

Recommendation of the Charter Review Committee

11/13/13

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)**

This recommendation passed on two 5-1 votes.

Points discussed 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

**Attorney Michael Curran's Summary of Charter Review Committee
Summary of Charter Review Committee Recommendations**

11/13/13

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

The 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.

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

PROPOSED RESOLUTION 13-06

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 Committee 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

BARNSTABLE COUNTY

In the Year Two Thousand and Thirteen

Resolution 13-07

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 Resource Development Office, Americorps Cape Cod Program:

Decrease	<u>0011104-5498</u> by \$ 4,546
Increase	0011111-5103 by \$ 2,968
	0011119-5981 by \$ 661
	0011119-5982 by \$ 714
	0011119-5989 by \$ 203

Offered for Consideration by the Barnstable County Commissioner.

INTEROFFICE MEMORANDUM

TO: Mark Zielinski, County Administrator
FROM: Katherine Garofoli, Resource Development Officer
DATE: November 4, 2013
RE: Transfer Request
CC: Darlene Johnson Morris, RDO Manager, Joanne Nelson

The following is a detailed list of the attached transfer request taking RDO Match Funds to cover salary and fringe amounts for AmeriCorps Cape Cod staff generally paid by the federal grant award for the AmeriCorps program. There was a salary and fringe shortage at the end of the grant period due to a miscalculation in salary projections resulting in the need for RDO Match Fund use.

0011104 – 5498 – MATCH TO GRANTS- RES DEV: \$4,546.21

- 0011111-5103 \$2,967.63 AmeriCorps Supervisor Salaries
- 0011119-5981 \$660.70 AmeriCorps Supervisor Retirements
- 0011119-5982 \$714.88 AmeriCorps Supervisor Worker Comps
- 0011119-5989 \$203.00 AmeriCorps Supervisor Misc. Fringes