

**BARNSTABLE COUNTY**

In the Year Two Thousand and Thirteen

**Proposed Ordinance 13-\_\_**

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

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 16, 2013, 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 appropriated from remaining FY2013 General Fund monies as supplemental appropriations for Barnstable County for the fiscal year ending June thirtieth, two-thousand and fourteen. Said funds shall be derived from the funds remaining at the close of FY 2013.

<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
	COUNTY SERVICES			
0012301	Fertilizer Management DCPC	1	26,000	
	Implementation/Training	2	1,000	\$ 27,000
	Cooperative Extension Service			

Section 2.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of October 16, 2013, 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 appropriated from the Statutory Reserve amounts for FY2014 as supplemental appropriations for Barnstable County for the fiscal year ending June thirtieth, two-thousand and fourteen. Said funds shall be derived from the Statutory Reserve funds set aside at the close of FY 2013.

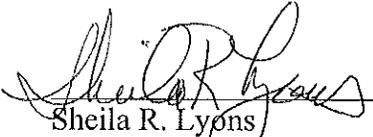
<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
	COUNTY SERVICES			
0012301	Fertilizer Management DCPC	2	37,000	
	Implementation/Training	3	24,000	\$ 61,000
	Cooperative Extension Service			

TOTAL SUPPLEMENTAL APPROPRIATION \$ 88,000

Approved by the Board of County Commissioners 10/23/13 (date), at 10:05 <sup>A.M.</sup> (time).

  
Mary Pat Flynn  
Chairman

\_\_\_\_\_  
William Doherty  
Vice-Chairman

  
Sheila R. Lyons  
Commissioner

**BARNSTABLE COUNTY**

In the Year Two Thousand and Thirteen

**Proposed Ordinance 13-\_\_**

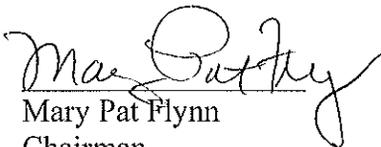
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Section 1.

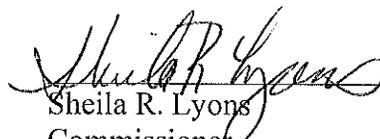
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<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
PLANNING AND DEVELOPMENT				
0012301	Orthoimagery Acquisition Project (Flyover Mapping) Cape Cod Commission	2	200,000	\$ 200,000
TOTAL SUPPLEMENTAL APPROPRIATION				\$ 200,000

Approved by the Board of County Commissioners 10/23/13 (date), at 11:05<sup>A.M.</sup> (time).

  
Mary Pat Flynn  
Chairman

\_\_\_\_\_  
William Doherty  
Vice-Chairman

  
Sheila R. Lyons  
Commissioner

**BARNSTABLE COUNTY**

In the Year Two Thousand and Thirteen

**Proposed Resolution 13-\_\_**

To approve certain budget transfers for fiscal year 2014 in accordance with Barnstable County Ordinance 13-03.

NOW, THEREFORE,

*BE IT HEREBY RESOLVED* that the Barnstable County Assembly of Delegates Proclaims:

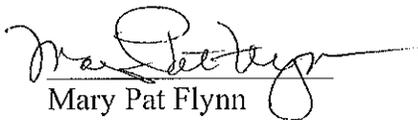
The following transfers between budget groups one, six, eight, and nine for fiscal year 2014 are approved:

For the Joint Regional Service Initiatives Program:

Decrease                    0012602-5239 by \$ 40,000

Increase                    0012601-5100 by \$ 40,000

Offered for Consideration by the Barnstable County Commissioners,



Mary Pat Flynn  
Chairman

*From Bill Clark*

## **Fertilizer Management DCPC Supplemental Budget Request**

**Administrative Assistant** – \$26,000 is needed to increase current part time administrative assistant to full time status. As a full time employee, this position qualifies for benefits. This request includes the anticipated cost of benefits.

It is anticipated that a few hundred landscapers, lawn care companies and golf course superintendents will be requesting certification. The administrative assistant will review the proper documentation and issue the certificate. A fertilizer regulation section will be added to the Cooperative Extension website. Information on the fertilizer regulations, classes for certifications and any updates will be listed on the website. All certified applicators will also be listed on the website. The administrative assistant will also assist in the development of educational information, mass mailings and the organization of certification training workshops. (Extension budget line item 0012301 – 5100)

**Educational brochure** - \$37,000 A fertilizer regulation/fertilizer education brochure will be developed and mailed to every household and business on Cape Cod. Based on a similar mailing conducted annually for the household hazardous waste collections, the cost to print and mail a brochure to approximately 160,000 addresses is \$37,000.

Approximately \$24,000 postage 0012303 5361, \$13,000 printing and mailing services 0012302 5239.

**University of Massachusetts Extension Turf Program Contract** – \$5,000 The UMass Extension Turf program has developed a Massachusetts fertilizer best management practice document. Based on this document, a fertilizer certification program, assessment and educational materials will be developed. Working in cooperation with the UMass Extension Turf staff, Barnstable County staff will conduct fertilizer certification training and develop a fertilizer education program. (Extension Budget line item 0012332 5299)

**Online Training, Assessment and Marketing** - \$20,000 Online training and assessment programs for Certified Fertilizer applicators will be developed and implemented with the help of a contractor with experience in designing web based training programs. A marketing campaign will also be launched during the Spring to promote the website and the fertilizer regulation.

**Total request - \$88,000**

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**  
**Report and Minutes of the Standing Committee on Finance**  
**Proposed Ordinance 13-10**  
**October 16, 2013**

Dear Mr. Speaker and Assembly Delegates:

This is a report on Proposed Ordinance 13-10. The proposed ordinance was submitted to the Assembly of Delegates by the Board of Regional Commissioners at the Assembly of Delegates regular meeting on September 18, 2013. A public hearing was scheduled and held by the Standing Committee on Finance on Wednesday, October 16, 2013 at 2:45 p.m. and Committee deliberations scheduled to be continued to Wednesday, November 6, 2013 at 3:00 p.m. The public was duly advertised in the Cape Cod Times on October 9, 2013.

The purpose of the proposed ordinance was to add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations (\$148,000) for the Fiscal Year 2014 for vehicle replacements from the Vehicle Replacement Stabilization Fund.

**October 16, 2013**

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

Vice-Chair Julia Taylor opened the committee meeting for the purpose of conducting a public hearing on Proposed Ordinance 13-10.

**Christopher Kanaga motioned, and it was seconded, to waive the reading of the notice. Motion carried 3-0-0.**

Cooperative Extension Director Bill Clark is requesting funds in the amount of \$52,000 to replace two vehicles: a 2005 pickup that is used for the sharps program and other pick-ups around the County. The vehicle has over 80,000 miles and would be too costly to repair. He would also replace a 2005 Chevy Blazer that is shared between nine people that is used to transport people and supplies. This vehicle has over 80,000 miles and is also too costly to repair.

The decommissioned vehicles will be traded-in to offset the cost of the new vehicles.

Christopher Kanaga asked if any committee member knew what was meant by "revised estimate of income" as stated on the actual proposed ordinance. It was determined that this would be a question for the Finance Director.

Facilities Director Steve Tebo initially requested \$28,500 in funding to replace a 1998 Chevy truck. However, there is also a 1989 sanding truck and sanding unit has also fallen into disrepair and is non-operational. This piece of equipment has a higher replacement priority. The replacement cost is estimated at \$42,500. The difference between the replacement cost of the 1998 Chevy truck and the sander is \$14,000.

Leo Cakounes asked if any consideration was given to contracting out of the winter maintenance operations. Steve Tebo indicated that it was considered but was not cost effective. The Facilities Department performs winter maintenance operations at various County locations.

The Committee would like to ask the Finance Director about the vehicle replacement priority list and how the replacement of the sanding truck fits into the schedule. Additionally, it

was stated that \$200,000 was appropriated from the County budget for vehicle replacement. The amount requested in Proposed Ordinance 13-10 is \$148,000. The Committee would like to confirm whether or not \$200,000 is available before making a decision regarding the replacement of the sanding truck for the Facilities Department.

Health and Environment Department Director George Heufelder is requesting \$32,500 for a new Emergency Preparedness vehicle. The current vehicle, a Ford Expedition, will be re-commissioned and used in conjunction with the new health lab for public health nursing/screening and water sampling runs that will generate additional revenue.

There were no other comments and the public hearing was closed at 3:15 p.m. The Committee did not take a vote. The Committee had questions to ask the Finance Director and wanted additional time to discuss funding requests prior to making a recommendation to the full Assembly. The Committee would also like to discuss the vehicle replacement request being made by the Resource Development Office at their next meeting.

**Leo Cakounes motioned, and it was seconded, to meet on November 6, 2013 for further discussion. Motion carried 3-0-0.**

The meeting adjourned at 3:45 p.m.

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Section 1.

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<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
0011105	RDO - New Vehicle	5	35,000	
0012045	Facilities – New Vehicle	5	28,500	
0012305	Extension - 2 New Vehicles	5	52,000	
0013005	Health – New Vehicle	5	32,500	\$ 148,000
	TOTAL SUPPLEMENTAL APPROPRIATION			\$ 148,000

**(Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates held on September 18, 2013)**

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**  
**Report and Minutes of the Standing Committee on Finance**  
**Proposed Ordinance 13-11**  
**October 16, 2013**

Dear Mr. Speaker and Assembly Delegates:

This is a report on Proposed Ordinance 13-11. The proposed ordinance was submitted to the Assembly of Delegates by the Board of Regional Commissioners at the Assembly of Delegates regular meeting on September 18, 2013. A public hearing was scheduled and held by the Standing Committee on Finance on Wednesday, October 16, 2013 at 3:15 p.m. and Committee deliberations scheduled to be continued to Wednesday, November 6, 2013 at 3:15 p.m. The public hearing was duly advertised in the Cape Cod Times on October 9, 2013.

The purpose of the proposed ordinance was to add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations (\$223,000) for the Fiscal Year two-thousand and fourteen from remaining Fiscal Year 2013 General Fund monies for County Services, Health & Human Services, and Planning and Development.

**October 16, 2013**

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

Vice-Chair Julia Taylor opened the committee meeting for the purpose of conducting a public hearing on Proposed Ordinance 13-11.

**Christopher Kanaga motioned, and it was seconded, to waive the reading of the notice. Motion carried 3-0-0.**

Human Services Director Beth Albert had two unanticipated funding requests to discuss with the committee.

The County became the unanticipated grantor/grantee for the regional SHINE Program which helps seniors with health and insurance enrollment needs. Last year the SHINE Program served over 39,000 seniors and is a critical regional program. It started as a regional program with the Chatham Council on Aging, and then went to Yarmouth, and now there is no Council on Aging on the Cape that is able to do it. It is a difficult program to administer and is underfunded. If the County does not administer this program it would be off-Cape and this would be to the detriment of its citizens. The request is for \$21,000.

A contract of \$69,092 is coming from the State and the \$21,000 requested will supplement this amount and allow the program to operate fully. Without the funding the hours of the Regional Director would be reduced and would affect a critical regional program used by seniors on Cape Cod.

Leo Cakounes commented on the fact that this would be a \$100,000 program that the County would be taking on. Voting on \$21,000 is voting for a commitment into future years.

Christopher Kanaga said this is a program that is serving a lot of people, has a good bang for the buck, but agrees that the program could be more costly in subsequent years.

Committee Members recognize that this is a worthwhile program.

Beth Albert is also requesting \$25,000 to fund a contracted person (a consultant) to work on a regional substance abuse initiative. The County would like to apply for State and Federal dollars for substance abuse prevention but because there is no regional organization on the Cape funds are not accessible to the County.

The Human Services Department has been supplying data support but is now being asked to take more of a leadership role. Additional funds are being requested to complete set up work on this initiative. Once it is set up there will be no on-going need for the consultant.

Health and Environment Director George Heufelder, Environmental Health Division Representative Sean O'Brien, and Eastham Police Chief Edward Kulhawik met with Committee Members to discuss several requests for supplemental funding.

Edward Kulhawik, representing the Cape Cod Regional Law Enforcement Council, provided a copy of a letter that was sent to Mark Zielinski from Truro Police Chief Kyle Takakjian (who could not be present). This letter will be considered an addendum to these minutes and available in the Clerk's Office. A supplemental request of \$35,000 is being made to assist this organization with the support of regional initiatives that are being mandated of the towns. Specialized training and software is required for several types of investigations that cross town lines. An example could be an incident that would be similar to what happened in Newtown, Connecticut.

Sean O'Brien explained that it would be placed under the Regional Emergency Planning Committee and would handle all of the related administrative details for the Chiefs. There has been a history for the funding of these types of activities in the past.

Leo Cakounes asked if this expense would be on-going. Chief Kulkawik said that was not the plan now. Currently training mandates have come before them from the State and they are trying to help the towns keep their expenses stable.

Deborah McCutcheon spoke to the Committee Members and indicated that Chief Takakjian (who could not be present) indicated that this request for funding was not for staffing.

Sean O'Brien has been working on a project with the Emergency Planning Committee on a technical rescue team and a dive team. A request of \$6,000 is being made for the maintenance and support of three incident command vehicles that have been secured for these teams from FEMA surplus. The vehicles are older but in great shape and have less than 10,000 miles. The value of the vehicles is estimated at about \$35,000. This maintenance expense will be on-going.

Sean O'Brien spoke to Committee Members about the importance of the Sheltering Program. There is a need to have a staff person (which would become a shared position with the Resource Development Office) to handle supplies and equipment, maintain inventories, develop memorandums of understanding between towns, grant writing, and work as a liaison between various volunteer agencies. It became obvious after the last storm that help is needed. The request is for \$25,000. This will be an on-going expense.

Andrew Gottlieb spoke to Committee Members regarding a supplemental request of \$100,000 to conduct water quality monitoring offshore in Nantucket Sound. A base line is needed for off shore. There is a good network there now. The Buzzard Bay side is covered. There has been a three year on-going effort to cover Nantucket Sound but a significant amount of funding for this effort has dried up. It is a \$175,000 effort now. A good base line is needed in order to cover the gap and maintain what is in existence now considering the amount of loading there is on the south side. There is a reasonable chance that the request will come back again next year. An RFP would be used to get the best program for the lowest cost price.

The water quality systems that has evolved over time is patch worked right now. There is no coordination effort in place yet to take these over.

Cooperative Extension Director Bill Clark is making a request to fund the lease of a copier that was inadvertently left out of the FY2014 budget. The amount requested is \$5,000.

He is also requesting \$6,000 for the increasing cost of disposals within the successful Sharps Program.

There were no other comments and the public hearing was closed at 3:55 p.m. The Committee did not take a vote. The Committee wanted additional time to discuss these funding requests prior to making a recommendation to the full Assembly.

**Leo Cakounes motioned, and it was seconded, to meet on November 6, 2013 for further discussion. Motion carried. 3-0-0.**

The meeting adjourned at 4:00 p.m.

**BARNSTABLE COUNTY**

In the Year Two Thousand and Thirteen

**Proposed Ordinance 13-11**

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

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<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
	COUNTY SERVICES			
0012313	Household Hazardous Waste Supplies	3	6,000	
0012304	Miscellaneous Rentals – Copier Cooperative Extension	4	5,000	\$ 11,000
	HEALTH AND HUMAN SERVICES			
0013072 5279	Maintenance/Repairs REPC Equipment Technical Rescue Vehicles/Equipment Health and Environment Department	2	6,000	\$ 6,000
0013072	CCLEC Training Program – REPC Health and Environment Department	2	35,000	\$ 35,000
8088	Sheltering Program Health and Environment Department	2	25,000	\$ 25,000
0013101	SHINE Program Human Services Department	1 2 3 9	4,335 7,611 2,860 6,194	\$ 21,000
0013102	Substance Abuse Coordination Human Services Department	2	25,000	\$ 25,000

PLANNING AND DEVELOPMENT

0015602	Wastewater Monitoring Program Water Protection Collaborative	2	100,000	\$ 100,000
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TOTAL SUPPLEMENTAL APPROPRIATION \$ 223,000

**(Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates held on September 18, 2013)**

Reference #1

Charter Review Committee  
Preliminary Report  
November 2013

**Model recommended for structure of County governance:**

- **Strong Executive, elected Cape-wide, (replaces Board of Commissioners) assisted by an appointed Administrator**
- **Legislative body representing 11 Regional Districts of equal size (elected non-partisan)**

**Points in support of this recommended structure:**

- Proposed legislature and executive will encourage a regional approach
- District Representatives would represent and serve citizens versus towns
- Creates equal Legislative representation so that everyone has the same vote – much more in line with “one man-one vote” constitutional mandate. Two or three people cannot hold most of the power of the legislative branch
- Elected Executive would continue the present system of checks and balances
- Elected Single Executive will provide, leadership, visibility, and accountability with a mandate to promote regional policies to the public
- Legislature compliments the Cape Cod Commission structure where individual towns are represented

Withdrawn

## Reference #2

### Charter Review Committee Original Model/Alternative to Elected County Executive

Council: Eleven (11) District Representatives (one elected from each Cape district) non-partisan, with an equal vote – becomes the policy-making body for the County, responsible for appointing the County Administrator

#### PROS:

- citizens could be more “invested” in their district representation than in the current Cape-wide County Commissioners
- district representatives would serve citizens versus towns
- would create equal representation (no weighted vote) on Council
- would create a single policy-making body to increase efficiency and eliminate “turf battles” between executive and legislature
- creates more opportunity to think ‘regionally” and could increase visibility as each district would have equal power and thus generate more electoral interest in some areas especially if representatives were paid more than current Assembly members
- would work well with and in contrast to the Cape Cod Commission where every town has an equal individual vote
- County Administrator would be a single focal point with increased visibility for promoting (not making) policies of the regional government

Withdrawn

Reference # 3 (3 pages)

Barnstable County Charter Review Committee

PREMININARY RECOMMENDATIONS

Withdrawn

The charter review committee is pleased to submit to the Assembly of Delegates this Preliminary Report.

Before proceeding to the preparation of the formal text of the charter amendments 'fleshing out' the provisions we are considering, we are seeking your reaction to our preliminary conclusions by presenting our ideas in 'plain language.'

Our recommendations fall into three divisions: first, changes in the executive administrative branch of the government; second, changes in the legislative branch of the government; and third, changes in other charter provisions.

**1: Changes in the Executive-Administrative Branch of the Government**

The Charter Review Committee is considering the elimination of the present three member Board of County Commissioners and to establish, in its place, the position of County Executive, a single person who would perform all of the functions now exercised by the three commissioners, acting jointly.

The principal function of the Board of County Commissioners is to act as 'policy makers' for the county. It has been said that: "When two or more people agree all the time and on all the issues, that is clear evidence one person is doing all the thinking." It is natural, and appropriate, for a multiple member body to have disagreements but these lead to agreements based on compromise, which in the main, dilute or distort policy decisions.

The charter review committee intends to retain the position of County Administrator.

The Charter Review Committee believes the County Executive position, because it will be elected by the voters of Barnstable County, will give a focus and sense of direction to the county and the conduct of its business that, until now, has been lacking, inconsistent, or even, at times, at odds with itself.

The Charter Review Committee believes the County Executive position would fill at least these three (sorely needed) facilitative roles:

(1) to coordinate the activities of other county officers , officials and employees, by serving as liaison between the appointed County Administrator and the members of the legislative branch, fostering a sense of cohesion among the members of the legislative

branch and executive branch and in educating the public concerning the needs and prospects of the county

(2) to provide policy guidance through the setting of goals for the legislative branch and advocating the adoption of policies that address the county's problems and opportunities to the legislative branch and to the county's voters;

(3) to act as an ambassador to promote the county through public appearances, and through the communications media; to represent the county in its dealings with the state and federal governments in seeking financial and other assistance; to explain the unique problems and special needs of Barnstable County; and to meet regularly (and often) with the governing officials of the towns which comprise the county.

## **2: Changes in the Legislative Branch of the Government**

The charter review committee believes that in consideration of the broad scope of powers given to the legislative body that the charter must provide for a legislative body which is truly representative of the people who make up the county.

The charter review committee recognizes the strong tie to the existing system of town-based representation in the legislative branch, and it respects this view. It has, however, reluctantly, concluded that the 'one person-one vote' requirements of the state and federal constitutions would be better served by the substitution of a system of districts containing a reasonably equal number of inhabitants, each member casting a vote of the same weight and significance as that cast by every other member.

The town based system, and its concomitant necessity to use 'weighted voting', has also been criticized because of the possibility that exists that a small number of 'urbanized' towns (as few as four) could dominate the voting and out vote the other 11 towns, at their will. That it has not happened routinely to date, is no assurance it will never happen. The towns of the lower cape are highly vulnerable and exposed under the existing system. Logic and fairness demand that the voters of these towns be given the same, equal ability to participate in the affairs of the county in the legislative branch as do the voters of every other town.

The charter review committee believes that legislators chosen from districts containing an essentially equal number of inhabitants would be superior to our present system which substitutes representation of a unit of government for representation of the people who comprise the county.

On a national basis, the single member district system is widely recognized as the most representative way in which to elect members to the county governing body. The single

member district system, with each district containing relatively equal number of inhabitants, has been recognized by the courts as the system most likely to be in accord with the one person-one vote doctrine.

If there is another regional government in the United States which employs a legislative representation system like that used in Barnstable County, the committee has been unable to find it.

### **3: Changes in other provisions of the Barnstable County Charter.**

(a) Simplification: The County Charter has been criticized because some of its provisions have details that might better be contained in an ordinance. The Charter Review Committee intends to review these provisions and to make appropriate recommendations.

(b) Enforcement: The County Charter has been criticized because its provisions are not always followed. The Charter Review Committee intends to review the charter provisions and these criticisms. The Charter Review Committee will make appropriate recommendations to address this problem.

(c) Recall: The County Charter has been criticized because it does not contain a "recall" provision. The Charter Review Committee will make appropriate recommendations to address this problem.

(d) Name Change: The County Charter has been criticized because it names the legislative branch as the Assembly of Delegates. This title seems to contribute to the legislators being seen to be representatives of the municipality rather than as representatives of voters. Many, because the title is so misunderstood, don't understand what functions and duties the body is responsible to provide. The Charter Review Committee intends to recommend the name be changed, possibly to County Council.

**RESOLUTION 13- \_\_\_\_\_**

***Be it Hereby Resolved by the Barnstable County Assembly of Delegates that:***

The Assembly Of Delegates instruct the Assembly Speaker to contact the Office of Inspector General of the Commonwealth of Massachusetts and the Office of Attorney General of the Commonwealth of Massachusetts to seek their assistance in the County's inquiries of the organizations known as Cape Light Compact and Cape and Vineyard Electric Cooperative, specifically including those matters addressed in the Special Committees on Inquiry into CLC and CVEC Report dated May 2, 2012.

This inquiry shall include, yet not be limited to the following:

- an extensive audit of funds and transfers;
- structure and operations of these and similar future non-governmental agencies;
- procedure and review of present inter-municipal agreements with recommendations on future agreements as they pertain to Barnstable County and other Massachusetts Municipalities; and
- Barnstable County's role as fiscal agent and Administrative Agent as per the Cape Light Compact Aggregation Plan on file at the DPU.

Respectfully Submitted: Leo G. Cakounes Town of Harwich Representative, November 6, 2013