

RESOLUTION

of the

Barnstable County Board of Regional Commissioners

Be it hereby RESOLVED,

Whereas, Barnstable County is the regional government of Cape Cod, which has as its mission "to promote and sustain a proactive open government that enhances the quality of life for the citizens of Barnstable County;" and

Whereas, the quality of life on Cape Cod is affected by issues such as wastewater, transportation, economic development, affordable housing, and energy and which cross town boundaries and require coordinated regional action in order to study, implement and fund effective programs and projects; and

Whereas, the Commissioners formed a Special Commission on County Governance to examine ways to enhance the functioning of Barnstable County government, and said Special Commission consisted of twenty-six citizens with civic, environmental, governmental, business, institutional, local and regional experience and perspectives; and

Whereas, the Special Commission invited testimony and information from County departments, town leaders, economic leaders, institutional leaders and others concerning a wide range of issues, programs and policies as well as the functioning of County government, and the Special Commission reviewed and discussed said testimony and information in meetings that were open to the public; and

Whereas, given the regional issues of concern to Cape Cod, the Special Commission recommended that a more streamlined structure of governance would promote pro-active, cost effective, efficient, transparent and accountable government action on behalf of the citizens of Barnstable County; and

Whereas, a streamlined structure of governance would facilitate communication and cooperation with municipalities in furtherance of collaboration, cost effectiveness, efficiencies between government units, regionalization, provision of regional services and other matters of regional interest.

Therefore be it resolved that the Board of Commissioners for the County of Barnstable endorses the following changes to the governing structure of Barnstable County:

1. The Board of Regional Commissioners and the Assembly of Delegates should be merged into a new legislative and policy-making body consisting of no more than 7 members. Members of the new legislative body would be the Chief Elected Officials

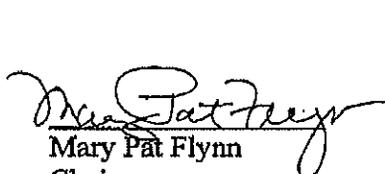
of Barnstable County and would be elected on a non-partisan basis by district for staggered four-year terms.

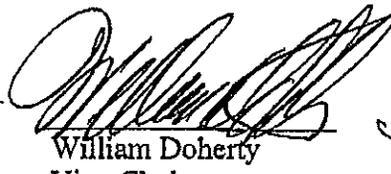
2. The executive functions of the County should be vested in a new County Executive position, which would be the Chief Executive Officer and Chief Administrative Officer of the County. The County Executive would be appointed by a majority of the Chief Elected Officials, would appoint all County employees and be responsible for all administrative functions of the County.

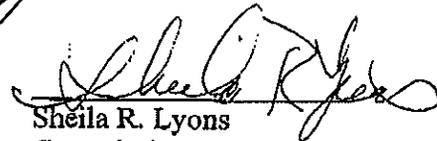
To implement the foregoing it is further resolved that the Commissioners shall:

- a) Forward this resolution to the Assembly of Delegates and any charter review commission formed thereby to convey the position of the Chief Elected Officials of the County; and
- b) Explore and, as advisable, pursue all legislative and administrative measures necessary to present the changes in County governance structure proposed herein to the voters of Barnstable County.

Approved by the Board of County Commissioners 6/15/2013 (date), at _____ (time).


Mary Pat Flynn
Chairman


William Doherty
Vice-Chairman


Sheila R. Lyons
Commissioner

BARNSTABLE COUNTY REGIONAL GOVERNMENT

SPECIAL COUNSEL FOR CHARTER REVIEW

SCOPE OF SERVICES

Barnstable County is seeking qualified attorneys to assist and advise the Charter Review Committee in its work. The Charter Review Committee consists of the following seven representatives:

Speaker of the Assembly of Delegates Ron Bergstrom, Chairman
Upper Cape Assembly Delegate
Mid-Cape Assembly Delegate
Barnstable County Commissioner
Lower Cape Community Representative
Mid-Cape Community Representative
Upper Cape Community Representative

The Charter Review Committee will review recent proposals to change the governance of Barnstable County focusing on the recommendations of the Barnstable County Special Commission on County Governance and an Assembly Resolution. The Charter Review Committee will also consider other changes to the Charter such as a "recall" provision.

The Charter Review Committee will be using the services of a stenographer for meeting minutes and the recording of actions. The Charter Review Committee will likely begin work in May, 2013 and finish by the end of November, 2013, with approximately two meetings per month. Approximately four additional meetings with legislators, community leaders, and the public may be anticipated after the completion of a proposed draft.

Specifically, the tasks for Special Counsel will include:

- Review the existing Barnstable County Home Rule Charter (Chapter 163 of the Acts of 1988, as amended) and make recommendations to the Charter Review Committee for elements in the existing Charter that may be better included in an Administrative Code. Work with the Charter Review Committee to make the Charter language more concise.
- Attend the meetings of the Charter Review Committee and provide guidance in the direction of the work of the Committee. Provide legal advice and appropriate language recommendations on the governance alternatives proposed by the Committee. Assist the Committee Chair with the facilitation of meetings and discussion.
- Draft a new Home Rule petition document to the Charter Review Committee for eventual submission to the Massachusetts General Court. Alternatively, provide an amended Charter document to the Committee for voter approval.

- Ensure that the new or amended Barnstable County charter document is consistent with the requirements of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989, as amended).

The candidate should have extensive experience in drafting Home Rule Charters in the Commonwealth of Massachusetts. Charter work for regional entities is highly advantageous. The candidate will have extensive knowledge of Home Rule Charter process requirements and the workings of Charter Committees in the commonwealth of Massachusetts.

AGREEMENT

This AGREEMENT is entered into on this _____ day of May, 2013 between Michael P. Curran, an attorney having an office and usual place of business at 26 Old Coach Road in Canton, Massachusetts, hereinafter referred to as the Consultant, and the Charter Commission for Barnstable County, Massachusetts, hereinafter referred to as the Commission:

1. The Consultant agrees to be available, by telephone and by mail, to assist the commission *as needed* during the period it is in existence by answering legal questions and by providing specific information on various plans of government and administration.
2. The Consultant agrees to meet with the commission, regularly, substantially as set out in a letter addressed to the Office of the Barnstable County Commission and dated May 3, 2013, a copy of which is attached hereto, to serve as a resource to the Commission and its members during the discussion of various alternative courses of action which the Commission might consider; to participate with the Commission members in discussion of all subject matter, as requested and as appropriate; to prepare all of the materials reasonably necessary for the Commission to reach its decisions in a timely manner, including drafts, and redrafts, of all charter sections to be proposed and draft materials for inclusion in the preliminary and final reports of the Commission, preparation of the ballot question(s) and the ballot summary(s).
3. The Consultant agrees to review all of the special acts of the state legislature applicable to Barnstable County which have been adopted since 1988, and which are charter related.
4. The Consultant agrees to assure that the Final Report of the Charter Commission will be a 'legal' document, not in conflict with, and not inconsistent with the provisions of the state constitution or of any statute, general or special, by providing the legal advice and information necessary to meet the requirements of law.
5. The Consultant further agrees to provide the commission with computer disks containing the full text of the preliminary and final reports, to facilitate the printing of the preliminary and final reports.
6. The Commission agrees to pay the Consultant the gross sum of Twenty Seven Thousand, Five Hundred Dollars upon the submission of invoices in the following manner: Two Thousand, Five Hundred Dollars on or before the second Friday of each month commencing in July 2013, and ending in January 2014, and the balance to be paid as determined by joint agreement before the end of January, 2014. The Consultant agrees that the sum of Twenty Seven Thousand, Five Hundred dollars shall be inclusive of all charges to the Commission for the services described above.
7. The Consultant and the Commission recognize that this agreement is for the performance of personal services. The Consultant and the Commission agree that either of them may, at any time, by written notice to the other party, terminate this agreement, provided such termination is not prohibited by any law or regulation governing the conduct of attorneys. If this agreement is

terminated by either party prior to the completion of the services contemplated in this agreement the Consultant shall be entitled to compensation for all services rendered up to the date of termination.

8. The Consultant hereby certifies, as required by section forty-nine A of chapter sixty-two C (MGL), that he has complied with all laws of the Commonwealth relating to taxes.

Charter Commission
Barnstable County
by

Michael P. Curran
Consultant Attorney
by

Chair

Michael P. Curran

MEMORANDUM

TO: Barnstable County Commissioners
FROM: Mark Zielinski, County Administrator
DATE: May 15, 2013
RE: Special Counsel for Charter Review

I am recommending that the Barnstable County Commissioners name Michael P. Curran as Special Counsel for the purpose of assisting the County with the Charter Review process. I am further recommending that we engage Mr. Curran in this endeavor for an amount not to exceed \$25,000 for the period through June 30, 2014.

The Special Counsel Scope of services was reviewed by Mr. Curran and he estimated that a total of 250 hours would be required to perform the services. He suggested that the contract be on the basis of a flat fee, rather than an hourly rate and proposed the \$27,500 fee. I believe this to be a more than fair fee for this service.

Thank you for your consideration of this request.

APPROVED,

Mary Pat Flynn
Chairman

William Doherty
Vice Chairman

Sheila Lyons
Commissioner

cc: Ron Bergstrom

BARNSTABLE COUNTY
In the Year Two Thousand and Thirteen

RESOLUTION 13-01

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

The foregoing Resolution was adopted by the Barnstable County Assembly of Delegates by a roll call vote with 63.71% voting yes, and 36.29% voting no at the regular meeting held on February 6, 2013.

Attested by:

Janice O'Connell, Clerk
Barnstable County Assembly of Delegates