

Cumberland County

142 Federal St
Portland, ME 04062



Meeting Agenda

Monday, January 9, 2023

5:30 PM

The County Commissioners will hold their meeting in person in the Feeney Conference Room in the County Courthouse, 205 Newbury St, Portland ME 04101

Submit public comments to kennedy@cumberlandcounty.org prior to or during the meeting.

Board of Commissioners

Chair Neil Jamieson, District 1

James Cloutier, District 5

Patricia Smith, District 4

Stephen Gorden, District 3

Susan Witonis, District 2

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

Meeting Minutes of December 12, 2022

INFORMATIONAL REPORT/PRESENTATIONS

COMMENTS FROM THE PUBLIC

CONSENT AGENDA

- 23-001** Transferring 2022 Commissioner Contingency year-end fund balance to the Regional Aid Reserve Account.

ARPA BUSINESS

- 23-002** Appropriation of ARPA funding to support the contract between the Violence Intervention Program and Through These Doors "Survivor Fund".

NEW BUSINESS

- 23-003** Cross Insurance Arena Trustees By-Laws Amendments
- 23-004** Commissioner Board/Committee Assignments 2023

EXECUTIVE SESSION

- 23-005** The County Commissioners will enter into Executive Session in accordance with 1 M.R.S.A §405 (6)(D) for the opportunity to discuss negotiations between the County and Law Enforcement Unit, Local 340.

COMMENTS FROM THE COUNTY MANAGER

COMMENTS FROM THE EXECUTIVE STAFF

COMMENTS FROM THE COUNTY COMMISSIONERS

ADJOURNMENT

CALL TO ORDER

The Board of Commissioners met for their regularly scheduled meeting at the Cumberland County Courthouse in the Peter Feeney Conference Room, the meeting was called to Order by Chair Susan Witonis at 5:35pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE

Present:

Commissioner Susan Witonis, Chair
Commissioner James Cloutier
Commissioner Neil Jamieson
Commissioner Thomas Coward
Incoming Commissioner Patricia Smith
Commissioner Stephen Gorden

APPROVAL OF THE MINUTES

A motion was made by Commissioner JAMIESON and seconded by Commissioner COWARD that meeting minutes of November 7, 2022 and November 14, 2022 be approved.

A vote was called and the motion passed unanimously in favor, 5-0.

INFORMATIONAL REPORT/PRESENTATIONS

Cumberland County Thrive2027 Investment Report – July 2021 – June 2022

Presentation on Use of Community Corrections Building.

Martha Stein, Director of Hope Acts and Victoria Morales, Director of Quality Housing Coalition, presented the concept of using the Community Corrections Center for unhoused pregnant woman. There are currently reported to be 43 pregnant women that are seeking temporary housing. Commissioner Cloutier asked about the number of rooms, County Manager Gailey confirmed that there were about 20 rooms and that space is being occupied by Correctional Officers as an overnight rest area and temporary storage space.

Commissioner Cloutier inquired about the County's current insurance provider (MCCA Risk Pool) concerns. County Manager Gailey stated that he would be reaching out to the Risk Pool about a potential lease agreement. Commissioner Coward expressed his support of the idea and hoped that his successor, Patricia Smith would also support the idea if it is cleared by the Risk Pool. Chair Witonis asked Jail Administrator Major Timothy Kortez if the Community Correction Center

would open soon. Major Kortez replied that it was contingent on staffing which was unknown at this time. Chair Witonis encouraged County Manager Gailey to proceed with research.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

CONSENT AGENDA

- 22-123 Authorization for the County to renew the contract with Trinity Food Services Group.**
- 22-124 Authorization for the County to accept the 2023 Bureau of Highway Safety Impaired Driver Grant for \$10k.**
- 22-125 Authorization for the County to accept the 2023 Bureau of Highway Safety Speed Grant for \$7.5k.**
- 22-126 Authorize the County to purchase Dell Power Protect DD6400 & Data Manager in the amount of \$47,759.49**
- 22-127 Amending the Non-Union Personnel Policy.**
- 22-128 Amending Administrative Regulation #16 Grant Policy**

A motion was made by Commissioner JAMIESON and seconded by Commissioner GORDEN to approve the consent agenda.

A vote was called and the motion passed unanimously in favor, 5-0

ARPA BUSINESS

- 22-129 Authorization for the County to use ARPA to partially fund the hiring of a Behavioral Public Health Manager for the Public Health Department.**

Public Health Manager Elizabeth Blackwell-Moore presented the item and stated that it was part of the overall plan to build capacity with other organizations. The budget and job description submitted outlined the responsibilities of the proposed position. Commissioner Cloutier asked where the new Public Health staff be located, Public Health Manager Blackwell-Moore stated that office space would be located at Milk Stand relocate to the new building after it's constructed. Commissioner Gorden asked how the proposed position would

integrate into the Department of Health and Human Services. Public Health Manager Blackwell-Moore said that it would not be focused on behavior health work but on behavioral health coordination. This position would help organizations come together and convene and learn together. The position would help organizations coordinate services beyond Portland. Commissioner Gorden asked if DHHS would intersect at all, Public Health Manager Blackwell-Moore stated that it would intersect with them directly but coordinate with the CDC. Commissioner Cloutier asked if DHHS had an outpatient direct care operation related to substance abuse. Public Health Manager Blackwell-Moore replied that they support treatment efforts by funding other organizations but they do not coordinate. This position would coordinate collaborative efforts for services.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner JAMIESON to approve the consent agenda.

A vote was called and the motion passed unanimously in favor, 5-0

NEW BUSINESS

22-119 Accept the Maine Prevention Network Grant Award from the Maine Center for Disease Control and Prevention and authorize the County Manager to negotiate a contract for the award. POSTPONED FROM NOVEMBER 7, 2022.

A motion was made by Commissioner GORDEN and seconded by Commissioner JAMIESON to accept the Maine Prevention Network Grant Award from the Maine CDC and authorize the County Manager to sign the contract as postponed from the November 7, 2022 meeting.

A vote was called and the motion passed unanimously in favor, 5-0

22-130 Authorize the County Manager to sign a Lease for 4 Milk Street.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner COWARD to authorize the County Manager to sign a lease for 4 Milk Street.

A vote was called and the motion passed unanimously in favor, 5-0

22-131 Approval of the County's 2023.5 and 2023/2024 Budgets.

A motion was made by Commissioner JAMIESON and seconded by Commissioner CLOUTIER County to approve the five-year Capital Improvement Plan in the amount of \$169,700 for Budget Year 2023.5.

A vote was called and the motion passed unanimously in favor, 5-0

The motion was made by Commissioner JAMIESON and seconded by Commissioner COWARD to approve the 2023.5 General Fund Budget in the following amounts: County Expenditures \$11,889,859; Jail Expenditures \$11,202,953; Cross Insurance Arena Allocation \$858,239; Revenue \$6,552,191; Use of Tax Stabilization Account \$600,000; Tax Assessment \$16,798,860; Enterprise Funds \$6,981,765; Grants \$910,000; Summary Budget from all Sources Gross \$31,842,816.

A vote was called and the motion passed unanimously in favor, 5-0

A motion was made by Commissioner CLOUTIER and seconded by Commissioner COWARD to approve that the County Commissioners approve the five-year Capital Improvement Plan in the amount of \$298,100 in Non-Debt CIP and \$3,836,406 in Bonded CIP for Budget Year 2023-24.

A motion was made by Commissioner JAMIESON and seconded by Commissioner CLOUTIER to approve the 2023 - 2024 General Fund Budget in the following amounts: County Expenditures \$25,770,118; Jail Expenditures \$22,405,905; Cross Insurance Arena Allocation \$3,298,703; Revenue \$14,006,967; Use of Tax Stabilization Account \$200,000; Tax Assessment \$37,267,759; Enterprise Funds \$14,034,400; Grants \$1,761,100; Summary Budget from all Sources Gross \$67,270,226.

A vote was called and the motion passed unanimously in favor, 5-0

22-132 Authorize the payment of Cost of Living increases for Elected Officials for the 2023.5 and 2023/2024 budgets.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner JAMIESON to authorize the payment of Cost of Living increases for Elected Officials for the 2023.5 and 2023/2024 budgets

A vote was called and the motion passed unanimously in favor, 5-0

22-133 Authorize the County to increase the billing rate for other county boarders at the County Jail.

Major Kortes explained that the majority of jail rates are now \$85 dollars and this would be in line with the current practice. He reported that staffing and borders remain unchanged. There were a few new

hires that had just completed training academy.

A vote was called and the motion passed unanimously in favor, 5-0

22-134 Amending the County Parking Surface Lot & Garage Schedules for 2023.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner JAMIESON to approve the County Parking Surface Lot & Garage Rate Schedules for 2023.

A vote was called and the motion passed unanimously in favor, 5-0

22-135 Authorize the County to transfer the 2022 Year End Fund balance into Reserve Account for capital projects.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner COWARD to authorize the County to transfer the 2022 Year End Fund balance into Reserve Account for capital projects.

A vote was called and the motion passed unanimously in favor, 5-0

22-136 Accept \$250,000 Congressional Spending Act funding from Senator Collins Office for Sheriff's Office Body Worn Cameras

A motion was made by Commissioner CLOUTIER and seconded by Commissioner JAMIESON to accept \$250,000 Congressional Spending Act funding from Senator Collins Office for Sheriff's Office Body Worn Cameras.

A vote was called and the motion passed unanimously in favor, 5-0

22-137 Authorize the County Manager to sign a sole source contract with Axon Industries, Inc for the purchase of Body Worn Cameras and Tasers.

A motion was made by Commissioner CLOUTIER and seconded by Commissioner COWARD to authorize the County Manager to sign a sole source contract with Axon Industries, Inc for the purchase of Body Worn Cameras and Tasers.

Chair Witonis stated that she was disappointed by the lack of representation from the Sheriff's office on behalf of the grant given the work that was involved with obtaining the grant. Commissions Cloutier and Coward agreed with her statement.

A vote was called and the motion passed unanimously in favor, 5-0

22-138 Appointment of Chair and Vice Chair for the Board of Commissioners.

A motion was made by Commissioner WITONIS and seconded by Commissioner COWARD for the appointment of Chair and Vice Chair for the Board of Commissioners

A vote was called and the motion passed unanimously in favor, 5-0

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey distributed the Commissioner 2023 Meeting Schedule and Commissioner 2023 Committee Assignments.

County Manager Gailey thanked Chair Witonis for her service as Chair and welcomed Commissioner Jamieson as the new Chair. He thank Commissioner Coward for his service to the County since 2013.

COMMENTS FROM THE EXECUTIVE STAFF

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Cloutier extended his thank to Commissioner Coward and wished the public a happy holiday.

Commissioner Coward thanked County Manager Gailey for his hard work and knew of him when he worked in South Portland. He was glad that he could contribute and had initially become involved with the County because he felt that the Board of Trustees for the Cross Insurance Arena needed to integrate it into normal operations. He thanked Deputy Manager of Finance and Administration Kimball for his work on improving the county finances and thanked Public Affairs Director Kennedy for his meetings and lobbying efforts on behalf of the County. He commented that since he started, the quality of staff has improved and government operations have become more transparent. He congratulated newly elected Commissioner Patricia Smith and though would like to stay on he feels it's time for someone else to take over.

Commissioner Gorden thanked the Committee and wished the public a happy holiday. He welcomed newly elected Commissioner Patricia Smith.

Commissioner Jamieson thanked Commissioner Coward for his hard work, perspective and service. He wished the public a happy and safe holiday.

Commissioner Witonis thanked Commissioner Coward for his service and wished him and his family well. She wanted to recognize the operational challenges that the

Commissioners and the staff faced with COVID and for the Executive Staff support during her tenure as Chair. She wished the public a happy and safe holiday.

ADJOURNMENT

A motion was made by Commissioner GORDEN and seconded by Commissioner CLOUTIER to adjourn. The Commissioners adjourned their meeting at 7:15 pm.

Maine
Cumberland **County**
POSITION PAPER FOR AGENDA ITEM

TO:	Cumberland County Commissioners
FROM:	James H. Gailey, County Manager
DATE:	1/9/2023
SUBJECT:	Transfer of funds from Contingency to Regional Aid Reserve Account

Requested Action:

Authorize the transfer of \$15,000 of 2022 Contingency Funds to the Regional Aid Reserve.

Background & Purpose of Request:

During the December 2019 Commissioner meeting, the Commissioners accepted a proposal to establish a Regional Aid Reserve.

Throughout the budget year, the County is either asked or an opportunity presents itself to help in an important way. Depending upon the circumstance, this Reserve allows the County to consider a contribution. In 2019, a Policy was created allowing for the remaining balance of the Commissioner's Contingency fund to be transferred annually into this Regional Aid Reserve Fund.

This year I am asking for the Commissioners to transfer \$15,000.00 of the \$45,000.00 that remains in the 2022 Contingency account.

Funding Amount and Source:

\$15,000 from 2022 Contingency to the Regional Aid Reserve Account

Attachments:

- Regional Aid Reserve Fund Policy

Agenda Item Number: 23-001

Date on Agenda: 1/9/2023

Result

Mover:

Secunder:

Vote Tally:

Vote Result:

Roll Call Vote if Meeting Remotely:

Chair of Board, Date

Admin Regulation #20 Regional Aid Fund

Regional Aid Fund.

The County shall establish a Regional Aid Fund to set-a-side financial resources that may be used to aid in a regional crisis. Regional crisis, includes, but is not limited to the following: homelessness, food insecurity, clothing, transportation, transitional living arrangements and services associated with breaking down language or cultural barriers. The following guidelines shall be followed in the administration of this Fund:

1. Any funds transferred into the reserve account is only by vote of the County Commissioners;
2. Expenditure of funds of up to \$1,000 can be made by the County Manager in consultation with the Board Chairman, up to three times a year. Expenditures in excess of \$1,000 shall seek authorization from the County Commissioners.
3. Subject to the annual review of the County Commissioners Contingency Account, a determination shall be made on whether the overall budget has suitable funding to make a year-end balance transfer from the Commissioner Contingency account to the Regional Aid Reserve Account. The Reserve Account shall be capped at \$75,000.

Maine
Cumberland **County**
POSITION PAPER FOR AGENDA ITEM

TO:	Cumberland County Commissioners
FROM:	Jen Annis, Violence Intervention Partnership
DATE:	1/3/22
SUBJECT:	ARPA Survivor Fund

Requested Action:

The Public Health Department is seeking authorization for the use of ARPA funding to support an internal initiative to provide additional funding to Through These Doors for the "Survivor fund".

Background & Purpose of Request:

From the first days of the Covid-19 pandemic, it was clear that the isolation of the pandemic left survivors of domestic violence (DV) in a situation of increased risk. Many reports have shown that violence and abuse to an intimate partner increased during the pandemic and has not relented. At Through These Doors (TTD), Cumberland County's domestic violence resource center, advocates have continued to see an increase in people seeking services, and an urgency in helpline calls and other advocacy support requests. Calls are longer and callers show more desperation. The number of people they served in the past 12 months has increased over 10%, and they sheltered 41% more people in the past two years than in previous years.

TTD provides safe, accessible services for victims and survivors of domestic violence and abuse, dating violence, human trafficking and stalking. Over the last 10 months, the Public Health Department has partnered with Through These Doors as a sub grantee of the VIP OVW (Office on Violence against Women) grant. The VIP OVW grant has provided funding for practical expenses such as security deposits, storage fees and transportation that allow survivors to transition to safer situations.

After the grant allocation came in almost \$100,000 less than the original request, the amount for the "survivor fund" decreased by almost half. Due to the decreased amount of funds, increased demand, and higher prices for relocation, rental assistance and safety devices, this money has gone quickly and not fully covered the needs of survivors. TTD has successfully utilized the majority of available funding provided to them by way of the VIP OVW grant, and will utilize all of it by the end of January 2023. Current demand for this program is so great that additional funding is needed in order to continuing supporting survivors of domestic violence. The use of the ARPA dollars will fill a gap left by the increased need and decreased funds. When the RFP comes out for the OVW funding, VIP hopes to secure additional survivor funds to begin in October of 2024 and will continue to assess the increased needs of survivors.

The Public Health Department believes that continuing to provide funds to support a survivor's safety plan is critical to increasing the overall safety and well-being of those Cumberland County residents experiencing domestic violence. The funds we are requesting are to meet individual, short-term needs that allow a survivor to move from a dependent relationship with a dangerous person, to a life that is

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POSITION PAPER FOR AGENDA ITEM

more self-reliant and better positioned for safety. The nexus to the Pandemic is clear and outlines a disproportionate impact on these individuals.

By granting funding from the ARPA Award, we can provide an estimated 190 survivors of domestic violence with enough financial autonomy to be able to relocate to a safer place or enhance security measures to keep families safely in their existing homes.

Funding Amount and Source:

\$150,000; Remaining ARPA funds for County internal staff initiatives

Attachments:

Memo

Budget

Agenda Item Number: 23-002

Date on Agenda: January 9, 2023

Result

Mover:

Seconder:

Vote Tally:

Vote Result:

Roll Call Vote if Meeting Remotely:

Chair of Board, Date

Jennifer Annis, Project Manager

Memo to the Commissioners

January, 3, 2022

From: Jennifer Annis, Violence Intervention Partnership

Subject: ARPA Survivor Funds

Overview

From the first days of the Covid-19 pandemic, it was clear that the isolation of the pandemic left survivors of domestic violence (DV) in a situation of increased risk. Many reports have shown that violence and abuse to an intimate partner increased during the pandemic and has not relented. At Through These Doors, Cumberland County's domestic violence resource center, advocates have continued to see an increase in people seeking services, and an urgency in helpline calls and other advocacy support requests. Calls are longer and callers show more desperation. The number of people they served in the past 12 months has increased over 10%, and they sheltered 41% more people in the past two years than in previous years.

Through These Doors (TTD) has utilized Violence Intervention Partnership (VIP) Office on Violence against Women (OVW) grant funds to help support survivors meet their immediate safety planning needs. By the end of January, TTD will have successfully utilized all of those grant funds. We will not be able to apply again until 2024 and will not receive funds until October of 2024. The use of the ARPA dollars will fill a 20 month gap left by the increased need and limited funds.

The Public Health Department believes that continuing to provide funds to support survivors' safety plans is critical to increasing the overall safety and well-being of those Cumberland County residents experiencing domestic violence. The nexus to the Pandemic is clear and outlines a disproportionate impact on these individuals.

By granting funding from the ARPA Award, we can provide survivors of domestic violence with enough financial autonomy to be able to relocate to a safer place or enhance security measures to keep families safely in their existing homes.

Impact of COVID-19 on Survivors of Domestic Violence

The isolation of the pandemic has multiplied the harm caused by abuse. Since the inception of the pandemic, survivors who have worked with TTD have told advocates the following:

- Prior to the pandemic, they would get occasional relief from the abusive partner when one or the other went to work or took care of some other errand away from home. In the early months of the pandemic, when no one left home, they were subject to the abuse 24/7. Even now when that level of distancing is not required, people are still working from home in high numbers, are now able to have shopping delivered, etc. Due to these factors, survivors are often still in close proximity with the abuser much more than they were prior to the pandemic.
- Abusers, who have always made it difficult for victims to work and have friends, have new excuses to mandate that person to stay home. Advocates hear from people who contact them that abusers have instituted new rules that don't allow them to see their friends because of COVID when they themselves are free to do whatever they choose.

- People who use abusive tactics require that the person they are victimizing cannot get a vaccine and their children may not get a vaccine, thereby making them more vulnerable to the virus and less comfortable being with others.
- Abusers subject family members to the virus by knowingly exposing them to the virus or threatening to.

Funds from this project would support victims/survivors as they deal with the above abusive tactics and more, and create distance between the victim and their abusive partner.

Funding

The VIP grant has provided funding for practical expenses that allow survivors to transition to safer situations, such as security deposits, storage fees, and transportation. The amount budgeted in the VIP grant for these expenses has been used very quickly and is only supporting a small amount of the actual need for safe housing and transitional expenses for those trying to leave abusive situations. The original budget for this fund was \$29,980, however, after the grant allocation came in almost \$100,000 less than the original request, the amount for the “survivor fund” decreased to \$15,861. Due to the decreased amount of funds, increased demand, and higher prices for relocation, rental assistance and safety devices, this money has gone quickly and not fully covered requests coming in. This fund is not sufficient to meet the needs of those who are vulnerable and at high risk of future violence in Cumberland County. In looking at the actual need, Through These Doors submitted a budget for \$150,000 for the next 20 months to directly support the “survivor fund” to assist with 190 individual safety needs.

Future Funding

The funds requested are not for on-going services, which must be sustainable over time, but for short-term needs that allow a survivor to move from a dependent relationship with a dangerous person to a life that is more self-reliant and better positioned for safety. VIP and Through These Doors will continue to assess the current increased need and continue to seek funds (as outlined below) to support survivor safety. Regardless of the ability to offer these resources in the future, they are still useful to survivors standing in front of us right now. Resources connected with services will always be a lifeline, and never more so in the present moment with a pandemic that continues to imperil our local safety nets.

TTD, regularly request funds for survivor safety needs, and will continue to at every available opportunity. They have been successfully awarded this type of funding in the past two years from the following sources: Federal Departments of Justice, Office on Violence Against Women (OVW) and Department of Housing and Urban Development (HUD); foundations such as John T. Gorman, Frances Hollis Brain fund, Margaret Burnham foundation, Maine Association of Realtors, New England Patriot’s foundation and individual and corporate donors. Future requests anticipated:

- The OVW grant ‘Improving Criminal Justice Response’ awarded to Cumberland County is up for renewal in 2024 to start October 1, 2024. Cumberland County will request funds for survivor supports (assuming this is still allowable in the new solicitation) in an amount estimated to be \$50,000 over three years.
- John T. Gorman Foundation. Last year’s application process opened on February 1; TTD believes that is likely again this year. They are approximately half-way through the current grant cycle and have spent two-thirds of the award. They anticipate requesting \$15,000 in the new application to augment and sustain this funding.
- All of the foundations listed above will be approached for gifts similar to past years, as requests for proposals are provided. Requests that are likely to be submitted as they are made available annually are Maine Association of Realtors, Maine Women’s Giving Tree, Narragansett Foundation, and Fisher Foundation. More are possible.
- On the TTD website, there is an opportunity for donors to select ‘TTD Women’s Fund’ as a restriction to their donation. Those funds are placed in a segregated fund used solely for survivors. Approximately \$800 was provided from donors last year for this resource.

In all of TTD's victims' funds, no money is withheld for overhead or administration. 100% of the money is spent on victim's needs.

Item	Individual cost per famiy	Individuals Nights	Months	Notes	Total	Estimated Unduplicated Individuals (new from first row down)
Rent support/first month/Security Deposit	3,000	30		Families	\$90,000.00	75 estimated 3 people per family
Utilities	400	30			12,000.00	30 estimated 2 people per family
				Total	\$102,000.00	
Hotel/motel stay	200	15	5		\$15,000.00	30 estimated 2 people per family
Food/groceries during hotel stay	200	15		Families	3,000.00	
				Total	\$18,000.00	
Flights to relocate to safe location	400	10		Individuals	\$4,000.00	10
Bus Tickets to relocate to safe location	50	20		Individuals	1,000.00	20
Moving Trucks/Movers	1,028	10		Individuals/Families	10,275.00	
Storage Units	200	10		6 Individuals/Families	12,000.00	5
				Total	\$27,275.00	
Wyze Security Cameras (one camera)	50	20			\$1,000.00	10
Wyze Security Cameras (two cameras)	80	15			1,200.00	10
SD Memory Cards for Wyze Security Cameras	15	35			525	
				Total	\$2,725.00	
TOTAL					\$150,000.00	190

Maine
Cumberland **County**
POSITION PAPER FOR AGENDA ITEM

TO:	Cumberland County CIA Trustees
FROM:	James H. Gailey
DATE:	January 9, 2022
SUBJECT:	Amended By-Laws

Requested Action:

Recommend to the County Commissioners the Amend the CIA Trustees By-Laws

Background & Purpose of Request:

History – The Board of Trustees was formed in the mid/late 1970’s when the Arena opened. They were an independent Board formed by State Statute. Their only relationship to the County was to submit an annual warrant (bill) for any shortcomings on the budget. In 2017, the Trustees worked with the County Commissioners to amend the State Statute and merge the Board of Trustees under county government. The Arena is now a County Department. The merger addressed many items, but the Trustee Districts have never been discussed. The County has a number of Committees, all falling in line with the Commissioner Districts. It is time to bring the Trustees into the same model.

Transitioning CIA Trustee positions from current Trustee Districts to Districts of the Commissioners

Proposal goes from 6 Trustee Districts to 5 Districts mirroring the Commissioner Districts

- Right now, the towns don’t line up between the two Districts.
- Will allow for better coverage of the County as it has been difficult to attract interest in the Trustee seats (except for Districts 1 and 2).

Proposal goes from 2 At-Large to 3 At-Large

- Commissioners don’t have At Large so this is a slight change - to accommodate the current number of Trustees.
- Portland is reduced from 2 seats to 1 seat. However, At-Large seats are occupied by 2 Portland residents.

Proposal adds a third At-Large Trustee, which will allow for a greater geographic region to pull from for Trustee candidates.

- This third At Large can be eliminated once a vacancy occurs, to get to an odd number of Trustees.

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POSITION PAPER FOR AGENDA ITEM

This proposal would line the Trustees and Commissioners Districts up and eliminate confusion between the two Boards. It has been more difficult to attract candidates for the Board of Trustees. Reducing the Districts, but increasing the At-Large by one, may help.

Through further discussion, the Trustees found no purpose for the Secretary's position under the current make-up of the Board. This nominated position holds no responsibility under the County and it was felt that this language was old and should be cleaned up.

The Trustees also looked at the terms and how they work compared to the Commissioners. The Trustees proposed changing from two – 3 year terms, to three – 3 year terms.

The Trustees were accepting of the redistricting By-Law change during the summer of 2022. Subsequently, the item was also presented to the County Commissioners in November to get their opinion. Both Boards are in acceptance of the proposed redistricting of the Board.

On December 21, 2022, the Board of Trustees made the following motion:

Amend the term limits for the Trustees from two-three-year terms to three-three-year terms and for the elimination of the reference of the Secretary in the By Laws and for the proposed change in the Trustee district to bring them closer to the County Commissioners districts.

Funding Amount and Source: N/A

Attachments: Amended By-Laws (Redline)
Change in Districts Document

Agenda Item Number: 23-003

Date on Agenda: January 9, 2023

Result

Mover:

Secunder:

Vote Tally:

Vote Result:

Roll Call Vote if Meeting Remotely:

Chair of Board, Date

CUMBERLAND COUNTY RECREATION BOARD OF TRUSTEES

The Cumberland County Recreation Board of Trustees, a standing committee formed by the Charter of Cumberland County, is created to encompass the County's recreational assets and advise the County Commissioners through an appointed board of trustees on enhancing its citizens' recreational quality-of-life opportunities across Cumberland County.

The Cumberland County Recreation Board of Trustees believe that recreation is important in individual's lives and enhances the well-being of the region. Cumberland County is fortunate to have such diverse recreational opportunities from the sea to the lakes to the mountains, providing diverse recreational opportunities.

Therefore, the Trustees recognizes and accepts its responsibility to explore, enhance and provide an infrastructure that promotes an enhanced quality of life through healthy living, while also understanding and supporting economic development in Cumberland County. With this in mind, the Trustees will advise Cumberland County on the development, operations and capital investments that provide and expand recreational opportunities to all residents and visitors of Cumberland County.

The Charge of the Trustees:

1. Plan for the present and future recreational needs for Cumberland County's residents and visitors.
2. Cooperate and coordinate with State of Maine, municipalities, corporate and private partners to provide for recreational needs in facility use, upkeep and programming.
3. Develop and seek funding for indoor and outdoor recreation facilities on community, countywide and regional levels.
4. Explore a wide range of infrastructure that will contribute to the meaningful use of leisure time.
5. Understand the importance of the County's resources as they pertain to tourism and economic development within the many cities and towns of Cumberland County.
6. Provide leadership designed to show how the use of recreation could be a major force in the enrichment of personality, creativity and physical vitality.

ENACTING CLAUSE AND RULES.

The Trustees shall develop, recommend and implement policy for such purpose. The Trustees shall operate under the authority granted pursuant to 30-A MRSA §747 of the Maine Revised Statutes, the County Charter, and in accordance to these By-laws.

CUMBERLAND COUNTY RECREATION BOARD OF TRUSTEES
BY-LAWS

ARTICLE I

Name

Section 1. The name of the County Standing Committee shall be the Cumberland County Recreation Board of Trustees. Cumberland County Recreation Board of Trustees shall operate as an Enterprise Fund Committee.

ARTICLE II

Transition

In accordance with H.P. 805, L.D. 1142 “An Act to Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County”, it is hereby declared that under the auspices of the County of Cumberland the Cumberland County Recreation Board of Trustees is established as an Enterprise Fund having day-to-day oversight as a Standing Committee under the Charter of County of Cumberland.

ARTICLE III

Purposes

Section 1. To acquire property, operate and promote the purposes and objectives as setforth in the Committee’s above-mentioned charge within the County of Cumberland, Maine for the enhancement of athletic, recreation and citizen’s quality of life.

ARTICLE IV

County Charter

In accordance with the 2010 Adopted County Charter, the Cumberland County Recreation Board of Trustees is a County Commissioner designated Standing Committee as defined by 3.8.3.1 of the County Charter.

3.8.3 Committees: The Board may create and abolish such committees as it deems necessary to assist in the performance of its duties, may appoint the membership necessary and may

serve as ex officio committee members. A committee shall be a Standing Committee or an Ad Hoc Committee. All committees shall have a clearly written charge and have their budgets approved by the Board. At the Annual Meeting, the Board shall review and vote to authorize each Ad Hoc Committee or by default they shall be abolished.

3.8.3.1. Standing Committees: Standing Committees are named County committees that may have an ongoing operating and capital budgets; their governance is described and referenced in the Bylaws.

ARTICLE V Board of Trustees

Section 1. The Board of Trustees shall consist of ~~nine~~ initially eight (98) members, until such time that an at-large position is vacated, then the Board of Trustees shall go down to seven (7) members. Residents of Cumberland County, who shall be appointed by Cumberland County Board of Commissioners as follows: ~~two (2) Trustees appointed from the City of Portland; one (1) each from the following town combinations: South Portland and Cape Elizabeth; Scarborough, Westbrook and Falmouth; Gorham, Windham, Standish, Baldwin and Sebago; Brunswick, Freeport, Harpswell, Pownal and New Gloucester; Yarmouth, Cumberland, North Yarmouth, Gray, Raymond, Casco, Naples, Harrison and Bridgton; and the remaining two (2) at large.~~

District 1: Scarborough, Gorham, Standish, Baldwin, Sebago & Bridgton;

District 2: Harrison, Naples, Casco, New Gloucester, Gray, Raymond, Frye Island, Windham and Falmouth;

District 3: Cumberland, North Yarmouth, Pownal, Brunswick, Harpswell, Yarmouth, Freeport, Chebeague Island and Long Island;

District 4: Cape Elizabeth, South Portland, Westbrook, & Portland 5-1

District 5: Portland, except 5-1

At-Large: Three At-Large, until such time there is vacancy and then Two At-Large.

Section 2. Trustees so appointed shall hold office as herein provided and until their respective successors are appointed and qualified.

Section 3. The Trustees of the Center shall serve as the initial members of the Cumberland County Recreation Board of Trustees established under Maine Statutes, Title 30-A, §747 until their term expires. Trustees shall be appointed for a term of three (3) years and may not serve more than ~~two~~ three (23) consecutive terms.

Section 4. In case of a vacancy in the office of Trustee arising from death, removal from Cumberland County, Maine, or any other cause, the Cumberland County Commissioners shall appoint a new Trustee to fill the unexpired term within 90 days of the vacancy.

Section 5. No member of the Cumberland County Board of Commissioners shall serve as a voting member of the Board of Trustees. There shall be one non-voting Commissioner and the

County Manager, Deputy Manager and Compliance Manager shall be non-voting liaisons to the Board of Trustees.

Section 6. The Board of Trustees shall propose and recommend policies and procedures. The Board shall develop, present and recommend the budgets. The Board shall prepare and present an annual budget for the Arena to the County Commissioners for approval and adoptions by the Commissioners.

Section 7. The County Commissioners shall review and may adopt the budgets of the Cumberland County Recreation Board of Trustees, an enterprise fund under the oversight of the County Commissioners, and shall act as funding authority for their operations. The County Commissioners may increase, decrease or accept the overall budgets that are presented by the Board of Trustees, but the Commissioners may not otherwise alter or amend the budgets presented by the Trustees.

Section 8. A majority of the Trustees appointed shall constitute a quorum for the transaction of business and action taken by a majority of the trustees present at any meeting at which a quorum is in attendance shall be deemed to be the action of the full Board of Trustees.
(August 2021)

Section 9. The Board of Trustees may appoint such subcommittees for such purposes, as they deem expedient.

Section 10. The Board of Trustees shall compile data and information for an annual report, including a report from the annual audit. The information shall be incorporated into the County's annual report.

Section 11. Bidding Procedures:

The Trustees and Management staff shall follow the County's Procurement Policy as outlined in County Administrative Regulation #5.

- ~~1. Any contract for construction, renovation or improvement of the Arena building involving a total estimated cost of \$5,000 or more, or any purchases of supplies, materials and equipment by the Arena involving a total estimated cost of \$3,500 or more, shall be awarded a system of competitive bidding, as described below.~~
- ~~2. The competitive bidding system to be used shall mean the transmission of a written or oral proposal or invitation to bid to at least three (3) responsible bidders to be replied to at a stated time. In obtaining competitive bids, if the General Manager of the Arena shall find that three (3) responsible bidders are not available, he/she may makes such exceptions to this section as he may deem in the best interests of the Arena.~~
- ~~3. Public advertising of the request for bids in a Portland general circulation newspaper shall be used when the anticipated bid would exceed \$50,000; and below \$50,000 if the Trustees and/or Commissioners so direct. Bids received over \$50,000 or come in over the Commissioner approved budgeted amount, shall seek approval by the Commissioners.~~

4. ~~The Arena reserves the right to reject any or all bids, in whole or in part, to waive any formality to technicality in any bid or to accept a bid in whole or in part. In awarding contracts, the Arena may take into consideration such factors as the Trustees and/or Commissioners deem relevant including, but not limited to, the quality of the service, supplies, materials or equipment; the skill and experience of the bidder; the conformity of the bid with the specifications; the date of delivery or completion and any other factor relevant to securing the greatest possible economy consistent with the grade or quality of the services, supplies, material or equipment that are needed. In the event that all other factors are of equal weight, the award shall be made to the most responsible responsive contractor.~~
5. ~~The Trustees and/or Commissioners of the Arena may waive the requirement of competitive bidding;

 - a. ~~In the event of an emergency or an immediate threat to life or property;~~
 - b. ~~In any case where it is determined that a specific supplier, purveyor or contractor has special knowledge, information or experience such that it is in the Arena's best interest to utilize such supplier, purveyor or contractor;~~
 - c. ~~Where the cost of preparing competitive bids would exceed the monies to be saved by proceeding with the competitive bids, or~~
 - d. ~~If particular supplies, materials or services are available only from a single company and no substitute would satisfy the Arena's needs (sole source).~~~~
6. ~~Architectural, engineering and design services shall not be subject to competitive bidding procedures.~~

ARTICLE VI
Officers and Employees

Section 1. The officers of the Board of Trustees shall be a Chairman, ~~and~~ Vice Chairman, ~~and a Secretary~~, who shall be elected annually in the month of December by the Board of Trustees from their own members as recommended by a Nominating Committee (appointed by the Chairman) who will propose a slate of officers annually in November; such officers to serve for the ensuing year and until their successors are elected and qualified. Other officers may also be designated by the Trustees.

Section 2. The duties of the Chairman, ~~and Secretary~~ shall be such as are usually imposed upon such officials or required by law and also such as maybe assigned to them respectively by the Board of Trustees, and in his/~~her~~ absence, the Vice Chairman.

Section 3. The Board of Trustees may recommend to the County Manager individuals for the position of Compliance Manager, who will oversee the day-to-day contractual activities of the Arena and perform such other duties as shall be designated by the Trustees.

Section 4. The Trustees shall be sworn to the faithful performance of their duties, ~~which shall include the duties of any member who shall serve as the Secretary.~~

ARTICLE VII
Meetings

Section 1. Regular meetings of the Board of Trustees shall be held quarterly or as the Trustees deem necessary. Special meetings of the Board of Trustees may be called by the Chairman upon request directed to him/her.

Section 2. Notice of meetings shall be communicated by the Compliance Manager or his/her designee ~~Secretary~~ to each Trustee and received not less than three (3) days before the date thereof.

Section 3. Executive sessions or working sessions may be held as permitted by law.

ARTICLE VIII
Authority

Section 1. The Trustees obtain their authority through the State Statute 30-A MRSA §747, the County Charter and the By-Laws here within.

ARTICLE IX
Amendments

Section 1. These By-Laws may be recommended for amendment or alteration by the Board of Trustees at any meeting, regular or special, provided that notice of the proposed change shall have been communicated by the Compliance Manager and/or designee ~~Secretary~~ to each Trustee, County Commissioner's designee and County Manager at least seven (7) calendar days before the date of the meeting. The Trustees shall make a recommendation on said By-Laws and seek approval from the County Commissioners. Amendments to these By-Laws and other agreements may be proposed by any member of the Board of Trustees or the County Commissioners.

ARTICLE X
Cross Insurance Arena
Trustees Policy with Respect to Attendance of Events

With respect to Trustees, Commissioners and County Liaisons attendance at the Arena events, as follows:

WHEREAS, the Arena is governed by a ~~nine person~~ Board of Trustees, who are appointed by a five person Board of Commissioners; and

WHEREAS, the Arena provides and maintains a variety of different events and entertainment for the public consistent with its public purpose; and

WHEREAS, the Arena believes that the education and experience of the Trustees, Commissioners and County Liaisons with respect to Arena activities in the building is of the paramount importance so that they may exercise prudent judgment in the exercise of said public interest;

NOW THEREFORE the Trustees and Commissioners hereby adopt the following policy with respect to Trustees, Commissioners and County Liaisons attendance at Arena events:

- (1) It shall be the policy of the Arena to encourage Trustees, Commissioners and County Liaisons to attend events during their term.
- (2) The Arena may make complimentary admission tickets available to all Trustees, Commissioners and County Liaisons (plus one guest) for any Arena event only if such admission tickets are made available by the promoter to the Arena. In addition, Trustees, Commissioners and County Liaisons may purchase up to Two (2) additional tickets on a priority basis.
- (3) Although Trustees, Commissioners and County Liaisons are not expected to attend every event, it is expected that they will attend events with enough frequency so that they are conversant with the nature and character of the act.

ARTICLE XI
Transitional Provisions
Effective November 1, 2017

Transition provisions. The following provisions govern the transition of the Cumberland County Recreation District, created by former Private and Special Law 1971, chapter 86, to Cumberland County:

1. Cumberland County is the successor in every way to the powers, duties, functions, property assets and liabilities of the Cumberland County Recreation District, referred to in this section as "the center."
2. All existing rules, regulations and procedures of the District continue in effect unless rescinded, revised or in conflict with Cumberland County laws, rules and regulations or amended by the county commissioners of Cumberland County.
3. All existing contracts, agreements and obligations of the District, including bonds or other debt instruments and management agreements, continue in effect, and the rights and obligations of the District become the rights and obligations of Cumberland County.
4. The trustees of the District shall serve as the initial members of the Board of Trustees of the District established in the Maine Revised Statutes, Title 30-A, section 747 until their current terms expire.
5. All real and personal property of the District, including but not limited to fixtures, records and equipment owned or leased by the District, is transferred to and becomes the property of Cumberland County. The transfer of real and personal property may not occur earlier than January 1, 2018 and must be approved by the County Commissioners of Cumberland County and the Board of Trustees of the Cross Insurance Arena (Cumberland County Recreational Board of Trustees).

CIA Trustee Districts	Towns	Trustee Name	Commissioner Districts	Towns	Proposed Filling
1	Portland, Long Island	Woods - Portland	1	Scarborough, Gorham, Standish, Baldwin, Sebago & Bridgton	Clark - Scarborough
1	Portland, Long Island	Surprise - Portland			
2	South portland, Cape Elizabeth	Jamieson - South Portland	2	Harrison, Naples, Casco, New Gloucester, Gray, Raymond, Frye Island, Windham & Falmouth	Tyler - Windham
3	Falmouth, Scarborough & Westbrook	Clark - Scarborough	3	Cumberland, North Yarmouth, Pownal, Brunswick, Harpswell, Yarmouth, Freeport, Chebeague Island & Long Island	Crimmins - Brunswick
4	Baldwin, Frye Island, Gorham, Sebago, Standish & Windham	Tyler - Windham	4	Cape Elizabeth, South Portland, Westbrook & Portland 5-1	Jamieson - South Portland
5	Brunswick, Freeport, Harpswell, Pownal & New Gloucester	Crimmins - Brunswick	5	Portland, except 5-1	Surprise - Portland
6	Bridgton, Casco, Chebeague Island, Cumberland, Gray, Harrison, Naples, North Yarmouth, Yarmouth and Gray	Vacant			
At Large		Gray - Portland	New		
At Large		Norman - South Portland	At Large		Gray - Portland
			At Large		Norman - South Portland
			At Large		Woods - Portland

2023 Commissioner Committees

TO BE FINALIZED AT JANUARY COMMISSIONERS MEETING

Local Emergency Planning Committee	Commissioner Coward
Board of Trustee Liaison to Cross Insurance Arena	Commissioner Witonis
CCRCC Board of Directors	Commissioner Witonis
Greater Portland Council of Governments Alternate/Proxy	Commissioner Witonis County Manager Gailey
Liaison for the Chief Local Elected Officials	Commissioner Gorden
County Emergency Food and Shelter Program	Commissioner Jamieson
Cumberland County Public Health Council	Commissioner Cloutier
Cooperative Extension Services Board of Trustees	Commissioner Cloutier
Cumberland County Soil and Water District	Commissioner Jamieson
Municipal Oversight Committee – CDBG/HOME	Commissioner Jamieson
Metro Regional Coalition	County Manager Gailey
County Commissioners Associations Risk Pool Alternate/Proxy	Commissioner Coward County Manager Gailey
Maine County Commissioner Association Alternate/Proxy	Commissioner Gorden County Manager Gailey
Coastal County Workforce Board	Commissioner Gorden

