



BARNSTABLE COUNTY COMMISSIONERS

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COUNTY COMMISSIONERS
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HOME RULED CHARTERED
IN 1989

December 4, 2104

Ronald Bergstrom, Speaker
Barnstable County Assembly of Delegates
First District Courthouse
Route 6A
Barnstable, MA 02630

RE: Disapproval of Ordinance 14-07

Dear Mr. Bergstrom:

The County Commissioners met on December 3, 2014 to consider Ordinance 14-07. This Ordinance seeks to transfer the sum of \$10,000 from the Shared Costs line item of the Budget to a line item for Legal Services for the Assembly of Delegates. After discussion, the County Commissioners unanimously voted (3 yes, 0 no) to disapprove Ordinance 14-07 for the following reasons:

- 1) Passage of the Ordinance would serve no meaningful purpose. The Administrative Code and the current Fiscal Year 2015 budget already contain provisions that permit the funding of legal services for the Assembly of Delegates in the requested amount. The procedure by which these funds may be obtained for the purposes identified in Ordinance 14-07 is by written request to the County Administrator, who, in turn, will request the County Commissioners to appoint Special Counsel for the Assembly of Delegates for a stated purpose. The County Commissioners will thereafter act on such a request. The "Shared Costs" (FY2015 budget line item 0019102-5235) is available for appropriations for legal services for all county departments and agencies as approved by the County Commissioners, including the Office of Legal Services (Shared Costs and Debt) as set forth in Section 2.3 of the Administrative Code.
- 2) Under the Barnstable County Charter, only the County Commissioners may appoint Counsel and enter into contracts to secure legal services for the County.

3) The transfer of appropriations set forth in Ordinance 14-07 violates the powers set forth in the Barnstable County Charter; specifically Section 2-8 (d) (iii). A transfer from the Shared Costs line item to the Assembly of Delegates line item is not a "transfer appropriation from the account of one agency to another."

Respectfully,

A handwritten signature in cursive script, appearing to read "Michael Brillhart".

Michael Brillhart
County Administrator