



BARNSTABLE COUNTY COMMISSIONERS

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HOME RULED CHARTERED
IN 1989

COUNTY COMMISSIONERS
WILLIAM DOHERTY
Harwich

MARY PAT FLYNN
Falmouth

SHEILA R. LYONS
Wellfleet

REVISED RESPONSE BY BARNSTABLE COUNTY COMMISSIONERS TO RESOLUTION 14-01

August 19, 2014

Ron Bergstrom, Speaker
Cape Cod Regional Government
Assembly of Delegates
P.O. Box 427
Barnstable, MA 02630

Re: Assembly of Delegates Resolution 14-01

Dear Speaker Bergstrom:

The Barnstable County Board of Regional Commissioners is in receipt of Resolution 14-01 as transmitted by the Assembly of Delegates. It is understood that the Assembly of Delegates approved this Resolution at its meeting on August 6, 2014.

On August 13, 2014, the Board of Regional Commissioners reviewed and considered this Resolution as part of its regular meeting agenda. Per discussion and direction from the Board, it was requested that the Chair compose a letter to the Assembly of Delegates advising them of the following:

1. It is the opinion of Barnstable County General Counsel that Resolution 14-01 is not in compliance with the County's Administrative Code and Home

Rule Charter (*please see attached letter from County Counsel dated August 12, 2014*).

2. It is clear that the Assembly of Delegates already has access to legal services through the Barnstable County General Counsel as defined in Section 2.3(d) of the Administrative Code.
3. *In addition to the provisions of Section 2.3(d) of the Administrative Code*, the Assembly of Delegates may request the use of special legal counsel per Section 2.3(c) of the Code. However, the Assembly must provide a specific reason for the need of special counsel.
4. Any appropriations for the use of special counsel by Cape Cod Regional Government must be approved by the Board of Regional Commissioners and presented to the Board in the form of an Ordinance by the Assembly of Delegates pursuant to Sections 3.3 and 3.8 respectively of the County's Home Rule Charter.

Because of the above cited reasons, the County Commissioners hereby DISAPPROVE Resolution 14-01 in accordance with Section 3-8 of the Barnstable County Charter.

I am open to meeting with you on behalf of the Board of Regional Commissioners to discuss these options if so desired. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Pat Flynn".

Mary Pat Flynn, Chair
Board of Regional Commissioners

Cc: Board of County Commissioners
Robert S. Troy, General Counsel