we would bring forward that all elected officials will be asked to sign.

We did authorize an extension to an agreement with the Cape and Vineyard Coop, which is CVEC, for the continuing of the Round One adder for half-a-cent. Most of your communities, I believe, will be asked to also revisit that. If you remember, they did it for the FY18 budget. So, this is for the FY19 budget for the future. So, you will probably be seeing your communities also considering that action.

We discussed with AmeriCorps a swearing-in ceremony and set up a date of September 27th that we will be attending that. It will be held on the front lawn of the Superior Courthouse, and I think they're going to be going up to the Harborview afterwards. So, the resolution from the Assembly of Delegates, which was labeled as 17-04, and to remind you all, that's the one that you guys passed, which is the opinion of the Assembly of Delegates in the restructure of County government. It was brought up for discussion at the board. I put three options on the table; approve it, deny it, or no action, and the board decided to have no action on it seeing that it was, once again, an opinion of the Assembly of Delegates. So, they did not vote in favor for it, nor did they vote against it.

A number of different other businesses that we always do, we did vote to accept the bid

forms and approve and sign all the bid anticipation notes and bid documents. It was a big day for us after 28 years or whatever of not having actually gone out for bonding. We did actually end up finding the -- signing the bond documents on the 13th of September.

We had a number of different appointments. I won't bother reading them all. We also approved Jack's timesheet, which we always do, and we signed a subordination for some mortgages; again, boilerplate stuff.

I just want to draw to your attention though on September 13th we also had scheduled a workshop meeting which was different. It was held in the afternoon, and that workshop meeting was in regard to the restructuring and revisiting and looking at the current ordinance in which the EDC operates; EDC is Economic Development Council. Those are the guys who help us determine how we expend license plate money.

It was a very productive workshop for the first time. There were two members of the Assembly there so I won't get into it too much. We will be meeting next week again. The board is made up of two members of the Assembly, a couple representatives from the Cape Cod Commission, the Board of Commissioners. All three were present, and we also had members of the EDC -- current EDC committee there.

And the board is very openly and freely discussing the current ordinance in which they're operating under and kicking around the idea of bringing forward a new one because of the many amendments that have been made to that one. And because of the need to just kind of bring everything up to the 22nd century, I guess we're getting close to it now, right? A very, very similar action that we did with the Cape Cod Water Protection Collaborative.

That brings us to today's meeting. Today's meeting was very lengthy. As a matter of fact, I apologize for just running in here. I usually have some written statements out for you and everything, but our meeting actually just ended.

We did a normal course during our meetings. We start off with our approval of minutes. We did approve the number of minutes. We had a number of presentations today. One is you're going to have, yourself, from Powers & Sullivan, which is the 2016 financial audit.

We also had a presentation from Beth Albert, the Director of the County Human Services Department to explain to us and to talk openly in discussion about the Cape and Island Regional Network on Homelessness. There was some controversial, I guess, editorials and the County Commissioners felt that they really wanted to understand better exactly what this Cape and Islands Regional Network of Homelessness does, and she had a very, very informative presentation.

There was a request made for a couple of documents to be sent to us so that we can kind of understand the structure a little bit better. But, again, it was a very informative presentation. No action was taken.

There was also a presentation by Deirdre Arvidson, who is the County Health Department public nurse, and she actually did a presentation on the County's Public Nursing Program, something that I will probably will speak to the Speaker about later. You guys may consider having very, very quick presentation just to give you an update on exactly what the County does and how they operate their Public Nursing Program and the benefits that it gives our communities.

The biggest discussion or I think the most important thing that happened in today's meeting is the discussion regarding our FY19 budget message. There was a number of

different things brought in preparation for this discussion, and we read and talked about a lot of them, and I think the final, I don't want to say vote, but the consensus of the board was to take the information that we had and talked about, go home, review it all, and we will be compiling a final budget message document at our next meeting. There was very, very little disagreement with the things that were actually in it, and it just needs a lot of tweaking or some stuff that might just be left out because it's unnecessary to have it in there. So, you will be hearing, I hope, next week, you'll be getting a copy of our budget message.

The rest of the stuff under Number 8, which is part of our agenda, which is "Commissioners' Actions." Again, I know you have a lot in front of you today, so I won't go down to each and every one of them, but we basically made a number of appointments.

We also approved, through the AmeriCorps program, we approved some -- the way they handled their staff. Some of their staff are from out-of-state, so we had to give an out-of-state resident -- waive that requirement.

We also created some funds especially for the -- actually, no, we tabled that one. We created -- nope, that was AmeriCorps, too, we tabled. There were two funds that we tabled because we had questions on it. And because of the storm going on, which I'm glad to say isn't too bad, the Department of Health had to actually leave our meeting and couldn't answer the questions. So, two of the topics that were on our agenda that dealt with the Department of Health and Environment because Sean had to run out, I've decided to table them, and I'll bring them back next week so he can answer some questions before we vote on them.

There was also some discussion and actually a vote taken on a couple of grant amendment contracts, specifically with the Department of Human Services. We contract with a couple of people that their salaries are based on some continuing care service, and we had to adjust their contracts and, again, add a little bit of increase money in there. The question was asked and it was definitely specified that these extra funds are derived from monies which are coming from the grant.

These were not impacted at all by County funds or County expenditures. One of them, again, was the Massachusetts Opiate Abuse Prevention Collaborative grant which was really kind of bookkeeping. We had to, once again, approve the acceptance of that grant. It's for \$100,000. It is in the current FY18 budget, but the state needed us to go through some steps to make sure that we approve it and sign the documents so it now could be allocated through the FY18 budget.

The other thing that we did is, again, authorize, again, another renewal of a contract, and this is with the HAC, which is the Housing Assistance Corporation. They perform services for us in regards to some of the HOME Consortium loans in which they follow the down payments and closing costs and things like that. It saves us some time from having us do it. There's an RFP that went out, and HAC has agreed to do it, so we had to sign that contract.

And other than that, that was pretty much it. I went through it as fast as I could.

Speaker MCAULIFFE: Thank you. We'll take some quick questions on this, and then we will just briefly go into the state auditors.

Commissioner CAKOUNES: Not the state auditors.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: Our state -- oh, I'm sorry.

Speaker MCAULIFFE: Yes, the state auditors on the agenda.

Commissioner CAKOUNES: Oh.

Speaker MCAULIFFE: And it really can be just the highlights because I know you're up to your ankles in looking at the leases. So, I'll take a couple quick questions so far --

Commissioner CAKOUNES: Okay.

Speaker MCAULIFFE: -- and then we'll do a quick overview on the state auditors. Yes, Patrick.

Mr. PRINCI: These questions will be very quick and only needs some quick answers too, Commissioner.

Commissioner CAKOUNES: I'll try.

Mr. PRINCI: Please do. As you know in the last meeting that our future -- a past meeting that we had we spoke about the process regarding appropriations to current budgets and the proper channels that they should go through, more specifically the Human Rights Commission.

And I just have about two questions and they only require a yes or no answer. If the answer is yes, I'd just like to know when. And the first question is did the Human Rights Commission meet with our County Administrator to discuss these matters and budget increases?

And the second question is did they request through the County Commissioners to appear on their agenda prior to our meeting today?

Commissioner CAKOUNES: I find it difficult to answer the first one because that's really a question for Jack. To my knowledge, Jack attended their meeting on Friday, and that's the first time that he had a discussion with them in regards to the ordinance that's in front of you or the increase in the salary line item.

I will say that the department head, to my knowledge, has never sat down in Jack's office and handed in an official request, and I've asked for that a number of times, and as of today, it's still not there.

As far as me, personally, the only notifications I've gotten is Monday morning I got an email from our current director that wanted to meet with me today and, subsequently, I did meet today with her and speak with her in her office. And also, yesterday I think around 9 o'clock in the morning or actually it might've been 9 o'clock at night to be honest with you, I received an email from a member of the committee asking to appear or read into the record at our meeting today that we just had in regards to this issue. And I had to answer him back saying I could not allow that because it was a violation of Open Meeting Law.

It had not been put on our agenda, and I was not going to allow discussion on it because it wasn't there. So, I will probably not put it on our agenda until I hear from Jack, a long yes and no.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: I just had a question about the opioid grant. Does that include looking at different programs that work such as Vivitrol and things like that or what is the purpose?

Commissioner CAKOUNES: That's a question for Beth Albert. I can only answer the fact that we were awarded the grant. The grant is in the FY18 budget. We knew we were going to get it. This is not new. This is, basically, it's an extension of a very big grant. I don't even want to quote how much money it was, but I believe it goes over three or four years, and this happens to be FY18's disbursement. So, what they actually do with it, Beth is the one to ask.

Speaker MCAULIFFE: Beth will be on a future agenda. I tried -- I wanted to get her in sooner but we've been pushed off but this fall definitely.

Yes, Brian.

Mr. O'MALLEY: If I could just request a clarification on the CVEC item that you reference, the half cent increase in the mil adder. What is our role or Commissioner's role in that process? Do we have anything to say about it?

Speaker MCAULIFFE: CVEC is an off -- I'm sorry -- the County is an off taker of CVEC. So, we are subject to this request that their board is making that all Round 1 projects that did not previously pay an adder are now being requested to pay a half a cent adder, not a full penny, but a half a cent. It was something that came out last year. There are only a few towns that will be asked to do this; the ones that are participating in the Round 1 projects, and the County is a participator. So that's why it was on our agenda, and it's only about, I believe, \$3,000. It's not a big number for us.

Mr. O'MALLEY: Thank you.

Commissioners regarding the State Auditor's Report

Speaker MCAULIFFE: Okay. Thank you. Now, the State Auditor's Report.

Commissioner CAKOUNES: All of you know that we've talked certainly about the audit. The audit was basically -- to break it down as simple as possible, it was in three different areas that it was reviewed. The leases, probably first and foremost, were one of the biggest issues. I will tell you that when the auditors were here and performing their audit, there was already efforts being made by the County staff to address many of the leases.

By the time the audit actually came out and was made a public document, at least three of those leases were already addressed. The big one, as you all know, is Cape Light Compact. They are no longer leasing property from us. They are off-campus and that was one of the ones that the auditor had addressed.

Other than that, in the lease there are a couple of others that are still, I just want to use the word "concerning" to the Commissioners. Probably the biggest one is the Bourne situation, the Assisted Living Center down there. As I mentioned, I think, previously, the lease agreements and the research that I've been doing on it since the audit has come out is overwhelming. There's a lot of documentation. This was a DRI, so it actually went through the Cape Cod Commission. And when I asked for the file from the Cape Cod Commission, it was boxes, not files, I mean boxes.

So, their staff helped me go through that and pick out the stuff that was relevant. I think I've said before and I still haven't found anything -- evidence to the contrary, but it appears that the state auditors' concerns about how the leases were generated, especially in this particular one, I think they were met. And I'm not going to say that officially yet, but I do believe that the Town of Bourne relinquished their rights. The state relinquished their rights. The property was, in fact, evaluated. We went out and had it appraised. So, we have met a lot of the concerns that were in the actual audit.

There are other things, though, that are concerning, especially and I will be making a follow-up presentation to the Commissioners on that, subsequently bringing you guys up to speed.

But just to let you know, that aspect of the state audit, we are definitely working on.

There are some smaller leases, some of them are due -- I should say they're up, for lack of a better word. They're going to be up for renewal in like a year. Quite frankly, I am taking the position as, again, the chair of the Commissioners that I don't want to spend any money on those because they're going to be done in a year. Who cares? We're not going to go back and try to recoup anything. That's just not going to happen. The only thing we're allowed to do is invalidate it, and if it's going to be up in a year, we mine as well just wait a year and let it be up and move on.

There are policies and procedures in place now for new leases, and I do believe that that's what made Standards & Poor when they gave us the bond rating, they did see that we saw a problem, and we stepped up to the plate, and we are doing the best we can to cure it.

The other part of the leases are the -- and you will hear about that, so I really will only touch on it. The outstanding capital expenses that were paid for by using and, again, I know Mary's shooting eye bolts at the back of my head, by using Free Cash savings, monies; there was bond issuances that were approved by this board and the County Commissioners that never happened. In other words, we never went out to bond. We used our own capital money to pay for these capital expenditures, and the state auditors took issue with that. And I believe you're going to even hear from our auditors on that too. They are very pleased though we are working towards resolving it. And I do think that that is a very, very important message to get across.

And the third and final piece about the audit is really the smaller, as far as dollar value goes, but it's all how we were handling public funds and using public funds and disbursing public funds to nonprofit, or I should say nonprofit, or I should say nongovernmental agencies.

And as you all know, we took action on that long before the audit even came out. We are no longer giving money to nonprofit organizations within our budget as a budgetary line item without a policy and procedure in place on how anyone can step up and ask for that amount of money and have to go through some kind of a review form to get it.

So, quite frankly, I felt very good about the audit. I think they hit on everything that I knew was there and was a problem, and the Commissioners knew was a problem, and we have been and will continue to work forward to resolve it.

Speaker MCAULIFFE: Thank you.

Commissioner CAKOUNES: So that's about it.

Speaker MCAULIFFE: Are there any questions relative to the audit?

Mr. BERGSTROM: A few.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: You know, if I paid attention to my better nature, I wouldn't bring this up, but I don't usually do that.

Speaker MCAULIFFE: Please don't.

Mr. BERGSTROM: And it's not a criticism; it's just a comment. I'm going to take a line from the second point that they made, said, "Although the County ordinances that approve these projects," meaning capital projects, "also authorized the County to issue debt in the form of bonds and/or notes to fund them, the County routinely funded the project using money that was properly approved to fund its General Fund, (annual operating expenses) not to issue debt."

Now if this sounds familiar, it's because I and other members of this board, veterans,

brought this up year after year, okay. So, I mean we can't go over old ground, but you can imagine how frustrating it is, and I know that you sat on the board too, how frustrating it is to have the order to come back now, years later, and say, hey, guess what, you shouldn't have done that when we were, basically, voices crying in the wilderness even though many of us are former Selectmen; you were on the Finance Committee.

So, the lesson is you should pay attention to the Assembly.

Commissioner CAKOUNES: While I was sitting in your exact chair, Ron, --

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: -- I believe either you were speaker or who was the speaker before you for one year when I was here. And my very first statement here as an Assembly member was I dared to question the then finance director.

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: And I got ostracized by this board, and many of the people still sitting here, that were not happy with me for having my audacity to question at that time.

So, quite frankly, I see the audit as a validation. I don't see it as something bad. I think it's something good. They proved me right so.

Speaker MCAULIFFE: And I think going forward it's a definite roadmap to help us clean up all our financial irregularities, shall we say.

Commissioner CAKOUNES: Right.

Speaker MCAULIFFE: All right. Thank you, very much.

Commissioner CAKOUNES: Thank you. I appreciate it.

Speaker MCAULIFFE: And welcome back, Mary Pat. Good to see you.

Commissioner FLYNN: Thank you.

Communication from the Cape Cod Commission

Speaker MCAULIFFE: The next is the Cape Cod Commission. They have a submission of a Proposed Ordinance; it's 17-12, and we have Kristy Senatori and Paul Niedzwiecki here to present it.

So, this will be submitted today. This is not going to be decided today, so under this time if you have a question, you can ask a question, but we're not to deliberate it today. But at our next meeting, we will have to have a Public Hearing, and then at the next meeting we will bring this up.

So, you would like to tell us a little bit about this ordinance and go from here.

Ms. KRISTY SENATORI: Sure. Thank you. And I won't go into a lot of detail because I'm going to be happy to answer any questions. But we appreciate the opportunity to introduce this to you today.

This is a proposed minor amendment to Chapter G, which is our Growth Incentive Zone regulations. As you may recall, the Commission and, subsequently, the Assembly have approved three Growth Incentive Zones across the Cape. We have one in Yarmouth, one in Buzzards Bay, and another in Hyannis.

And, currently, each of those Growth Incentive Zones allows for Commission-free development to occur. So, there's no Development of Regional Impact review in these areas. And, currently, each has an expiration date which is proving problematic in all three

circumstances.

In fact, Yarmouth was before the Commission last week to extend their Growth Incentive Zone. Hyannis came before the Commission for an extension last year, and we anticipate Buzzards Bay may be in the same or similar situation over the next several years.

So, the modification that's before you now actually is only allowing a 180-day extension in the timeframe of the Growth Incentive Zone decisions. Currently, the language that exists in the regulations only allows for a one-time extension. And so, there's no ability to extend further than that without this amendment.

So, there's no effect on any other provision in the Growth Incentive Zone decisions, but it's particularly important in the case, such as Hyannis, where there's been a staff-level discussion and process happening where there's a contemplation of a new Growth Incentive Zone. So that process has already been started with this short timeframe extension, in the case especially of Hyannis, will allow an application to come forward through the regular public hearing process at the local level, the Commission level, and then, ultimately, the Assembly will be the final stage of that approval process.

So, I think, when we were here last time, we were talking about the changes to our Regional Policy Plan. So, over the next couple of months we will be seeing more regulations, changes, Regional Policy Plan changes that we will -- and other Growth Incentive Zone changes that we'll bring forward to you as a larger package, but there was need to bring this one minor amendment forward to use sooner rather than later.

So, the Commission did approve this last week and we forwarded it over to you, and I understand you'll be able to take action on it, hopefully, within the next few weeks. But we appreciate the opportunity to introduce it today. I'm happy to answer questions. I understand you're not taking action today.

So, thank you.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: So if I'm understanding it, is it Section 11 the only -- the duration; is that the only change? Everything else is existing language?

Ms. KRISTY SENATORI: That's correct.

Mr. O'MALLEY: Good. Okay. I missed -- I did not understand that. Thank you.

Speaker MCAULIFFE: Yes. Anyone else? Okay. Good. So, the plan now is -- now is this under a time constraint or are you doing this because you are providing -- want to provide relief to towns that need it on a timely basis?

Mr. PAUL NIEDZWIECKI: Yes, what's in front of you right now, as Kristy mentioned, the Growth Incentive Zones can only be extended one time. So, the Hyannis Growth Incentive Zone has been extended and is set to expire in October.

So, without the ability to extend, everything -- nothing else changes except that period that the Growth Incentive Zone is effective would be stretched for six months which would allow us to get a new Growth Incentive Zone through the normal process.

Without this, the potential is that the Growth Incentive Zone lapses, and a lot of activity all of the sudden would be reviewed by the Cape Cod Commission on the units of housing and at least two major expansions of businesses down there.

Speaker MCAULIFFE: Okay. So, we have to have a hearing because it's an ordinance. So, we will probably have a hearing depending on the agenda within our next meeting; otherwise, it will be right before the next meeting just so you know.

I need to meet with Janice and talk about the agenda for the next meeting. If we could accommodate it within the meeting, that would be ideal. Or, otherwise, it would be in the hour before so that people wouldn't be inconvenienced if they wanted to come to the hearing.

And then it will be on our agenda then for the next meeting.

Yes, Ron.

Mr. BERGSTROM: Yes, Paul. As the members of the Town Council and other officials from Barnstable, are they prepared to come and support this?

Mr. PAUL NIEDZWIECKI: Yes. We've had discussions with town -- almost all of the town councils individually as part of the process and the new town manager.

And part of the need for this is that as the Growth Incentive Zone regulations sit now, they're extensive. There's a lot of work that needs to be put into them. And sometimes on the town level, as we've seen in Barnstable, you have a change in town manager, change in the Director of Planning, changes in town council, changes on the Planning Board and so it's -- you run up against timeframes that you can't -- for reasons you really can't control and that are reasonable.

So, they are certainly supportive. They wouldn't want to see any of the projects that are under way in Hyannis reviewed on a regional level.

Mr. BERGSTROM: Six of the councilors are actually up for reelection in November.

Mr. PAUL NIEDZWIECKI: They are. I remember.

Speaker MCAULIFFE: Okay. Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Just a question; so, all we're looking to do is grant a pre-extension opportunity for these existing and any future ones, perhaps?

Mr. PAUL NIEDZWIECKI: Yes, it's very limited.

Mr. KILLION: Is there any reason why when this was originally proposed this wasn't put in the ordinance or was it just anticipated shorter durations?

Mr. PAUL NIEDZWIECKI: It should have been.

Ms. KRISTY SENATORI: Yes.

Mr. PAUL NIEDZWIECKI: But we go beyond that to say that the original ordinances are 10 years old now. When the first Growth Incentive Zone was done, it was Hyannis, and I was the assistant town manager, you know. So those ordinances were drafted. They've been there.

Part of what we have learned with our experience in the three Growth Incentive Zones now is that those regulations need to be changed so they'll be a more exhaustive sort of review of the existing GIZ regulations and a lot of them will be changed. And one of the recommendations is that the term be removed and that there be a five-year check in and report that replaces the what now is the cessation of the GIZ and the need to reapply for a new GIZ, which seems a little bit redundant.

Mr. KILLION: And you only have three of these Cape-wide?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: Is there a reason? I mean have you put any thought into why that hasn't been that popular?

Mr. PAUL NIEDZWIECKI: Well, the Growth Incentive Zones by design are for a larger, sort of economic systems, so Buzzards Bay, Hyannis, and Yarmouth qualify.

There has been other discussions for Growth Incentive Zones. We've had discussion with Sandwich around the triangle about a proactive Growth Incentive Zone there. There are

other opportunities in Falmouth, Dennis.

We're actually having a RESET Program working in Orleans right now. So, I would see that especially with redrafted Growth Incentive Zone regulations that we'll probably see four or five additional applications.

Mr. KILLION: Okay. Thank you.

Speaker MCAULIFFE: Thank you, very much. So, we will see you again at our next meeting.

Thank you.

Mr. PAUL NIEDZWIECKI: Thank you.

Ms. KRISTY SENATORI: Thank you.

Communications from County Auditors

Speaker MCAULIFFE: Our next item is communications from the County Auditors' Powers and Sullivan, and this is for our 2016 Financial Report.

And in the interest of time, I know the Commissioners spent a lot of time with the auditors, so if you want a little more depth, you can obviously watch their meeting. But I, also, I asked for just sort of the highlights and an opportunity then to give us more time for questions if people had questions.

So, welcome.

Auditor JIM POWERS: Thank you. All right. Thank you. My name is Jim Powers. I'm a partner with the audit firm Powers and Sullivan, and we were hired last March to complete the audit for fiscal year '16. So, obviously, we started the audit late in the year and actually had to get the audit done for compliance reasons by the end of March, which was accomplished through the help of Jack and then Mary and her personnel to really assist us to get that done in such a timely manner.

So, unfortunately, the actual financial information that's contained in the financial statements that we audited are somewhat dated. We're already 14 months at the year-end, but we're in the process right now; we were hired for a three-year contract to go forward and audit fiscal year '17 and '18. We have done a lot so far as part of that. The timing will be a lot different this year than I expect to be before you, you know, in the next several months as opposed to 14 months after the year-end.

And our audit is a little bit different than say the state auditor's office. They look at specific elements. We may have some crossover in what we take a look at. Obviously, coming in as we did new, we agreed with their findings as you already knew about the capital issues. That was probably the biggest issue that we had relative to our audit. But knowing that the County was already in the process of resolving that issue that's been around for a long time that people may have brought up moving proactively -- just sold bonds today, and you're bringing that down to a reasonable level so you're, for those types of projects, new policies and procedures are in place.

One of the things that we focus on a lot, I mean, we look at the numbers. We do a financial statement audit. That's what we're required to do and some compliance auditing. We look at the systems of internal controls in place, make an evaluation, a risk assessment of whether or not the systems, you know, you have a payroll process, you know, how do you hire an employee? How do you pay them? How the timesheet gets in? Etcetera. You pay

vendors and warrants etcetera as you go through. You have cash reconciliation processes with the Treasurer's office. We do an extensive testing of those particular systems. And based on the results of those tests and our evaluation, we determine whether or not the system of internal control is sufficient to safeguard the assets of the County, not only at the end of the year when you're being audited but throughout the year.

Our findings were that the systems in place and the operations were in good shape and that we did not have any, what we would call, material weaknesses or significant deficiencies in that particular process, which leads -- it's a good feeling that you want to have. You don't want to have material weakness or a significant deficiency because that would place at risk County assets.

If we were here before, and if we looked at the Capital Projects funds, that would've been a material weakness. However, you already knew about it, so it didn't make any sense to tell you what you already knew. But it wasn't something that was created during the fiscal year that we were auditing. And so those are the type of things that we would normally bring up.

We did not go through an extensive process to test every detail because of the times constraints. We're doing that this year, so we're looking at smaller systems, smaller issues because we issue our audit opinion, and these are your financial statements; they're not our financial statements. We only own what's called, "The Audit Opinion" where we give our opinion to the reader of these financial statements, whether it's the stakeholders within the communities of the County, people that are purchasing new bonds, or whomever is taking a look at your history when we are saying whether or not these financial statements we believe they are in conformity with generally accepted accounting principles. All right. And so that's what we look at.

And what that means is that these financial statements not only have to be in compliance with the state laws and regulations, some of that the state auditors took a look at and how County's are supposed to maintain their books and records but also in compliance with every other municipality throughout the nation. So, somebody reviewing your financial statements can make an evaluation of your health or lack of health from a financial standpoint and so you're comparing apples to apples and oranges to oranges.

We had come to the conclusion and our opinion was an unmodified or clean opinion, the best one that you can get. One of the things even though the audit started late is that we did not have and did not find any audit adjustments. Sometimes you come in and say, you know what, Mary, this we think is wrong. Let's take a look at it. Before we sign the audit opinion, you need to adjust your books. We did not find anything like that. No one's perfect. Things that we find as we go through, but there was nothing of any deep concern to us as we went through that.

Some of the funds that you maintain, the Cape Cod Commission, the dredge, those type of things, they're kind of self-supporting as you go through. Obviously, there's very little debt, and a debt that you do have is for the septic loan program; it's substantial, however, it's self-supporting. They're all zero interest loans which the Clean Water Trust had given the County as part of that, so you're taking advantage of that as you go forward.

The General Fund; we went through and made sure that the way things were appropriated were proper that tied into the budgetary votes as they went through, any transfers that actually occurred. The carryforwards from year-to-year were proper, documented,

supported, as we went through that. And so, when you take a look at your General Fund and one of the reasons that you've been able to fund the Capital Project Funds is because of the other funds.

You weren't spending, of those capital projects, funds. You may have in the past; I wasn't through all the detail. But, in effect, what you were doing, you were borrowing cash from another fund because the General Fund had \$7 million worth of cash say at the end of fiscal year 2016. And so, if you've got a \$9 million deficit but 2 million of it was funded through bond anticipation notes, you were able to survive on a cash flow basis. So, the appropriation wasn't there; the appropriation wasn't properly authorized, from my understanding; it just wasn't properly funded.

Big difference between stealing Free Cash, some of that may have occurred, but I don't know. But for the magnitude of what we're looking at, you know, you didn't tap into Free Cash because if you tapped into Free Cash, you wouldn't have a \$9 million deficit or \$8 million deficit in Capital Project Funds. You would have a lower amount and you'd have no Free Cash in the General Fund.

Again, I can't speak to the history of it, but I can speak to what happened actually in fiscal year '16. And as we said, we've been through these financial statements in detail with the County, the people, the Commissioners a few hours ago. And if you really want to have an exciting afternoon or night, you can watch that again.

But that's kind of the overview. You're in pretty good shape financially but cash flow you've got a problem. You know, you've got proper reserves; you've got a lot of self-supporting funds. The Dredge Fund is self-supporting and a positive cash flow for fiscal year '16, and as you go forward in a transparency of that it is apparent on these financial statements.

I think it went well considering, and we've got more to do in the next couple years relative to looking at some smaller issues talking to Mary, Jack, etcetera, to see whether or not there are areas that don't hit what we call the materiality level for the financial statements that may warrant us to just poke our nose in there, similar to what the state auditor did with leases as you explained to see how you're doing.

And one of the things that we will be doing as part of an audit, so whenever the state auditor comes in and issues a report or any other unit, we're required, from our own standards, to follow up on that. So, we will be looking at that. We will be looking how that was resolved. We will see whether or not we're in agreement whether the new policies and procedures and system of control surrounding that is adequate, and so we will have a follow-up on that.

We also do an audit of the Schedule of Federal Awards. You receive about \$2.7 million worth of federal funds each year, and it's required that we do a compliance audit on that. The Feds have their own rules relative to that. We went through that particular process. We looked at various grants as they went through. We don't look at everything. Remember, we're looking at the systems of how things were processed as you go through. We had no findings relative to the operations relative to the compliance with that, so you have another clean opinion on that.

And that's kind of a summary of what we did and, obviously, if you have any questions, I'd be happy to take them at this point in time.

Speaker MCAULIFFE: Thank you, very much. Yes, John.

Mr. OHMAN: Thank you, Mr. Powers. It's very clean. And just to educate me a little bit, because after looking at all these financial statements over the many years, I don't think I've ever seen this before.

Under the Federal Awards part of it --

Auditor JIM POWERS: Yes.

Mr. OHMAN: -- we get \$600,000 from Highway Planning and Construction?

Auditor JIM POWERS: Yes.

Mr. OHMAN: What is it used for? I don't ever recall --

Auditor JIM POWERS: The Cape Cod Commission uses --

Mr. OHMAN: Oh, the Cape Cod Commission. Oh.

Auditor JIM POWERS: And you, as the County, you have your General Fund budget, and you have a lot of grants budget, and that was one of the biggest reasons that we had to get that audit done because of the number of grants the Cape Cod Commission, in effect, has to you that are part of who you are. And so that has to be incorporated in that report.

Mr. OHMAN: That makes perfect sense.

Auditor JIM POWERS: Okay.

Mr. OHMAN: I was thinking about the County side of things.

Auditor JIM POWERS: Okay.

Speaker MCAULIFFE: Anyone else? Yes, Ron.

Mr. BERGSTROM: Yes, one of the issues that have come up in recent years is when we were looking at these budgets, especially the budgets you looked at was the fact that it was very difficult to separate the various funds that were in there, the various revenue streams. In other words, everything that came into the County was revenue and everything that went out is expenses. I mean it was if you wanted to, you know, some of it was grants, some of it was money that -- natural money we have no control over. There were other organizations that ran their accounts through the County books.

Auditor JIM POWERS: Right.

Mr. BERGSTROM: And their money was considered revenue. In looking at this, and I know I should probably be asking Mary too, is that do you have any suggestions as to how the budget can be presented in a way that we can have -- understand exactly what the operating budget is, exactly where the grants coming in are going, what other expenditures, you know, the EDC expenditures that are not directly under the control of the County. I mean do you find that it was different?

Auditor JIM POWERS: You know what, again, forgive me for -- it wasn't confusing to me because I do this all the time, okay? But what is confusing when you mix everything up. I mean, even Mary and I were speaking today and say, well, the General Fund is about \$18 million worth of a budget. She said, no, it's a lot bigger than that. And I said, no, for the General Fund portion, it's that.

Finance Director MCISAAC: Right.

Auditor JIM POWERS: But you pop the Cape Cod Commission on top, and you budget everything collectively, you need to know how to go through and read and sometimes needing an accounting degree on that.

And so, it's been the, obviously, again, we're new in here. It's the way I think that probably things have been done for years and years and years. And so, there's a lot of people that probably have an understanding of how it works.

Mr. BERGSTROM: Don't count on it.

Auditor JIM POWERS: Right. But, yes, there was always ways to break that out. You can have an ominous budget that has everything in it, but you could have separate schedules within that says, all right, as part of this, this is the Cape Cod Commission and these are the fund balances they had at the beginning of the year that they got to carry over to the next year; their Free Cash. These are the grants that are ongoing; these are the new grants that we're expecting to get in; here's the timetable related to that. Again, how much is too much information as you go through it, and here's how we balance our budget. You do the same thing for your General Fund, and do the same thing for your Dredge as part of your Enterprise Fund to make sure that you're not going into a negative.

So, there are ways to do it but, obviously, in order to have that be accomplished, you need to -- you're in the fiscal '19 budget process now?

Mr. BERGSTROM: We will be.

Speaker MCAULIFFE: We will be.

Auditor JIM POWERS: All right. So, do you have enough time to change what you're doing now, or is a plan for 2020 how you get to that particular level.

We go through that to make sure that things are balanced. We dig through and make sure that somebody's not spending General Fund money and, again, more error as opposed to an intentional act, then somebody's not spending grant money because you're not supposed to spend grant money on General Fund money. You're not supposed to, well, you're not supposed to spend Capital Project money on other things as you go through this.

So, we have this part of our audit procedures test that go through those particular documents. But doing this for a living and having my staff do this for a living, it does make it a lot easier for us to understand that process than sometimes others.

Speaker MCAULIFFE: Thank you. Anyone else?

Yes, Chris.

Mr. KANAGA: This question may or may not be out of place. But in going through, the one thing that stood out to me was the pension liabilities --

Auditor JIM POWERS: Yes.

Mr. KANAGA: -- and the other benefit liabilities look like the total's around \$60 million. Now, I've been here for a while and I've heard a lot of other numbers that were different than that and probably because they didn't include everything. But this is -- so that 60 million, the 47 in Pension and the 12 and the Other Post-Employment Benefits -- that's all unfunded, right; that amount that shows up as a liability?

Finance Director MCISAAC: Yes.

Auditor JIM POWERS: Right.

Finance Director MCISAAC: Eventually.

Auditor JIM POWERS: They're paying pretty much -- you're paying pretty much the same people, you know, ones a retirement of people that are retired, and the retirement allowance other is the health insurance that, by law, you're required to pay at least 50 percent of it for their lifetime.

For the pension side, obviously, you're part of the Barnstable Retirement System, Barnstable County Retirement System, and they're in charge of making sure that all the member units for the city, for the towns that are down the Cape, along with, obviously, the Housing Authorities and those types of districts are part of that.

There's a new Governmental Accounting Standards rules -- board rule that came out a couple of years ago that required the taking from what used to be a disclosure item in the financial statements, and I didn't know how to read a financial statement and move it from there and put it on, in effect, your balance sheet.

And so, all of the sudden, that \$47 million liability showed up when it hadn't showed up before. Because the old rules were you got a bill from the retirement system; did you pay it? Yes. You have no liability, okay, without regard for the unfunded portion of that.

And so, Barnstable County Retirement System now goes through an audit of that through a process to go through and make sure that the allocation is audited as part of what they do for the normal. That's going to continue year to year.

The \$12 million that you see for the other Post-Employment Benefits, that's another GASB. And what happened was is the GASB has been behind the -- getting all the accruals onboard and making sure it hit the balance sheet. The Other Post-Employment Benefit piece, it's GASB 74 and 75. That's being implemented both in fiscal year '17 and '18. In fiscal year '17, you don't have to worry about it because it would just be disclosed as fiscal '18. That 12 million becomes 30; it's not becoming 30. It's just a change in how you recognize the expense.

So, realistically, when you said, "Oh, we've got \$60 million," I need to correct you and say, "Well, no, you actually got \$77 million worth of a liability," because you haven't at this point in time formally transferred any funds into an OPEB trust even though you approved that trust in prior years. So, once you start appropriating money for that -- so the difference between the two is, one, you have no money set aside for future liability. And the other one, obviously, has been being built up at the regional retirement account.

So that's new. Fiscal '18, you'll see that particular liability, so you'll see some additional disclosures in '17. And then they're kind of -- I think they're stopping at that point in time for any major changes as we go forward, if that makes sense to you how that is going to be there.

But, obviously, it's one of the bigger issues not only for the County but for the towns, the cities, etcetera, to, you know, determine whether or not you have to fund that.

The two differences between the two from the state law standpoint, the pension side, you need to fund that unfunded liability by 2040. So, you have to have an amortization schedule in place to pay for that past service cost through that particular date. That's law.

OPEB, pay as you go, meaning that as someone retires and they're receiving healthcare, and say their premium is a thousand dollars a month, well, the community that, in effect, or the County then that that person retired from is responsible for paying at least 50 percent or \$500 of that for their entire life.

And, again, you have a little bit more discretion over the type of plans that you offer, how much you have as, you know, so you could have plan changes that could affect your liability not only by putting money aside but what type of benefits are offered relative to your retirees. I'm not telling you to change anything but, obviously, the higher percentage that you pay is going to be a higher particular liability. But that will come on board in two years. And it's a good thing to know because it's a real liability. It's not going away. There's a law related to that. And so, there's a lot of benefit. But a lot of communities haven't got to that point yet.

One of the things that you need to take a look at, too, if you're thinking about funding

that, which is a good idea, one of the things you, from a cash standpoint, is that's going to draw cash away from you and you have to balance that with getting rid of the rest of the capital projects. If you ask me, I think the capital projects is probably a bigger issue than it is for OPEB at this point in time because you're going to still pay that particular percentage of health insurance. Once that's resolved, maybe the more -- it doesn't mean you don't start doing it if you want to, but it's something that from a priority standpoint and financial concerns, I think that looks probably worse than the OPEB, at least in my opinion.

Mr. KANAGA: Thank you.

Auditor JIM POWERS: Does that answer your question, Chris?

Mr. KANAGA: Yes.

Speaker MCAULIFFE: Thank you, very much. Thank you, I think, and just as Commissioner Cakounes said, he felt good about the state auditors. We're very happy as an Assembly, and thank you to Mary and Jack and to your staff for getting the books in order and getting essentially a clean audit for the County.

And having participated in a number of audits, there always seems to be one or two or three things that came up of areas of concern that needed to be dealt with. So, it's always reassuring to know that everything is going very well, and I thank you for your efforts, again.

Auditor JIM POWERS: Thank you.

Finance Director MCISAAC: Yes. You're welcome.

Speaker MCAULIFFE: Thank you, Mr. Powers.

Speaker MCAULIFFE: Are there any communications from Public Officials?

Communications from Members of the Public

Speaker MCAULIFFE: Any communications from Members of the Public? Yes, Mr. Milstead.

MR. ALAN MILSTEAD: Thank you, Speaker. My name is Alan Milstead. I am the Vice Chair of the Barnstable County Human Rights Commission.

I wanted just to elaborate on a couple of points that I made and circulated to all of you earlier in the week following on from the discussion in August and trying to understand some of the things that have gone on or haven't gone on.

One very brief piece of background; those that have been Delegates for a while will remember, I think it was in '15, there was an ordinance which changed the coordinator from being an independent contractor to being a County employee with no benefits. And with that went to reduction in hours from 25 a week to 19.

The Human Rights Commission accepted the argument for the change in the status; we're certainly less than happy with the reduction in hours at that point but understood it.

Then, your gang will be familiar with some of the things that went on in preparing the fiscal year '18 budget where there was a proposal to reduce the allocation for the Human Rights Commission by 8,000 on the grounds that, I think, as I understand the history, there was a vacancy in the coordinator which led to a savings which will be carried over into this fiscal year.

And then the Health and Human Services Standing Committee was -- proposed to increase -- put that 8,000 back in, and there was a slip of the tongue as it were which didn't

happen and so we're in the position we're in now.

We'd be delighted to have a coordinator in place again. And the letter I sent, and I would argue that it's the Human Rights Commission who argued for an increase in hours and not an employee, especially that really would be seen as a conflict of interest.

And I noted County Commissioner Cakounes arguing that he hadn't heard from the coordinator. I think that's been some, again, misunderstanding, missteps in the last five weeks since the Assembly last met and discussed this issue.

And we have been seeking out discussions with the County Commissioners and the County Administrator in those five weeks. I was not aware that there was a County Commission meeting this morning until I think the day before yesterday. So, I had written a similar sort of letter to the County Commissioners, but it was discussed today because it was out of time.

So, there's a series of things which might be semantic which might be procedural the letters to today. So, we still are in the position that you were in when the ordinance was first proposed the beginning of August with, effectively, no action being taken on anyone's part.

So, my plea, at this point, is clearly that you could make a decision tonight. I understand from the discussion last time that while you can increase the budget, it's with the County Administrator and the County Commissioners to determine where the money comes from or what actually happens to it in terms of changing hours and so on.

But I would hope, very much, that you would consider this issue tonight and find some way of expediting some action so that we, as the County Commission -- a Human Rights Commission can get on with some of the many tasks and issues that I set out in the letter to you last night -- the last week.

Thank you, very much.

Speaker MCAULIFFE: Thank you. Is there anyone else from the public?

MR. ALAN MILSTEAD: Linda's trying to ask a question.

Speaker MCAULIFFE: I'm sorry.

Ms. ZUERN: Can we ask questions or not?

Speaker MCAULIFFE: Well, this is just a -- giving public comment. I'll allow a question. Yes, this isn't where we discuss it. We will discuss it later on in the agenda.

Ms. ZUERN: Okay.

Speaker MCAULIFFE: But if you had a specific question.

Ms. ZUERN: I do. I was told that there is other money that the Human Rights Commission gets besides the money that we had given, the County. And the booklet here that was published was, I don't think, published by County money.

So, I was just wondering where that money came from, and if you have other money in another account or that's donated to the Commission from some other source?

MR. ALAN MILSTEAD: That booklet, I think, was purchased by one of the town representatives, personally. It was not purchased through Human Rights Commission funds.

There is a Friends of the Barnstable County Human Rights Commission, which is set up as a 501(3)(c) organization to supplement the core work of the Commission and to help us with things that we don't have any other funds. But we do not control those funds; we make application to them for support.

For example, they have helped us to meet the cost of the Human Rights Academy and of the International Human Rights Day Breakfast. But we do not control the funds. We have

to make application to them.

We have, certainly, and I knew Susan met with members of the RDO team here the other day to talk about how we could actually source grants and foundation money to help us with -- to develop the work we're doing. But we don't actually have any other accounts anywhere, no hidden treasure, if that answers your question.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Thank you.

MR. ALAN MILSTEAD: Thank you, very much.

Assembly Convenes

Proposed Ordinance 17-11 as amended:

The Cape Cod Regional Government, known as Barnstable County hereby ordains;

That Barnstable County's operating Budget for Fiscal Year 2018, as enacted in Ordinance No. 17-04, be increased by making the following supplemental appropriation;

Appropriate and transfer the sum of \$8,000.00 from the Statutory Reserve Account to the FY2018 Operating Budget, General Government, Department #100 County Commissioners, Group 1 Salaries Account # 0011001-5100-0061 with respect to increasing the scheduled work hours of the Human Rights Coordinator effective upon passage of this ordinance and effective through FY2018.

<u>Budget#</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>
0011001-5100-0061	Salaries - Regular	1	\$8,000.00
<u>Total Supplemental Appropriation</u>			<u>\$8,000.00</u>

Speaker MCAULIFFE: All right. We will convene the Assembly.

The first item is the Proposed Ordinance 17-11 as amended. This is an FY18 supplemental appropriation of \$8,000 for a Human Rights Coordinator work hours.

So, I need a motion to put the ordinance on the floor. And the ordinance is fairly straightforward.

Mr. BERGSTROM: Yes, did we continue the hearing on that? Did we actually put it on the floor and stuff like that? I'm just curious.

Speaker MCAULIFFE: We tabled it. We tabled it to -- because we had a discussion about whether you could table or table to a time certain. So, I believe it has been tabled.

Mr. O'MALLEY: We're taking it off the floor -- taking it off the table.

Speaker MCAULIFFE: Take it off the table.

Mr. O'MALLEY: So moved.

Mr. BERGSTROM: Seconded.

Speaker MCAULIFFE: Second. Can that be a voice? Yes?

Clerk O'CONNELL: We don't have to have a voice.

Speaker MCAULIFFE: Okay. All in favor? Aye.

Speaker MCAULIFFE: So the ordinance is now before us, and this is for a supplemental appropriation of \$8,000 for the Human Rights Coordinator work hours.

Yes, Brian.

Mr. O'MALLEY: If I might? I'm going to review a little bit of this history. I think Mr. Milstead did a very nice job with that. Traditionally, up until 2015/2016 truly, this was a -- this was a consultant position, not a salaried member of our staff.

And my understanding from the prior coordinator was that, in fact, her normal workweek was on the order of 28 hours. Early in the budget process early in 2015, we reduced that. We reduced the hours to 19 and set the salary. Now that was continued in '16 and up until this year.

Now, what happened this year was, of course, the budget came through kind of funny, but it's pretty clear -- now I don't have the official minutes on this, but my notes from the Human Rights -- from the Human Services Committee meeting on March 1st of this year reflect that a motion was made by myself, seconded by Delegate Green to restore the \$8,000 funding and that that was approved by a 3 to 2 vote.

It, obviously, never became reflected in the budget. That somehow got dropped along the way, and there was never at any point has there been a discussion that said we don't need that money. We should reduce the hours further.

It was our intent that the hours be maintained at where they were. This was really a procedural dropped ball. And I think this proposed ordinance at this point seeks to simply restore what was a procedural error.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, just in piggybacking on what the Delegate from Provincetown says, I think that what happened was is that, obviously, the Commissioners submitted the budget with the reduction already in it. We had the opportunity to add that \$8,000 back and we didn't do it.

Now you could say, well, if we had the \$8,000, would they have made a big deal out of it or would they have simply signed it saying eight thousand? We'll never know. But, anyway, we didn't get it back.

This was presented, I mean, this is déjà vu now because this was presented to us, at least I presented it to you a few meetings ago, and it deteriorated into a matter of process.

Apparently, according to the powers that be over at the other building, it's inappropriate for us to suggest that we -- this happened because it's up to the Commissioners. It's also inappropriate for the 15 members of the Human Rights Commission to advocate for this \$8,000 because it, once again, it's an internal decision over management.

However, if a drunk walks in off the street and sits in that chair to get out of the cold and suggests that we should support the Human Rights Commission, he's perfectly within his rights to do that. Okay.

So, we have to question is why are we being held back from our advocacy for this? And also, you know, I honestly -- somebody mentioned this to me, the missed opportunity, several months ago, and, you know, I read a lot about human rights; it's on the Internet and on the TV, and I said, "Well, it's better to light one candle than to curse the darkness." So, I'll make some little move here to try to advocate for human rights. We'll restore the funding for the Human Rights Commission.

I thought it was -- and I knew well that it had to go by the Commissioners. I've been around a long time; I know the procedures. Okay. I didn't think I'd get grief for suggesting it.

I mean the Congress voted to repeal Obamacare something like 54 times knowing that

it wasn't going to go, but they felt they owed it to their constituents to basically take a stand on something they believe in. And that's all we were doing.

You know, it seems to be, and I don't want to belabor this, but it seems to be the process that the Commissioners and the administration are advocating is that even though we have 15 people who are dedicated to human rights and have volunteered their time and did sit around the room and discuss policy or discuss strategy, and it's not appropriate for them to support this ordinance in public. In other words, the procedure is that the employee, the one employee, the coordinator has to go to the Administrator and say, "I need more money, and I need to do a little more." And if the Administrator says okay, then they go to the Commissioners, and then Commissioners decide whether they want to put it on the agenda or not.

Speaker MCAULIFFE: That's it in a nutshell.

Mr. BERGSTROM: That's it in a nutshell. So, here I am. I'm for this.

Speaker MCAULIFFE: Thank you. Yes, Patrick.

Mr. PRINCI: Madam Speaker, I'd like to offer an amendment to Ordinance 17-11. The amendment simply reduces the amount of \$8,000 to \$5,000.

Speaker MCAULIFFE: Okay. Is there -- so you are making a motion. Is there a second that motion to amend?

Ms. ZUERN: Second.

Speaker MCAULIFFE: Okay. Would you like to give us a rationale?

Mr. PRINCI: Certainly. The rationale, more or less, is that I had advocated when this first came out before the Assembly that, procedurally, it wasn't the right way.

We have a very competent County treasurer now and County manager, and my feeling that since we're in a current -- this is a supplemental in a current budget, and we're asking and it states here in the ordinance that's before us tonight to increase the hours. Well, the budget started in July, July 1st. We're now looking into October. So, we're already quite through the budget.

So, to go back and put money in to increase hours from July until roughly October, you can't replace those hours. So, the \$5,000 that I'm proposing would essentially increase the hours for the rest of fiscal year '18.

I think that if they had gone through the proper channels with the treasurer and the County Administrator, that information would have been brought to light.

Speaker MCAULIFFE: Any comment on the amendment?

Mr. BERGSTROM: Yes, I support this amendment. It was never my intention to go back over old ground and prorate and, you know, and do it in arrears. Obviously, the increase would be from the time it's voted on by the Commissioners to the end of the fiscal year, which is probably in line with the amount that Patrick suggests.

Speaker MCAULIFFE: So, are we -- yes, Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I'm not in favor of this amendment. It's such a little bit of money, and we've had the Human Rights Coordinator speak to us and say that they're being paid for a certain -- a number of hours. In fact, they're working way more hours than that.

So, I mean, I just think this is such a little bit of money. The intent for the standing committee was to put that money back in the budget. Somehow it got missed, and I just think the Human Rights Commission does such great work for our County. It's so needed, and it's

such a little bit of money that I would like to see the \$8,000 put back in.

Thank you.

Speaker MCAULIFFE: Anyone else? Yes, Chris.

Mr. KANAGA: Yes, I'm going to speak up. I was on the same committee with Dr. O'Malley on Human Services, and I had the same notes as he did, so I'm not going to revisit all that.

I am going to say I am not a mathematician, but I think if three months have passed out of 12, I don't think 5/8ths is the fraction of the \$5,000 that's being proposed.

But not having the capabilities to figure out what it is, I'm just going to be against the amendment for that reason. I think it's closer to 25 percent reduction, which would be \$2,000. But rather than getting into an amendment to an amendment.

Speaker MCAULIFFE: Anyone else on the amendment?

Yes, Brian.

Mr. O'MALLEY: So, I think we want to remember here that we certainly cannot tell the Board of Commissioners or the Administrator what to do or how to pay this. We're simply, with this ordinance, making the money available to the budget, and it will be used to pay out this salary for the remainder of the fiscal year. If it's not all needed, it will not all be used.

Speaker MCAULIFFE: All right. On the amendment to reduce the \$8,000 appropriation to \$5,000. It will be a roll call.

Roll Call on motion to amend Proposed Ordinance 17-11 from \$8,000 to \$5,000:

Voting "Yes" (42.49%): Ronald Bergstrom (2.84% - Chatham), James Killion (9.58% - Sandwich), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "No" (52.03%): Edward Atwood (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown).

Absent (5.48%): Mary Chaffee (4.55% - Brewster) Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, the amendment to Proposed Ordinance 17-11 to reduce \$8,000 down to \$5,000 fails with 42.49 percent voting yes; 52.03 percent voting no, 5.48 percent absent. So, you're back to the original amended proposed ordinance.

Speaker MCAULIFFE: Thank you. To the original \$8,000. Okay. Anything else on the ordinance as proposed?

Yes, Linda.

Ms. ZUERN: I just have some concerns about the Human Commission -- Human Rights Commission itself. I did look at the pamphlet that they passed around and they shared with students and public, and some of the human rights that I read in here, for example, it says, "The right to your own things. Everyone has the right to own things or share them.

Nobody should take our things from us without a good reason.”

I don't think that's one of our rights that we usually think of. And who is the person who takes our things away from us with a good reason.

“A right to a nationality. We all have the right to belong to a country. The right to seek a safe place to live. If we're afraid of being badly treated in our own country, we have the right to run away to another country to be safe.” I've never heard of that before.

Speaker MCAULIFFE: Linda, I'm just going to say I don't think the topic here is the issue of the brochure or what the Human Rights Commission is doing. That's not what's before us.

It's specifically the ordinance to increase \$8,000 to increase the hours of the coordinator. And I understand that you might not agree with the work that they do but that's not really the topic that's before us.

Ms. ZUERN: Well, I'm just trying to show that I don't agree with increasing their budget at all if they're doing things like this.

Speaker MCAULIFFE: Okay.

Ms. ZUERN: Or promoting things like this.

Speaker MCAULIFFE: Okay.

Ms. ZUERN: This actually comes from the UN. Thank you.

Speaker MCAULIFFE: Okay. Yes, Brian.

Mr. O'MALLEY: If I might just offer a bit of clarification on that. You're absolutely right; these are rights that are elucidated in the United Nations Universal Charter of Human Rights. We are the sole signatory -- sole non-signatory to that document in the world.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Just for clarification, I mean, I'm not as familiar with the day-to-day operations of the Human Rights Commission as I should be. But in my view, there are laws on the books in the Commonwealth of Massachusetts and federal laws against antidiscrimination.

So, if someone feels that they have been hurt by or discriminated against, the people in the Human Rights Commission, the Coordinator, would make them aware of what their rights are. You know, I'm sure they do a lot of individual advocacy but, basically, it's to steer people who say, “I have a problem. I think I've been discriminated against” and so on and to find out what their options are. And I don't see them as having too expansive a role in joining demonstrations or marching or anything. It's just basically to send them in the right direction so.

Speaker MCAULIFFE: Yes, Tom.

Mr. O'HARA: Yes, you know, what Linda says makes me think that I don't have a problem with the \$8,000 that they're looking for. It's not the funding. I think that there's plenty of work for them to do. But I think they need to refocus on what their job actually is.

I don't think they should be getting involved with these pamphlets or the Black Lives Matters program but reaching out to the people who do need the help and the assistance of the committee.

If they can refocus and stay focused on what they should be doing, I have no problem with this \$8,000.

Speaker MCAULIFFE: Thank you. All right. We're ready for a vote for supplemental appropriation of \$8,000 for the Human Rights Coordinator work hours, that's what we're

voting on.

Roll Call on Proposed Ordinance 17-11 as amended:

Voting “Yes” (54.87%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% – Provincetown).

Voting “No” (39.65%): James Killion (9.58% - Sandwich), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (5.48%): Mary Chaffee (4.55% - Brewster) Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 17-11 passes with 54.87 percent of the Delegates voting yes; 39.65 percent voting no; 5.48 percent absent. Now known as Ordinance 17-10.

Ordinance 17-10:

The Cape Cod Regional Government, known as Barnstable County hereby ordains;

That Barnstable County’s operating Budget for Fiscal Year 2018, as enacted in Ordinance No. 17-04, be increased by making the following supplemental appropriation;

Appropriate and transfer the sum of \$8,000.00 from the Statutory Reserve Account to the FY2018 Operating Budget, General Government, Department #100 County Commissioners, Group 1 Salaries Account # 0011001-5100-0061 with respect to increasing the scheduled work hours of the Human Rights Coordinator effective upon passage of this ordinance and effective through FY2018.

<u>Budget#</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>
0011001-5100-0061	Salaries - Regular	1	\$8,000.00
<u>Total Supplemental Appropriation</u>			<u>\$8,000.00</u>

Speaker MCAULIFFE: Okay. So, this will go forward to the Commissioners and it will be for their consideration.

Speaker MCAULIFFE: Next item are committee reports. There are no committee reports at this time.

Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk is next.

Clerk O’CONNELL: Just a few items. Thanks, very much, for the Delegates who came a little bit early today to have their individual photos taken. That will continue at the

next meeting, still trying to get everyone captured.

And also, next item, mileage logs. I placed mileage logs in everyone's folder. If you haven't had a chance to go through your materials yet, I would appreciate it if you would and sign and return to me before the end of the meeting.

And then, finally, just a reminder as the Speaker had indicated earlier in the meeting you will have a Public Hearing either at the Assembly meeting on the 4th of October before the Assembly meeting, yet to be determined, but I'll send all those notices out to you.

And that's it.

Other Business: Special Counsel Discussion

Speaker MCAULIFFE: Thank you. Our next item is discussion on our recommendation for Assembly special counsel, plus interpretation of the Home Rule Charter questions.

In reviewing the process by which we can do this, we don't hire a special counsel. According to the Charter and an opinion by Troy, we make a specific request to the County Commissioners for an amount. We can say we want \$1,500 for this specific legal issue to be answered, and then they will, subsequently, hopefully, approve it. If they don't, then we have an override opportunity.

So, essentially, if everyone or enough on the Assembly want to expend these funds, we have the authority to expend them. But we have to be very specific in how we make this request to the County Commissioners.

Therefore, because I haven't really heard from anyone, and I know I am not a lawyer; I can't go online and read legal opinions of the various candidates and have any idea whether they're good, bad, or indifferent. My recommendation is going to be purely pragmatic and I hope not superficial.

One of the attorneys, Mr. Lampke, gave us a five-hour, per-hour job, and he gave us -- so that would give us a specific amount of money, about \$1,500. And I would propose that we could bring forward a request to the -- at the next meeting about bringing forward an ordinance to go to the County Commissioners that we request \$295 or whatever his price was for five hours to attorney so-and-so to answer these questions.

Now, because it's Troy's opinion that we can't hire our own counsel, perhaps the third question that we put in that package is, "Can the Assembly hire its own special counsel/law attorney?" Do you see that possibility as well, so that we don't have to go through the Commissioners?

And depending on the outcome of that, that may be a Charter change that we recommend, but I'm being just very practical. This has been going on now for several meetings. I want to just get an attorney and get the questions to them, and get answers and go from there; is that acceptable?

Yes.

Mr. KANAGA: Yes, and how does this avoid going back to Troy?

Speaker MCAULIFFE: It doesn't necessarily. But these questions that we are posing to this attorney were questions that Troy put forward that the Assembly should be asking an outside counsel.

Mr. KANAGA: Right.

Speaker MCAULIFFE: He has a letter where he has two specific questions regarding our rights as far as the budget and the ability to add line items and so on. They're actually questions that question his opinions in a sense. So that's why we want to get an outside opinion on that.

Mr. KANAGA: Right. But I'm just saying so when we do this motion or however this is being done, we need to say, "Hire a counsel who does not already represent the County," correct?

Speaker MCAULIFFE: Well, it would be -- yes. It would be we had the six names; two of them were responsive, one of them came with a response of a five-hour job proposition for so much per hour. It's an attorney that I'm not familiar with, but I know Janice has worked -- it's a municipal attorney who is involved in the -- he's head of or --

Clerk O'CONNELL: Yes, he's actually the, I think, the Executive Director of the Massachusetts Municipal Lawyers' Association.

Mr. KANAGA: No. I think he's the right one out of the two that you propose.

Speaker MCAULIFFE: Okay. What appeals to me is we can bring forward an ordinance at the next meeting -- would it be an ordinance?

Clerk O'CONNELL: I don't think so.

Speaker MCAULIFFE: I don't think so.

Clerk O'CONNELL: I don't think you need an ordinance.

Speaker MCAULIFFE: I will bring forward a formal proposal that will go to the Commissioners then that will ask for a specific -- because that's how our current hiring of special counsel works.

Mr. KANAGA: Right.

Speaker MCAULIFFE: We make a specific request for a specific amount probably to a specific person and then they approve or disapprove.

Yes, John.

Mr. OHMAN: Would you also make it to be taken out of Legal Reserves?

Speaker MCAULIFFE: Yes, yes. It would be --

Mr. OHMAN: Have that be very clear.

Speaker MCAULIFFE: -- it would be in proper language, yes. I'm just positing the idea.

Mr. OHMAN: I think that's the proper procedure.

Speaker MCAULIFFE: Yes, Susan.

Ms. MORAN: Okay. So, I'm just fast-forwarding here, maybe something to think about. So, assuming this lawyer that the Assembly is contemplating hiring for the specific question has a different answer than Attorney Troy, then, where are we? We just have two different opinions.

Some I'm just thinking that it might make sense for there to be a discussion or a plan about maybe those two attorneys actually working together toward a goal that the Assembly could accept. It would validate a reason for the Assembly to exist.

Because, you know, one reading of Attorney Troy's opinion is that, essentially, the Assembly doesn't have a role particularly in budget items. So, when you take it to the extreme.

So, I think maybe, you know, another option or maybe a simultaneous option would be to have a discussion with Chairman Cakounes about perhaps one of his workshops, he likes to

call it, about where -- what's the ultimate goal here? What would make sense for the Assembly, for the Commissioners in terms of this governance issue going forward?

So that's my question.

Speaker MCAULIFFE: Right. Okay. We either accept the opinion of Troy, or we ask the questions that he asked, and I think he may be fairly confident that he's going to get the same answer that he gave us, and that may be what happens.

But I have thought exactly what you've said is that if we're in conflict, then what? Then we have to deal with a working together process, whether it's through the lawyers or whether it's through us.

But, right now, it's clear that the Assembly has wanted these questions answered, so this is the path I will take.

Open Meeting Law Complaint filed by R. Beaty on 9/12/17

Speaker MCAULIFFE: Okay. The next item is the Open Meeting Law complaint filed by Ronald Beaty with Attorney General's office on 9/12/17. It actually came in on 9/13. His date is 9/12 but it came in on 9/13.

And the only reason I'm being picky is because there are timelines in terms of days and dates. We have 14 days to respond to the complaint. The complaint is regarding the comments that the Assembly members made during the Commissioners' Report at our last meeting, and it was specifically about the discussion revolving around the Code of Ethics that Commissioner Cakounes had mentioned, and a number of the Assembly members gave feedback to Commissioner Cakounes.

So, this is before us today because we have 14 days in which to take the matter up as the Open Meeting Law was filed against me and some specific members of the Assembly.

Ed, did you have a comment or?

Mr. MCMANUS: I'd like to make a motion.

Speaker MCAULIFFE: Okay. In just one second. I just want to frame this that I did speak to the Attorney General's office, and I forwarded you the findings that they sent to me that they felt that this was communication between two boards and not something that was before us as a deliberation. And that they sent supporting findings that wasn't something that was reasonably before us, and it was also something that was not before the Assembly as an item at the time, and that it was more of a communication between two boards.

So that is the framework from which I'm viewing this complaint.

Ed.

Mr. MCMANUS: Madam President, Madam Speaker, I'd move that we authorize the Speaker to file a response within the timeline on behalf of the Assembly to the Open Meeting Law complaint.

Speaker MCAULIFFE: And what I would do is, unfortunately, to make sure that everything is handled properly is **I would probably ask for Troy to get involved even though my conversation with the Attorney General's office said there's not a reason -- there's not a complaint.**

I think that we need Attorney Troy to do the official paperwork. And, unfortunately, that's an expense, unnecessary expense for the Assembly and for the County.

So, if that's acceptable with you?

Mr. MCMANUS: That's within the realm of my motion.

Mr. BERGSTROM: And I second the motion.

Speaker MCAULIFFE: Okay. So, we have a motion on the table. Any further discussion? All those in favor? Aye.

Speaker MCAULIFFE: Okay. We'll go forward with that.

Speaker MCAULIFFE: Okay. I have a couple other items, and then I'll go to other members.

Deputy Speaker Deb McCutcheon had some medical issues, and so she's going to be absent for a little while. It's undetermined. She's okay; it's just stuff that she has to deal with.

So, the committee that she had wanted to head-up on the documents did not meet today, and I think at this point it will be postponed until she's back because I don't know -- it never really got started or organized.

And I don't know, unless someone wants to step forward and handle that committee; I'm sure she would be fine with that, but everybody's busy and, at this point, I think it will just get postponed until she's back.

Also, I had Janice speak to Troy, and in the interim, it is within the prerogative of the chair to appoint someone as an interim or temporary deputy. And the reason I would want to do that is because if I'm unable to make a meeting, we can't meet if we don't have a deputy speaker to run the meetings. We just can't meet, and I don't think that's reasonable for the Assembly to be halted because of some --

So, my intention would be to have Troy draw-up the language, and I've asked Ron Bergstrom to be the stand-in if for some reason I'm not available for a meeting, and that's really what it is so that you can meet if I'm not available.

Clerk O'CONNELL: It will be a Proposed Resolution.

Speaker MCAULIFFE: It will be a Proposed Resolution at the next meeting, and this way Deborah gets her time to recover and then you don't miss a meeting if there's an issue with me, if that's all right.

And then the restructuring of the government resolution that we passed at the last meeting, Ron Bergstrom and I are talking about that.

Do you want to give an update?

Mr. MCMANUS: Yes, I had some discussions with the Secretary of State that, ultimately, is in charge of elections and election procedure, and also some discussions with other people who would be directly involved.

And so, I guess I came to the decision that whatever ordinance I present to the Assembly is going to have to contain pretty much all the information that ultimately will go up to the legislature. In other words, it's going to be pretty detailed as far as the districts, and as far as the process of, what do we call it, of going from one set of Commissioners to another, how that's going to be accomplished and the timeframe.

So, it's not going to happen tomorrow, but I'm determined that when I do get an ordinance in front of you, most of the questions will be asked.

Now, a lot of that is legalese and has to be determined. And a lot of what we do is so unique, you know, the County government. A lot of people don't have the answers right off the top of their head so.

I mean there's a couple of issues, you know; the elections, there's a couple of issues as

far as the precincts go, but I think pretty much I have an idea.

I can't debate it with you because, otherwise, we get an Open Meeting complaint, you know, so we can't discuss it. But I, probably within the next one or two meetings, I'll have a completed ordinance. Maybe I'll run it by Troy. We'll talk to the Speaker and maybe even to the Commissioners if they're favorably disposed, and we'll have that written or somebody will have it written down in precise enough language that we can understand it, okay?

Speaker MCAULIFFE: Thank you. Yes, Patrick.

Mr. PRINCI: Just a quick question about there was talk a while back about us moving to another location.

Speaker MCAULIFFE: It's coming. It's coming.

Mr. PRINCI: Any idea when?

Speaker MCAULIFFE: Do you have any idea when? Janice stopped asking.

Clerk O'CONNELL: Things keep changing with regards to the overall plan that the County has for existing facilities. So, I think that that's still fluid a little bit, and we should know something within a couple of months.

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: And it's going to be at the top of the hill.

Speaker MCAULIFFE: Initially, it was --

Clerk O'CONNELL: West Wing or the East Wing.

Speaker MCAULIFFE: -- supposed to be September and then there were delays and delays and delays. So, it's coming. Okay.

Yes, Linda.

Ms. ZUERN: I was not here at the last meeting, so if you could just clarify exactly what that ordinance included. I thought there was no formal vote taken.

Speaker MCAULIFFE: It was a resolution.

Ms. ZUERN: Okay.....Was it definitely to break everything up into districts or could the five members be voted Cape-wide?

Mr. BERGSTROM: I have it. I have a copy of it.

Speaker MCAULIFFE: He can get that language for you. But it was five districts, a representative from five districts.

Mr. BERGSTROM: I'll give you a copy of it before you leave.

Speaker MCAULIFFE: Yes.

Ms. ZUERN: And was that voted on at the meeting then?

Speaker MCAULIFFE: Yes, it was a resolution and that's what we're going forward with. And, obviously, when the ordinance comes forward if there's an issue with the ordinance and you don't like that particular thing, that can be amended.

Ms. ZUERN: Amended. Okay. Thank you.

Speaker MCAULIFFE: Yes, Jim.

Mr. KILLION: We've been spending or the County has been spending funds to deal with complaints. Dealing with complaints within the County between boards and branches. Could you possibly bring that tabulation that we are now spending with this particular Open Meeting Law complaint that we're dealing with, as well as other costs that have been incurred amongst the executive branch?

Thank you.

Speaker MCAULIFFE: Anyone else? I'll take a motion.

Mr. BERGSTROM: Move to adjourn.

Ms. MORAN: Second.

Speaker MCAULIFFE: We're adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:33 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 9/20/17
- Unapproved Journal of Proceedings of 9/6/17
- State Auditors Report dated 8/10/17
- State Auditor Press Release dated 8/10/17
- Cape Cod Commission's Proposed Ordinance 17-12
- Barnstable County FY16 Financial Statements and Federal Awards Audit
- Proposed Ordinance 17-10
- Assembly Journal of Proceedings dated 8/16/17
- Letter from Alan Milsted to Assembly Delegates regarding Proposed Ordinance 17-10
- Amendment submitted by Delegate Patrick Princi to Proposed Ordinance 17-10
- List of Attorneys and resumes regarding Assembly Special Counsel consideration
- Resolution 14-01
- Open Meeting Law Compliant filed by Ronald Beaty dated 9/12/17
- Open Meeting Law Guide excerpts pages 17 & 18
- Open Meeting Law responses (3) from Attorney General's Office