

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Open Cape Building on the fourth day of March, A.D. 2015.

Chairman Lyons called the meeting to order 10:01 a.m.

**Board of the Barnstable County Commissioners:**

Mary Pat Flynn	Present
Sheila Lyons	Present
Leo Cakounes	Present

**Staff Present:**

Michael Brillhart	County Administrator
Justyna Marczak	Administrative Assistant

The Commissioners recited the Pledge of Allegiance followed by a Moment of Silence.

**I. No Public Comment**

**II. Review and consideration of a request by the Cape Cod Law Enforcement Council for incorporation under the County's Organizational Structure.**

Chief Peter Wack from the Sandwich Police and the president of the Cape and Islands Law Enforcement Council and Chief Edward Kulhawik from the Eastham Police department along with Sean O'Brien, the Barnstable County Coordinator for the Regional Emergency Planning

Committee asked the Commissioners to be included in the Barnstable County and fall under County's umbrella. The operation would have no cost associated to it as the Council has its own budget from municipalities and Sheriff's office. They also have insurance for their Board of Directors and voting members. The Council would like to expend the insurance for their SWAT team and motorcycle unit and by joining the Barnstable County government the Council believes would be able to receive more advantageous insurance proposal. Currently the Council operates under the 501(c)(3) Organization status.

Commissioner Flynn asked if the Council becomes part of the Barnstable County and loses status of 501(c)(3) Organization how would they be able to fund raise. The Council does not fund raise and would be dissolving their 501(c)(3) Organization status once accepted by the County.

Commissioner Cakounes wanted to know who pays the dues for each town Chief. The towns pay the dues and the Chiefs represent those towns receiving benefits for their whole police department.

All Commissioners were in favor of this request. Commissioner Flynn said that it would be a huge advantage to the County to have the Law Enforcement Council under County's umbrella. It could also provide opportunities for grant funding. However there is a need for more legal opinion on how this relationship could be created and what would it mean to the County.

*Motion made by Commissioner Cakounes to forward the request from the Cape Cod Law Enforcement Council to the Interim Administrator, Interim Finance Director and County Council to describe the mechanism*

of which to meet the goal of their request, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.

Motion made by Commissioner Flynn to reorganize the Agenda and bring Mercy Otis Agenda item first, 2<sup>nd</sup> by Commissioner Cakounes, approved 3-0-0.

**III. Request by the Mercy Otis Warren Woman of the Year Committee for County Sponsorship of the Mercy Otis Warren Woman of the Year Award.**

Ann Canedy representing the Mercy Otis Woman of the Year Committee spoke to the Commissioners regarding the County's sponsorship of the Award. Ms. Canedy said that the County for the past 14 years has been supportive of the award and event. The Committee is not a charitable organization, considers itself a County Committee and was formed by Lou Cataldo, the Barnstable Village historian, who wanted to create an award for the Cape Cod Woman who distinguishes herself in the areas of art, education, business or patriotism and community involvement. The Award is a County wide effort, the nominations, brochures and the monetary collections all go through the County. The County's donation usually pays for the statuette, which is a replica of the Mercy Otis Statue made by a local sculptor. The other donations come from the Barnstable Village Association, West Barnstable Civic Association and Tales of Cape Cod.

Commissioner Cakounes said that he does not agree with Ms. Canedy and would like to follow the suggestions of the County Counsel. Although done for many years, the County's financial support might have not been legal and needs to be stopped. The Committee was not created by the County and has no jurisdiction over its members and therefore there has no legal association with the County. Commissioner Cakounes

said if the action was taken to change that status and appoint the Committee members and change the name to Barnstable County Mercy Otis Award than the County could get involved and support the Award financially.

Ms. Canedy said that she will present that idea to the Committee members.

Mr. Brillhart said that the current structure of the Committee prohibits the County from any monetary support. It does not however prevent the County from posting materials on the County's website.

Commissioner Flynn said that the Committee is not a charitable organization but a group that continues to educate about the history of Barnstable County and connects our past history to the present times.

*Motion made by Commissioner Flynn for the County Legal Counsel to define the appropriate connection of the mission of the Mercy Otis Warren Committee to the furtherance of the historical mission of the Barnstable County and its connection and define the County's ability to expend County's funds to continue to further that mission, 2<sup>nd</sup> by Commissioner Cakounes for discussion, approved 3-1-0, Commissioner Cakounes opposed.*

Commissioner Cakounes said that he would not support this motion as the County Counsel already provided his opinion in the matter. The Committee is not a 501(c)(3) organization and may not be even allowed legally to receive money.

#### **IV. General Discussion on Specialized Legal Services.**

Commissioner Lyons said that the purpose of this agenda item was to gather information on legal services from different firms. Michael Brillhart along with the Chief Procurement Officer, Elaine Davis were asked to send out a request for proposals. Commissioner Lyons also stated that the County needs attorney present at all Commissioners and Assembly of Delegates meetings to guide them and help them make right decisions.

Commissioner Cakounes said that the Board of County Commissioners did not agree to gather that information. He did not support it in the past and does not believe that the County can currently afford to hire new firm. The County has no regular County Administrator, the Finance Department has some staffing issues and there are ongoing discussions regarding County Building Needs. Therefore now is not the time to change the County Counsel. Commissioner Cakounes also stated that he did not believe the County was ill serviced by the current counsel. And if the need presents itself for a special counsel the County Commissioners can always hire one.

Commissioner Lyons said that the legal opinions the County has been given for the past 15-20 years are not always in the best interest of the County. The tax payers of Barnstable County deserve the best legal representation.

Motion made by Commissioner Lyons to put out the Request for Qualifications (RFQ) to review County Counsels, Commissioner Flynn did not 2<sup>nd</sup> it as she wanted to make comments.

Commissioner Flynn said that the Agenda Item describes only the specialized legal services and not general county counsel services. There is a County policy that describes how the County can procure

Special Counsel, with the need of creating a special committee that will help to determine if the special counsel can be hired.

Commissioner Lyons said that by hiring legal firm the services of special counsel will be built in into the services that firm provides along with the general counsel services.

Commissioner Flynn said that she would like to hear what firms submitted their proposals if that information is available today.

Commissioner Cakounes referred to the Resolution 13-01 that described the process of hiring the legal counsel for the Assembly of Delegates. According to the Home Rule Charter, Special Counsel can be hired, if needed, and the County Commissioners are the ones that approve it.

Commissioner Lyons said that by hiring a legal firm the County would have access to legal expertise at every meeting and would be charged a set hourly fee that would be offered if the County decided to sign with that firm. Each time there is a need for a special counsel and there is no written agreement with the firm, the County could be charged triple the amount of hourly rate.

Commissioners Cakounes opposed the fact that the firms were asked to submit their proposals without his knowledge and Commissioners' vote. Commissioner Flynn said that, as a Chair, Commissioner Lyons has a right to make that decision.

Commissioner Lyons said that those firms, within their proposals, will offer training on open meeting law and will review the Home Rule Charter.

Mr. Brillhart said that the Board of County Commissioners would have to direct the Procurement Officer to issue RFQ or RFP, but Massachusetts General Laws allow for requests of quotes of services and the letter was sent out to few firms to provide their quotes. Legal Services are exempt from Chapter 30B of Mass. General Laws and therefore it was not required to place any advertisements in the newspaper.

Commissioner Lyons proposed a motion to request services from the law firms to represent the County as the general counsel, and those firms will offer specialized services under general counsel services if we designate them as County's firm. That motion was not seconded.

*Motion made by Commissioner Flynn to set a future agenda for discussion on a procurement of the special and general council services for the County and review the responses, 2<sup>nd</sup> by Commissioner Lyons, approved 3-1-0, Commissioner Cakounes opposed.*

Commissioners received for review the four proposals that were sent in. Commissioner Lyons said that if any of the Commissioners have additional questions they can call Elaine Davis during the week and she can contact the firms.

**V. Status Report on the County Administrator Executive Search Firm RFP and the Search Committee Applications.**

Elaine Davis reported that the County received two proposals to this RFP along with the selection criteria and comparative criteria. The search committee needs to go through all of the proposals, rate them, make sure they have minimal evaluation criteria and rate their comparative criteria. After we determine what is the most advantageous proposal we can open the cost proposal.

Commissioner Cakounes suggested that the Commissioners take those two proposals and review them and have a discussion on their findings at their next meeting.

Next Commissioners discussed the list of 18 people that applied to be on the Search Committee for the New County Administrator.

Commissioner Cakounes suggested each Commissioner pick 2 people from their list and bring their recommendations to the next meeting. Commissioner Flynn suggested each Commissioner picks 7 people from the list and present their recommendation at the next meeting. Commissioner Lyons also asked for Mary Lou Petit to be added to the list as she contacted two Commissioners on the day the applications were due but had trouble with downloading the application from the website. Commissioners agreed that the application process can be extended and if any more people apply they will be accepted.

Commissioner Cakounes asked about the selection process and the Commissioners agreed it will be done by the rule of majority.

#### VI. Update on the Current FY2015 Budget Report (July 1, 2014 - February 28, 2015).

Michael Brillhart presented the Commissioners a status update on the Current FY2015 Budget Report (July 1, 2014 - February 28, 2015).

#### VII. Commissioners' Actions

*Motion made by Commissioner Flynn to approve the Minutes of February 25<sup>th</sup>, 2015 as presented, 2<sup>nd</sup> by Commissioner Cakounes, approved 3-0-0.*

*Motion made by Commissioner Flynn to approve the following Summary of Actions, 2<sup>nd</sup> by Commissioner Cakounes, approved 3-0-0:*

- 1) Executed the Affordable Housing Restriction for 563 Old Barnstable Road in Mashpee (6 beds restricted as affordable out of 60-bed Assisted Living Memory Care Facility).
- 2) Executed the 5<sup>th</sup> Contract Amendment between Cape Light Compact (CLC), in accordance with our responsibility as fiscal agent for CLC, and Rise Engineering in the amount of \$100,000.00 for Commercial/Industrial Energy Efficiency Ancillary Services, for the period of January 1 - December 31, 2015.
- 3) Executed the Contract between Barnstable County and Maguire Equipment in the amount of \$18,700.00/each for two heavy duty compactors for the Town of Chatham as awarded on January 14, 2015.
- 4) Executed the "acknowledgment letter" addressed to Massachusetts Department of Public Health, stating that the contract start date for MA Opioid Abuse Prevention Collaborative grant in the amount of \$550,000.00 is changed from January 1, 2015 to January 5, 2015, which was the date the contract was fully executed by the Commonwealth.

#### **VIII. Commissioners' Reports**

Commissioner Cakounes reported on Building Needs Committee efforts and will be reporting on the issues at the meeting soon.

Commissioner Lyons along with Michael Brillhart attended the Human Rights Committee meeting and the fact that Commissioners suggested creating a Human Rights Coordinator position as the County employee.

Barnstable, ss. at 12:09 p.m. on this fourth day of March, A.D. 2015, Commissioner Lyons made a motion to adjourn, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.

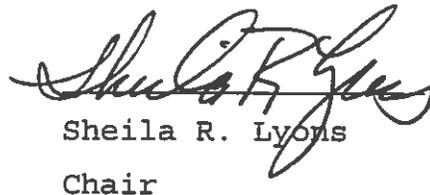
Attest:



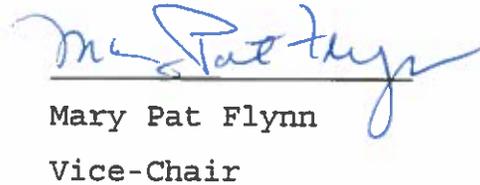
Janise O'Connell

County Clerk

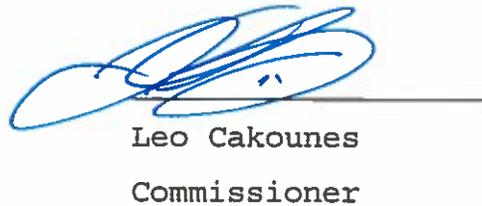
The foregoing records have been read and approved.



Sheila R. Lyons  
Chair



Mary Pat Flynn  
Vice-Chair



Leo Cakounes  
Commissioner