

Janice O'Connell

From: Ronald Bergstrom
Sent: Wednesday, October 16, 2013 3:17 PM
To: Assembly of Delegates
Subject: FW: thoughts for 10/16 meeting

From: Mike P Curran [REDACTED]
Sent: Tuesday, October 15, 2013 10:50 AM
To: Ronald Bergstrom
Subject: thoughts for 10/16 meeting

October 15, 2013

Hi Ron:

After the public hearing phase of the meeting tomorrow night it will be time to begin to narrow the focus and to begin deciding what steps to take in redesigning the government of Barnstable County.

There are only a limited number of issues that the committee has put on the table to this point, but there may be others which will come up as the discussion goes forward.

The committee's discussion has been chiefly concerned with form and not function. The LWV in its support for the committee's efforts seems to envision a revitalized role for the county government in finding, advocating and developing regional solutions to common problems. Is this a direction the committee supports?

The public response, at least from incumbent elected municipal officials has been highly against moving away from the town representation basis for assembly delegates to a 'district' system. This is partly, I believe, because the committee did nothing to explain its rationale for making this suggestion or to explain how the districts shown on the sample maps came into being and, most importantly, that they are, at most, merely representative of what districts might look like – not what they will be.

I will attach a copy of a brief statement I had prepared to be used in discussing 'districts' to show what still could be done in this regard, if it is decided go stay with the idea of districts.

If it is decided to stay with districts some discussion will need to take place to establish the way in which final district lines will be drawn and by whom and when the lines will be drawn.

It will also be necessary to establish a districting committee if this committee decides to take action on the county commissioners' suggestion that 5 commissioners be elected from regional districts.

I believe the committee has not been inclined to accept this proposal because of a belief that a three member executive branch is not working and that adding more members would not improve it.

In this connection another thought might be worth considering, to retain the assembly of delegates as presently structured, but, to add another legislative branch (like the house and senate) consisting of representatives elected from 5 districts. This might be a way in which to satisfy the adherents of the existing system yet to introduce a regional factor into the legislature's make-up to satisfy those who see this aspect to be now lacking.

The committee has strongly supported the creation of a very strong, appointed administrator position. It is not clear where the committee feels the executive powers of the county might lie. This might result in a restatement of the powers of the administrator and the powers of the (existing) county commissioners.

We had some little discussion about an elected chief executive officer. Someone who would perform the functions commonly associated in cities in the office of the mayor. This need not be a full time position. Someone elected by a county wide vote to serve in this office would be in a position with tremendous 'clout' to serve as a leader in shaping county policy and in explaining it to the public and to the legislative branch and, vitally important, in representing the county in relations with state agencies and state government and with federal agencies and the federal government.

Some decisions must be made on the exercise of executive powers as 'check and balance' on the legislative branch and to supervise the county administrator.

What other changes might be needed, wanted, necessary or desirable?

Possible moving of some materials now in the charter to ordinances.

Hoped this is enough to 'prime the pump' for a discussion tomorrow night.

Best regards,

Mike

Some 'explanatory materials....

Some Significant Changes Under Consideration

The charter review committee is considering adopting, as part of its recommendations, two provisions contained in the Model County Charter published by the National Association of Counties.

The first change is to substitute for the existing system of representation in the governing body (the Assembly of Delegates) of a representative from each of the 15 municipalities which comprise the county, the members casting votes of widely divergent weight and significance, to 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. This existing system has been highly criticized as not being in conformity with the one person-one vote doctrine required by both the Constitution of the United States and by the Constitution of the Commonwealth of Massachusetts. It 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.

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.

The charter review committee members believe 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 committee members believe that members chosen from districts containing an essentially equal number of inhabitants would be vastly superior to our present system which substitutes representation of a governmental entity for representation of the people who comprise the county.

The second change the committee on charter review is considering is twofold, first to eliminate the present board of county commissioners and secondly to eliminate the position of Speaker of the Assembly. In their place the committee is considering the creation of a single person who would perform the functions of both of these offices. At the moment we are using the term 'mayor' to describe this position because all, of us have some concept of what the office of 'mayor' involves but we may use a different term later as the scope of the office gains greater understanding.

We propose that the powers now exercised by the board of county commissioners become powers of the legislative body. Over the nearly 25 years our existing governmental form has been in effect there have been numerous occasions on which the two branches have been at odds with one another and the administration of the county business has suffered.

Presiding at meetings, the traditional responsibility of a person chosen by vote of the council, has tremendous impact on setting the tone for county government and helping the elected members in taking action and reaching decisions, but other powers may be assigned to the office. These might include appointing (with the advice and consent of the legislative body) persons to county offices, as members of committees of the legislative branch, assigning subject matter to such committees, delivering a 'state of the county' message setting out goals and objectives for the coming year, or a longer period, among others that might be assigned to the office.

A person chosen by the members of the legislative branch from their number would be uniquely positioned to become the political and policy leader of the county and to serve, not only as the presiding officer of the legislative branch, but, also, as the most conspicuous county officer, as the ceremonial head of the county as well.

This person, the 'mayor', should fill at least these three facilitative roles:

- (1) to coordinate the activities of other officials by serving as liaison between the appointed county manager and the members of the legislative branch, fostering a sense of cohesion among the members of the legislative branch and 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;
- (3) to act as an ambassador to promote the county through public appearances, and through communications media and to represent the county in dealings with the state and federal governments and with the governing officials of the towns which comprise the county.

Finally, we believe the name Assembly of Delegates' fosters a view that the members of the legislative body are delegates from the corporate community from which they are chosen to represent it and not as an officer of the county with a responsibility to the county as a whole. The National Association of Counties' model charter' uses the term county council and we are leaning towards the adoption of that name for Barnstable County.