

Submitted
A of B
7-7-13

BARNSTABLE COUNTY

In the Year Two Thousand and Thirteen

Proposed Ordinance 13-07

To transfer appropriations within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen.

Section 1.

The sums set forth in section one, for the several purposes set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 13-03, are hereby transferred, pursuant to section eight of Barnstable County Ordinance 13-03, from the County Appropriated Reserve Fund (Budget 0019307-5730) to the designated budget group as transferred appropriations for Barnstable County for the fiscal year ending June thirtieth, two thousand and fourteen.

BCC Acct

<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
MISCELLANEOUS & CONTINGENCY				
0019102	Legal Services	2	10,000	\$ 10,000
5235	Special Counsel Charter Review			

Section 2.

The sums set forth in section two, for the several purposes set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 13-03, are hereby transferred, pursuant to section seven of Barnstable County Ordinance 13-03, from the County Appropriated Stabilization Fund Reserve (Budget 0019307-5731) to the designated budget group as transferred appropriations for Barnstable County for the fiscal year ending June thirtieth, two thousand and fourteen.

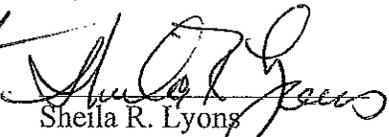
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<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
MISCELLANEOUS & CONTINGENCY				
0019102	Legal Services	2	10,000	\$ 10,000
5235	Special Counsel Charter Review			
TOTAL TRANSFER				\$ 20,000

Approved by the Board of County Commissioners 7/17/2013 (date), at 3:00 (time).


Mary Pat Flynn
Chairman


William Doherty
Vice-Chairman


Sheila R. Lyons
Commissioner

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
Report and Minutes of the Standing Committee on Finance

Proposed Ordinance 13-07

August 7, 2013

Passed
AofD
8-21-13

Dear Mr. Speaker and Assembly Delegates:

This is a report on Proposed Ordinance 13-07. The proposed ordinance was submitted to the Assembly of Delegates by the Board of Regional Commissioners at the Assembly of Delegates regular meeting on July 17, 2013. A public hearing was scheduled and held by the Standing Committee on Finance on Wednesday, August 7, 2013 at 3:30 p.m. The public hearing was duly advertised in the Cape Cod Times on July 31, 2013.

The purpose of the proposed ordinance was to appropriations transfers within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen for legal services for Special Counsel for Charter Review.

Committee members present: Vice-Chair Julia Taylor, Leo Cakounes, Christopher Kanaga, and James Killion.

Vice-Chair Julia Taylor opened the committee meeting for the purpose of conducting a public hearing on Proposed Ordinance 13-07.

Christopher Kanaga motioned, and it was seconded, to waive the reading of the notice. Motion carried 4-0-0.

Julia Taylor explained that this proposed ordinance was originally presented in FY 2013 but failed to pass in the Assembly. Based on the work undertaken by the committee there may not be a need to spend all of legal funds being transferred for purposes of reviewing the Charter. The Assembly was not comfortable with the fact that these funds could be used by the Commissioners for other legal expenses if not totally spent for Charter review purposes.

Leo Cakounes suggested that these funds be allocated to an Assembly account line for legal costs associated with the Charter Review process. He suggested that this might receive a more favorable response from the Assembly if placed into an Assembly account versus an account controlled by the Commissioners. Monies not spent for this purpose would revert back to the County.

Finance Director Mark Zielinski had no objection to this change.

There were no other comments and the public hearing was closed at 3:45 p.m.

Leo Cakounes motioned, and it was seconded, to recommend approval of Proposed Ordinance 13-07 in the amount of \$20,000 as a transfer to account line 0011302-5235 to the full Assembly. Motion carried. 4-0-0.

The meeting adjourned at 3:45 p.m.

Respectfully submitted:

Julia Taylor, Vice-Chair
Leo Cakounes
Christopher Kanaga
James Killion

6-19-13

Speaker BERGSTROM: We do not have any of the Regional Commissioners.

Mr. OHMAN: I received a message very recently that Commissioner Lyons and Commissioner Flynn are at Exhibit 12 and will be here very shortly.

Mr. CAKOUNES: So let's hurry up then.

Ms. ANDREWS: There was a car accident.

Mr. CAKOUNES: Was that bad? Should I have not said that?

Mr. OHMAN: They recently conveyed that.

Chair BERGSTROM: Do you think we should continue? I can never think of that word.

Mr. OHMAN: Maybe there's someone from the public that would like to speak.

Chair BERGSTROM: Yes. Are there any members -- Communications from Public Officials?

Hearing none.

Any Communications from Members of the Public?

No members of the public wish to say anything.

Assembly Convenes

Chair BERGSTROM: Okay. I guess we will now -- the Assembly will now convene, and we'll begin with a Finance Report from the Standing Committee on -- or a Report from the Standing Committee on Finance and the recommendation of Proposed Ordinance 13-07.

Passed as amended 8-21-13

Committee Reports

Ms. TAYLOR: Yes, we met on -- it was submitted on the 17th but we met -- and we met on this previously and we didn't bring it forward at that time because there were questions. This is the money for the lawyer for the Charter Review Committee.

So after we had the second go-around, we made a few changes, and Leo, in particular, thought it would be good to have the budget line be the Assembly rather than the Commissioners. So that was fine with Mark and fine with the rest of the group.

And we did determine for sure from Mark that if the money was not spent by the Charter Review Committee, if it finished its work faster or whatever, the money would not go to the lawyer but would revert back into the general account.

So, that was passed 4 to nothing -- the Chairman didn't happen to be there. He was presumably at work here.

Mr. OHMAN: The Chair was here.

Ms. TAYLOR: -- getting ready for our visit, and so I moved that we go ahead with Proposed Ordinance 13-07 in the amount of \$20,000 for a transfer to a new account line 0011302

Speaker BERGSTROM: So we'll put the original Ordinance on the floor.

Ms. TAYLOR: Okay.

Chair BERGSTROM: Okay.

Ms. TAYLOR: But we're not ready for that.

Speaker BERGSTROM: Well, we have to put the Ordinance on the floor in order to amend it; do you know what I'm saying?

Ms. TAYLOR: Okay. All right.

Chair BERGSTROM: So I need Motion to recommend --

Ms. TAYLOR: Okay. Then I will recommend that we place the original Ordinance 13-07 on the floor.

Mr. OHMAN: Second.

Chair BERGSTROM: All right. It's been seconded. Now, are there any --

Ms. ANDREWS: Mr. Speaker --

Mr. CAKOUNES: I'd like to amend it. Well, do you want to amend it?

Ms. TAYLOR: You can do it.

Ms. ANDREWS: Can I ask a question before we go to the amendment?

Chair BERGSTROM: Sure.

Ms. ANDREWS: Can you help me with my memory. Are you saying that this one that's on the floor right this minute is not the one we voted down previously?

Ms. TAYLOR: Well, that was apparently from a previous fiscal year.

Ms. ANDREWS: So this has a different number, a different Ordinance?

Ms. TAYLOR: So that's why it's now called something --

Ms. ANDREWS: So that's the big difference?

Ms. TAYLOR: But that's the biggest difference. Now we'll go to an amendment that will be another difference.

Ms. ANDREWS: No, no. I just wanted to know the difference between what's in front of us now versus what we voted on and disapproved last time. And you're saying the fiscal year the money's coming from?

Ms. TAYLOR: For the original motion.

Chair BERGSTROM: So far.

Ms. TAYLOR: So far.

Speaker BERGSTROM: Now it's going to be amended.

Mr. CAKOUNES: The largest difference -- if I may, Mr. Speaker?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: To answer your question, the difference between the two is definitely the fiscal year.

Ms. ANDREWS: Right.

Mr. CAKOUNES: The last one that we turned down -- if you remember the meeting was held some time in June and the argument was, in fact, I even made the argument on July 1 our new budget starts and there was no reason to appropriate this particular amount of money where we had at least \$50,000.00 in the Legal Service Fund going into July 1.

And I had other questions that I was unable to ask as a member of the Finance Committee, and I asked everyone to vote -- I said I was going to vote it down and everyone kind of agreed and voted it down.

This now subsequently has come before us and is asking for \$20,000.00. It's being appropriated out of two separate funds. One is the Reserve -- County Reserve Appropriated Reserve Fund and the other is the County Appropriated Stabilization Fund; \$10,000.00 for each one of those funds.

I would, if I may Mr. Speaker?

Speaker BERGSTROM: Yes. Go ahead.

Proposed Ordinance 13-07: To transfer appropriations within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen.

Mr. CAKOUNES: I'd like to made an amendment that we do, in fact, transfer \$10,000.00 from the County Appropriate Reserve Fund, and I won't bothering reading the line item because it's the same one that's listed on the Ordinance as printed, but it be transferred into Line Item 0011302-5235, which is the Legal Services Line Item of the Assembly of Delegates budget.

And as far as Section 2 goes, once again, transferring \$10,000.00 from the County Appropriated Stabilization Fund Reserve. I won't bother reading that line item because it is going to be the same in my amendment.

However, it would be transferred into 0011302-5235, which is the Legal Services line item under the Assembly of Delegates' Budget.

Chair BERGSTROM: Okay.

Mr. CAKOUNES: That's my motion or amendment.

Speaker BERGSTROM: Do we have a second?

Ms. MCAULIFFE: Second.

Ms. KING: Second.

Chair BERGSTROM: All right. Now you understand that since we're here, we can't give you a printed copy of this, so I want everybody to understand what Leo's amendment is basically is to instead of transferring it to some general legal account, they're transferring them to the Assembly Account.

Mr. CAKOUNES: Exactly. If I may, Mr. Speaker? On the amendment, the way the original 13-07 was written, \$20,000.00 was going to be transferred into the Assembly -- the Barnstable County's Legal Service Fund, which presently now has \$50,000.00 in it. This 20,000.00 would have been added to it.

And subsequently what happened when the Charter Review Committee has legal services rendered, the bills would come to the Clerk and then the bills are sent over to Mark, and Mark would pay them out of the General Legal Services Fund.

I thought it was more appropriate because the Legal Services are for the Charter Review Committee, which, in fact, was established by the Assembly that we would be able to track and certainly account for the dollars if they were separated in our line item budget.

The procedure will still be the same as the attorney provides services and submits bills. They will go to our Clerk. She will agree or make sure that they're being -- services were rendered, stamp them, send them to Mark, and then Mark will pay them out of our line item, the line item that I just read you.

If, in fact, we do not use all the services at the end of the year, we will be able to see exactly how much is left there because it's not being co-mingled with any other legal services funds, nor is it being co-mingled with any other legal funds because presently the balance in that account that I read you is zero.

So once you vote this right now, it will be \$20,000.00. So if, in fact, we do spend the full 20,000 it will all be gone. If we only spend 18, that, too, will be in that line item.

So I only made the amendment because I thought it was just a cleaner way of doing it.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: You said, "End of the year"; calendar or fiscal?

Mr. CAKOUNES: Fiscal.

Ms. ANDREWS: So we'd have to wait until June 30th of next year?

Mr. CAKOUNES: To?

Ms. ANDREWS: Unless you get a monthly report from the Clerk what the balance is.

You made a specific point of saying if you have any question about what's spent, you could wait until the end of the year. And I just wanted to be clear; you're talking about the end of the fiscal year?

Mr. CAKOUNES: I'm talking about -- basically what I was referring to is the end of the services too. I mean let's say the County Review Committee decides to end it's need to the legal services in January, we can just simply ask our Clerk, "Well, what's our account balance for the Legal Service Fund," and it would be one phone call to Mark and he'd be able to tell you what the balance is or anyone of us can do that. We don't necessarily have to wait to the end of the fiscal year to find out what the balance is.

But it will certainly stay in there, and any unused portion will be returned to the County, as all unused funds are.

Speaker BERGSTROM: Okay. Any questions on that?

Ms. ANDREWS: I have one but I was waiting. I didn't want to ask all the questions, so I'll wait and give it to somebody else.

Speaker BERGSTROM: Well, if you speak now or forever hold your peace.

Ms. ANDREWS: I will never do that.

Speaker BERGSTROM: I did suspect you would.

Ms. ANDREWS: No. I wouldn't want to disappoint you.

I didn't attend the Public Hearing so I don't know if these questions were asked and answered.

But my question is first, is the thought here that 20,000 is to cover the review committee up until the day they make their recommendations to the Assembly and no more?

Speaker BERGSTROM: My understanding is that he is under a contract. Am I right about that?

Mr. CAKOUNES: That's the impression that I got too.

Chair BERGSTROM: He's under a contract.

Mr. CAKOUNES: He's under basically -- he's given the County an estimate of his services to provide for that specific purpose.

Ms. ANDREWS: Well, that's the question; was does the contract say? Is it to a date certain or is it to do a specific task? We don't know.

Ms. TAYLOR: I do know.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: I think it's for a task.

Speaker BERGSTROM: It's a task.

Ms. MCAULIFFE: Yes. I think it's to make sure that we have language appropriate for the committee work. In other words, if there are changes to be made that he make sure that the language is appropriate and legal.

Ms. ANDREWS: Okay. So once the committee is finished with its work, the task is complete?

Speaker BERGSTROM: Right. Now --

Ms. ANDREWS: Is that the understanding of the Finance Committee?

Ms. MCAULIFFE: It's just for this.

Speaker BERGSTROM: Through the point where the committee is disbanded -- makes it recommendations, disbanded, one has to presume that in the case that this went on forever that we'd have to go back with a supplemental appropriation.

But the contract with the County is to do the work related to the committee. So as long as

the committee exists, he's doing the work. When it ceases to exist, he's gone.

Okay. We're all set with that? All right. I will then take the vote on the amendment, okay, which is on the floor.

All those in favor, say "Aye". "Opposed"? Do we need a voice vote on this because -- it's money so we need a voice vote.

Clerk O'CONNELL: Yes.

to AofD acct.

Roll Call Vote on amendment to Proposed Ordinance 13-07: To amend account number to 0011302-5235.

Voting YES (84.00%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (0%)

Absent (16.00%): Richard Anderson (9.15% - Bourne), Teresa Martin (2.30% - Eastham), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, amendment to Proposed Ordinance 13-07 passes with 84 percent of the Delegates voting yes; 16 percent absent.

Amendment to Proposed Ordinance 13-07: To approve change of account number to 0011302-5325.

Chair BERGSTROM: Okay. So now we have the amended Ordinance on the floor. You all understand what it is.

Do I have a motion to approve the amended Ordinance, Ordinance 13-07 as amended?

Ms. MCAULIFFE: So moved.

We need a vote to approve the amendment, and then I need a vote to approve the Ordinance.

Ms. MCAULIFFE: Move the Ordinance.

Mr. OHMAN: Second.

Speaker BERGSTROM: Moved and seconded. All right. All those in favor?

Mr. OHMAN: Or further discussion?

Chair BERGSTROM: Oh, further discussion, yes. I think everybody's pretty much spent on this.

Roll Call Vote on Proposed Ordinance 13-07 as amended: To transfer appropriations within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen.
(Amended to account number to 0011302-5235).

Voting YES (84.00%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon

(0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (0%)

Absent (16.00%): Richard Anderson (9.15% - Bourne), Teresa Martin (2.30% - Eastham), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 13-07 as amended passes with 84 percent of the Delegates voting yes; 16 percent absent.

Proposed Ordinance 13-07 as amended: To transfer appropriations within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen.
(Amended to account number to 0011302-5235).

Chair BERGSTROM: I am now going to recess the Assembly and go back to the Committee of the Whole and speak to the Commissioners.
(Assembly recessed.)

Committee of the Whole Reconvened

Chair BERGSTROM: All right. We don't need permission because we're no longer convening. We're now back in the Committee of the Whole. So if you want to get up there. We've got the Communications from Boards of Regional Commissioners. That's you guys.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Well, I just want to say hello to everybody. It's been a while. It's been a long summer. I'm glad to be here.

Unfortunately, I have to leave at 5:30 because I'm on the subcommittee for the Fertilizer Review Bylaw and that meeting starts at 6:30 in the Assembly of Delegates. And Bill couldn't be here this afternoon either, but our other trusted Commissioner is here.

I think just a couple of things I can tell you is we're beginning the process of interviewing, doing the first interviews for applicants for the County Administrator position. It was pretty clear in the ad and in the letters that this was only for one year. And it was an interim position until such time as the Charter Review Committee resolves the or comes to some agreement, not necessarily that it passes on the ballot, but that the Charter Review Committee -- so that this person who is going to apply for the full-time position has some idea of what County government's going to look like. I mean anybody applying for a job like this wants to know what the government is. And so that's one of the reasons why we decided to go with the interim.

And I think, today, we reviewed a vehicle policy which the County hasn't had before, a policy on the use of County vehicles and who can use them and then they could be used in the proper maintenance for vehicles --

Commissioner LYONS: Replacements.

Commissioner FLYNN: -- the replacement of vehicles, the IRS Commuter Tax, which sometimes if someone had to take the vehicle home is, by design, is someone who is approved for

BARNSTABLE COUNTY

In the Year Two Thousand and Thirteen

*Passed
A of D
8-21-13*

Ordinance 13-05

To transfer appropriations within the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making appropriations transfers for the Fiscal Year two-thousand and fourteen.

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5235	Special Counsel Charter Review			

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	MISCELLANEOUS & CONTINGENCY			
0011302	Legal Services	2	10,000	\$ 10,000
5235	Special Counsel Charter Review			
	TOTAL TRANSFER			\$ 20,000

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
Ordinance 13-05: Appropriations transfers for legal services for Charter Review
August 21, 2013

PAGE 2

Adopted by the Assembly of Delegates on August 21, 2013.

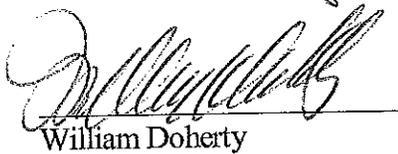


Ronald Bergstrom, Speaker
Assembly of Delegates

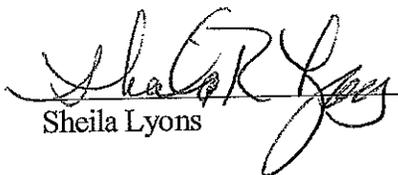
Approved by the Board of Regional Commissioners 9/4/13 at 3:00 p.m.
Date Time



Mary Pat Flynn



William Doherty



Sheila Lyons