

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
Report and Minutes of the Standing Committee on Finance
Proposed Ordinance 14-03
September 17, 2014

Dear Mr. Speaker and Assembly Delegates:

This is a report on Proposed Ordinance 14-03. The proposed ordinance was submitted to the Assembly of Delegates by Sandwich Delegate James Killion at the Assembly of Delegates regular meeting on September 3, 2014. A public hearing was scheduled and held by the Standing Committee on Finance on Wednesday, September 17, 2014 at 3:15 p.m. The public hearing was duly advertised in the Cape Cod Times on September 10, 2014.

The purpose of the proposed ordinance was to transfer to the County's operating budget for Fiscal Year 2015, as enacted in Ordinance No. 14-02, by making a transfer from Shared Costs & Debt Service – Miscellaneous & Contingency – Contractual Legal Services (\$10,000) to the Assembly of Delegates Contractual Legal Services for the Fiscal Year two-thousand and fifteen.

Committee members present: Chair John Ohman, Leo Cakounes, James Killion, and Julia Taylor.

Chair John Ohman opened the committee meeting for the purpose of conducting a public hearing on Proposed Ordinance 14-03.

Leo Cakounes motioned, and it was seconded, to waive the reading of the public hearing notice. Motion carried 4-0-0.

James Killion introduced Proposed Ordinance 14-03 to the Assembly on September 3, 2014. He was given the opportunity by Chairman John Ohman to explain why this Proposed Ordinance was needed. He explained that County Counsel recommended taking this type of action if the Assembly wanted to hire Special Counsel for the purpose of advising the Assembly on matters that may require Special Counsel.

Leo Cakounes informed the Committee that the account from which the money would be transferred had \$52,160 available for legal services under Shared Costs within the FY15 budget. The Proposed Ordinance seeks a transfer of \$10,000 to the Assembly's line item account for legal services for Special Counsel.

Committee Members John Ohman and Julia Taylor were of the opinion that Special Counsel could be hired when and if it is needed but it was not necessary to transfer these funds now. Leo Cakounes reminded the Committee that the Proposed Ordinance does not ask for an expenditure of funds but only a transfer of funds.

As currently worded the transferred funds could also be used to ask questions of Special Counsel on any matter related to compliance under the County Charter. Julia Taylor commented on the fact that the stated purpose of this Proposed Ordinance was too broad.

Clerk Janice O'Connell expressed concerns regarding the structure, language and scope of the Proposed Ordinance. The Proposed Ordinance lacks an appropriation and it is not structured properly. A comparison was made to an Ordinance which was similar and provided for a transfer of funds for Special Counsel related to Charter Review. In addition Clerk O'Connell also referenced relevant sections of budget Ordinance 14-02 and its restrictions on transfers without the prior approval of the Commissioners.

No comments were taken from the public due to a lapse of time available to continue the public hearing.

The Chairman indicated that the public hearing and discussions on Proposed Ordinance 14-03 could be continued to another date and time specific, or could be withdrawn, tabled, or amended by the petitioner.

James Killion motioned, and it was seconded, to table Proposed Ordinance 14-03. Motion carried. 4-0-0.

There were no other comments.

Julia Taylor motioned, and it was seconded to adjourn the meeting at 4:00 p.m.

Respectfully submitted:

John Ohman, Chairman
Leo Cakounes
James Killion
Julia Taylor