

COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

July 19, 2016

The monthly meeting of the Committee for Public Counsel Services was held in the Committee's conference room at 40B Bromfield Street, 1st Floor, Boston, MA on Tuesday, July 19, 2016, beginning at 5:36 p.m. R.J. Cinquegrana, Chairman, presiding.

MEMBERS PRESENT: Ms. Ball and Messrs. Hernando, Miller, Stern and Messrs. Watkins and White

TELECONFERENCING: Messrs. Gosselin and Kociubes and Ms. Tewksbury

1. Approval of June 15, 2016 Minutes

The minutes of the June 15, 2016 meeting were approved as submitted.

2. Contract(s)

a. Online Legal & Public Records Research

Debra Krupp, Training Director, sought Committee approval to enter into a contract with Thomson Reuters (West) for online legal and public research. The proposed initial contract period is for five years and nine months (the first year begins in October and ends nine months later to coincide with our fiscal year), with an option to extend for two additional years. Westlaw and Lexis were the only response to the CPCS RFP on COMMBUYS, the Commonwealth website holding all public procurement information. The process included a staff survey about their experiences with Westlaw and Lexis Advance. A staff review team examined both proposals, which included an opportunity to ask questions of company representatives. The review team jointly scored the proposals based on price, training, technical support, breadth of product offering, ease of use, accuracy of results, and years in business/reference check. The review team unanimously recommended that CPCS accept the West bid.

MOTION: Mr. Hernando. That the Committee approve the proposed contract with Thomson Reuters (West) for online legal and public records research for the following periods: 10/1/16-6/30/22 with an option for two additional years (7/1/22-7/1/24).

SECOND: Mr. White.

VOTE: Unanimous.

b. Annual Conference

Debra Krupp, Training Director, sought Committee approval to enter into a contract with the DCU Center in Worcester for the May 16, 2017 Annual Conference. Total DCU expenses are estimated at \$65,000. Approximately 1,100 public and private division attorneys and other non-attorney professionals will attend the conference. CPCS posted an RFP on COMMBUYS. The DCU submitted the only bid and meets all the needs for the conference.

MOTION: Mr. White. That the Committee approve the contract with the DCU Center in Worcester for the May 16, 2017 Annual Conference in the amount of \$65,000.

SECOND: Mr. Stern.

VOTE: Unanimous.

3. Lease Approval(s)

a. Pittsfield Office

Anthony Benedetti, Chief Counsel, sought Committee approval for a lease renewal for the Pittsfield office located at 184 North Street, effective January 15, 2017. The terms of the lease are for 5,700 sq. ft. at \$14.80 / sq. ft. for an average five year term of \$84,333.28.

MOTION: Ms. Tewksbury. That the Committee approve the lease renewal for the Pittsfield office located at 184 North Street, effective January 15, 2017 for 5,700 sq. ft. at \$14.80 / sq. ft. for an average five year term of \$84,333.28 (no annual increase in over five year term).

SECOND: Mr. Watkins.

VOTE: Unanimous.

b. Quincy Office

Mr. Benedetti sought Committee approval to renew the lease for the Quincy office located at 10 Granite Street. The terms of the lease are for 6,827 sq. ft. at \$25.39 / sq. ft. for a total rental average over five years of \$173,906.80.

MOTION: Mr. White. That the Committee approve the lease renewal for the Quincy office located at 10 Granite Street, effective January, 2017 for 6,827 sq. ft. at \$25.39 /sq. ft. for an average five year term of \$173,906.80.

SECOND: Mr. Hernando.

VOTE: Unanimous.

4. Monthly Financial Overview Report

a. FY 2017 Budget Update

Lisa Hewitt, General Counsel, updated the Committee on the FY 2017 budget highlighting four on-going issues concerning the agency funding.

1. The FY 2017 budget was signed by the Governor, and included across the board vetos. The CPCS staff counsel line item (0321-1504) was vetoed by \$588,000. Staff is working on a legislative veto override and has informed legislative staff of the impact of this budget cut.
2. The Governor also filed a supplemental appropriation for FY 2017, which proposes \$42M additional funds for CPCS for the 0321-1510 (private assigned counsel line item); the legislation also proposes outside section language that would roll back the recently enacted increase in the private counsel rates.
3. The FY 2016 Supplemental Budget, which was filed by the Governor earlier in the year, was reported from the Ways & Means Committee, in part, on several occasions. The most recent report adopted provided \$14.2M to CPCS for our FY 2016 obligations in line item 0321-1510 (private assigned counsel account). Although the amount was greatly appreciated and allowed the agency to meet a majority of the outstanding obligations in this account, it was deficient by \$2M.
4. A final FY 2016 deficiency bill is expected to be passed by the Governor in order for the Governor to balance the books; Staff continues to request that any funds remaining from FY2016 be available for use in FY2017 (Prior Appropriation Continued (PAC)) as well as a request for the ability to transfer funds between accounts 0321-1510 and 0321-1520.

Mr. Lucchetti, Chief Financial Officer, presented a comparison chart between FY 2016 and FY 2017 appropriations and the implications of the FY 2017 budget. FY 2017 begins with a significant deficiency of approximately \$56M. Unlike in previous years, this fiscal year begins with an initial deficiency in the two operating accounts – 0321-1500 and 0321-1504 – of approximately \$2.7M.

Mr. Benedetti stressed that staff is examining all areas where costs can be reduced and efficiencies can be achieved. CPCS will continue discussions with the Administration and Legislature on the effects of the budget on the agency's ability to perform its mission.

b. FY 2016 Monthly Financial Overview Report

Mr. Lucchetti presented the FY 2016 monthly financial overview report to the Committee for review. Expenses in line item 0321-1520 (court cost expenses) are growing and the deficiency is currently estimated to be approximately \$2.3M. Two graphs were distributed highlighting growth in this account: expenses by month from FY 2014 through FY 2016 and court cost year-to-date expenses by month from FY 2014 through FY 2016. The review to date shows growth in three categories – social workers/social workers services, psychologists and psychiatrists. Mr. Lucchetti indicated that because supplemental funds for FY 2015 were appropriated late, \$3.2M of the FY 2016 expenses are actually for prior year bills.

Mr. Lucchetti explained that the Legislature approved current year funding to be used for prior year bills. Consistent with prior years, there is an authorization to spend \$3M of FY 2017 funding to pay prior year attorney and court cost bills.

Discussion ensued.

5. Chief Counsel Report

Mr. Benedetti updated the Committee on the status of the HR Director position.

The hiring process is moving along. In the interim, CPCS has entered into an emergency agreement with Human Resources Insourcing for 2.5 days a week of high-level HR support. Paul Warner, will provide oversight and guidance in day-to-day operations and general leadership for all HR and payroll functions. Mr. Benedetti reported that he had informed the Executive Committee that the contract was procured under the terms of Section IV of the Procurement Policy which states: *Unforeseen circumstances may require CPCS to procure commodities of services on an emergency basis and prior to Committee approval.*

There being no further business to come before the meeting, the Committee adjourned at approximately 6:38 p.m.

Respectfully submitted,


Julio Hernando, Secretary