

## Charter Review Committee Report August 2013

**Charter Review every five years is mandated in the existing Barnstable County Charter and membership must represent towns and citizens from different areas of the Cape.**

The Speaker appointed himself and me because we had served on the Special Commission on County Governance, a County Commissioner, another Assembly member – from the town of Yarmouth, a member of the Barnstable Town Council, and a Provincetown Selectman. He did not wait the required 5 years because both the Assembly and the Commissioners want to deal with the recommendations of the Special Commission. Not necessarily to adopt them - but to review them in an official way and make any recommendations for change as we decided on.

**In the long list of recommendations from the Special Commission which you have a copy of from when it was first put forth, the last one discussed in the meetings dealt with the structure of County Governance. It suggested that the Executive Branch, the existing 3 Commissioners elected Cape-wide, and the Legislative Branch, the 15 Assembly Delegates elected from each town, be replaced by a 7-member Body which would have 2 members elected Cape-wide and 5 members elected from districts and, in addition, have a single-person Executive Branch.**

Ron Bergstrom, the Assembly Speaker from Chatham, and I tried to make the point that the Assembly was unlikely to vote for its own demise, the Assembly's deficiencies were exaggerated, and we questioned the idea of running as at-large legislators; but most people on the Special Commission had made up their minds to eliminate the Assembly, did not want to have another meeting, and the proposal got no other discussion than our comments. Ron and I liked the single executive – like a Town Manager – and we both voted in favor of the much larger final report as a whole.

**Now, the CRC is examining County governance from scratch. So far, it is examining four possible structures and will discuss the pros and cons of each at its August 28<sup>th</sup> Meeting. After that discussion, the CRC will soon want to hold public meetings to get input on these specific ideas:**

1. Existing County structure/model (status quo):

County Administrator (appointed)

EXECUTIVE BRANCH: Three (3) Commissioners (elected – partisan)

LEGISLATIVE BRANCH: Fifteen (15) Delegates (one elected from each Cape town, non-partisan, weighted voting)

2. Assembly of Delegates Resolution 13-01 model:

County Administrator (appointed)

EXECUTIVE BRANCH: Five (5) Commissioners (one elected from each of five Cape-wide districts)

LEGISLATIVE BRANCH: Fifteen (15) Delegates (one elected from each Cape town, non-partisan, with weighted voting)

3. Charter Review Committee- a suggested model:

EXECUTIVE BRANCH: One (1) County Executive (elected or appointed)

LEGISLATIVE BRANCH: Thirteen (13) Cape-wide District Representatives (one elected from each district, non-partisan, equal vote)

4. ? Special Commission Suggestion (see above) ?

**Big Question: Should the County legislative branch represent Towns - or should it represent Citizens?**

Over more than twenty years, the pendulum of public opinion has swung widely on the issue of election from **towns** rather than from **districts** of equal size. Many people from the smaller towns have wanted a Delegate elected from each town and has an equal vote. That system is seen on Cape Cod in the appointed members to the Cape Cod Commission, the Cape Light Compact, and other important bodies. It is not legal, however, for an elected legislature with the fiscal responsibilities of the Assembly where being elected from towns of different sizes requires a weighted vote.

The major advantages of having only one town vote for each Delegate are well know to all of us: organizing and identifying ourselves by Towns is the traditional way that things have been done on Cape Cod for over 300 years, town boundaries offer simplicity and predictability, and citizens have the knowledge that each town will have an actual person at the "table" to present particular information and local positions.

The major disadvantage is that small towns such as Truro, or Eastham, or Wellfleet or Provincetown have no real voting power because each of their fractional votes is only a few percentages of the whole. Three or four big towns can easily control all votes! (This has often been very convenient for me as the Falmouth Delegate as I've lined up support on particular issues, but I recognize the system is not the fairest one available.)

Citizens in Eastham get to elect a Delegate, but that Delegate almost never matters on any important votes so the individual citizen in the smaller towns is disenfranchised to a considerable extent.

Another problem with town-based election is that very few incumbents are ever challenged – something more likely to happen in regional districts with more variety of opinion and experience, I think. Governance structure should enhance Accountability and Citizen Involvement.

Running for election, with or without opposition, is much more costly and time consuming in large towns than in small towns despite the same pay, a difference which affects both candidates and their supporters.

And if we think of the example of Falmouth in the state Legislature, I don't believe Falmouth has suffered from not having our own Rep instead of having the town represented by both Tim Madden and David Viera, even though their districts include the Islands and Mashpee. The same was true when some of us had Tommy Cahir in Bourne and others had Eric Turkington, or Eric and Marty Patrick. We turn to either or both for help. And they form natural inter-town alliances.

While I think regional district elections are inherently fairer because of the drawbacks of fractional voting in the Assembly and have additional advantages over Town-based elections as mentioned above, I do not think the County has suffered because of the existing system; the design of the part-time legislative branch is probably less important for the needs of the future than the composition of the executive branch.

### **So The Next Big Question: Single Executive or Multiple-Person Executive?**

The existing County executive of three Commissioners is hundreds of years old as is the proposal for five Commissioners – similar to Boards of Selectmen. Strong tradition is important - but not as important as strong leadership. The League of Women Voters has published considerable information on why they support a single executive. (Check their website) A multiple-person executive can offer more diversity of opinion, but it definitely leads to less accountability to the voters and less effective decision-making. A three or five Commissioners executive offers more paid elected positions to run for, but I see that as a disadvantage for a \$25 million government operation! (The five-Selectmen model operates with Town Meeting as the twice-a-year legislature - unlike the County legislature that

meets regularly, so I see that model as different from what the County has or needs.)

I've tried to be as candid as possible in this report about my personal opinions, but I am not wedded to any particular changes and am serving on the committee, not because I have a strong personal agenda but rather because I have a long and strong background in the issues from serving on the Charter Commission that established the present system, two subsequent Charter Reviews, and the Special Commission most recently – in addition, of course, to my long experience on the legislative Assembly. This experience meant I was already up to speed on how things do or could work in regional government. I urge elected officials and town citizens to think about these governance issues, ask questions, and let me know your views. I can be reached at [jtaylor@barnstablecounty.org](mailto:jtaylor@barnstablecounty.org) or at home 540 0331. Please visit the Barnstable County website to see minutes and video of the Charter Review Committee meetings if you want to follow the details of our discussions.

If the Charter Review Commission adopts a position on the governance issues I have described above, or on other issues in the Charter – after public meetings and much further discussion, it will report its recommendations to the Assembly of Delegates. The Assembly may (or may not) vote to place charter changes in a Home Rule bill for the state legislature that, if passed on Beacon Hill, would appear on the November ballot in all 15 towns.

With thanks for your patience,

Julia C. Taylor  
Falmouth Delegate  
Barnstable County Assembly of Delegates

## Janice O'Connell

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**From:** Bill Doherty  
**Sent:** Monday, August 26, 2013 10:20 AM  
**To:** Janice O'Connell; Ann Canedy (acanedey@comcast.net); Attorney Michael Curran (mikepcurran1@verizon.net); Austin Knight (aknight@provincetown-ma.gov); Julia Taylor; Linell Grundman (grundmans@comcast.net); Ronald Bergstrom; Suzanne McAuliffe  
**Subject:** RE: to be distributed for Charter Review

I don't know how to attach so I'm pasting my comments.  
NO CHANGE

My observation of the current structure is that the problems are in the area of relationship type issues. Communication is an important part in the success of any serious long term operation and it is based not on differences but on trust. There is no trust between the two branches and no evidence on either side of a willingness to create it. I have been at different times a member of a union and of management in the private sector. In both instances the analogy of being the occupants of a row boat where the crew is looking at the person steering applies. The people doing the work have to have confidence that the steersman will not waste their energy and effort to reach the place that they have been told is the destination. What concerns me now is that the service delivery that is in my opinion the reason for our existence will be compromised while we continue to pursue the course that we are on.

In Marketing, proposed changes to service or product are fraught with peril. In the private sector they are usually based on the public's knowledge and acceptance of something that they know. However, if there is a combination of the selling of a concept that county/regional government has value but it has to change. There is the legitimate question of why. If we are trying to create an ideal utopian form of government we should remember that utopias as described in literature are restrictive in membership and depend upon internal agreement and do not allow much latitude for deviation. I could give several examples, the one closest in the Plymouth Plantation the most recent is various movements during the sixties. At the same time there has been no clear definition of what challenges would be faced in the future that could not be met by the present form. There is only vague allusions to cost savings, more efficiencies and more visibility.

The present system has functioned at a minimum to fulfill its charter designated responsibilities of setting policy through the creation of a budget which in turn has been approved. The rest has been differences of opinion on areas that have not been in the main stream of directly delivered services. They have grown out of ones initiated by county subsidy and have evolved to be no longer within the operational control of the county.

The matter that concerns the effort to increase the quantity of services delivered by county agencies resides more with the willingness of the towns to give up sovereignty and their control than cost. Again this may be defined as a matter of trust. However, the examples of past accepted increases in services shows that in every case the policy boards that were put in place have representation from the communities being served. That representation removes the direct operational control from the county and maintains the sovereignty of the communities. Although the county has provided indirect support by providing administration and fiscal oversight this information has not been accepted by the AofD.

If I were in the towns I would be suspicious of an offer that was contingent on turning over control of service delivery to an outside agency that had demonstrated an inability to resolve its own trust and communication issues.

Finally, in any democratic form of government there is the matter of real and perceived representation. I have for example held County Office for over 15 years and have run several times for election. There has been very

few times when either county government as a whole or my office as a part of that was understood or even visible to the majority of people that gave me signatures. I don't make the mistake of believing that when we ask for participation it is for involvement as much as it is for affirmation and approval. It is not the importance of what we are it is what we do. And I believe it is possible to do what needs to be done without any changes in structure.

## DISTRICTS

When I was a member of the Assembly I asked why there was a need for two separate branches given that the budget at that time was generated by the proposed needs of the Department heads presented by the County commissioners then reviewed by the Assembly. I noted at that time that other counties used the sub-regional representatives formed themselves into a body elected a leader within the ranks who became the executive. That executive was the face of the county and he in turn worked with an appointed manager. The appointed manager ran the County services. The oversight was delegated by the elected body to the executive. Of course the responsibility for approval and oversight can not be and the elected body would be the place for setting of budget amounts as well as continuing appropriations.

The mechanism of how to streamline hiring and review is one that is presently in place at the AofD. There is a Governance and a Finance Committee. The former could do the review and the latter could supervise the costs and appropriations to ensure that the policy goals in the budget were being met. This could provide assurance to the community that its money was being spent for the purpose intended.

Also an important part of district representation is that it separates and defines the difference between what serves the interest of a particular town to one that is regional. The obligation of service is to the source of power. If the source is seen to constituents that is different from the dilemma currently faced. That is Do I represent the interests of the elected members and the town or do I represent the citizens of the town. The arguments for a continuation of the present form is strongest when centered on the loss of the towns voice as a whole and separate entity rather than the citizens as members of the county who reside there.

This is the scenario that in my opinion supports a district form of representative government. It is one that I believe could work, if there was an interest in making a change.

## RESOLUTION

I think any attempt to increase the membership of the county commissioners as proposed by the AofD is adding more than it is worth. I personally believe that its proposer is interested in running for one of the spots in a district and the (to me) obvious political ambition intent colors whatever value the proposal might have. If that person were to take a pledge that he wouldn't run for such an office I might be inclined to weigh the proposal more objectively.

YOS  
Bill Doherty

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From: Janice O'Connell  
Sent: Sunday, August 25, 2013 9:22 AM  
To: Ann Canedy (acanedy@comcast.net); Attorney Michael Curran (mikepcurran1@verizon.net); Austin Knight (aknight@provincetown-ma.gov); Bill Doherty; Julia Taylor; Linell Grundman (grundmans@comcast.net); Ronald Bergstrom; Suzanne McAuliffe

Subject: FW: to be distributed for Charter Review

Thought I would forward this message and attachment to you from Committee Member Julia Taylor. I will be out of the office on Monday but wanted to get this you with sufficient time to review prior to Wednesday's meeting at 4 p.m.

Janice

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From: Julia Taylor [juliactaylor@comcast.net]  
Sent: Friday, August 23, 2013 7:19 PM  
To: Janice O'Connell  
Subject: to be distributed for Charter Review

This is a rough draft but I may not have any free time to fix it. It's what I am presenting to the Falmouth Selectmen but it should be useful for you to distribute for the pros and cons for Wednesday. On the 11th, I cannot stay past 5:30. Can't get Barnstable email working for me!!! (so save this message for Ron Beaty!) Julia Taylor juliactaylor@comcast.net

8/28/13

1) Status Quo

Pros: Familiar, no change, easiest in terms of charter language and legislative changes

Cons: Redundant, too much authority/power with too few people, currently not working well because of personnel conflicts and 14 years of operating county government a certain way, too much familiarity between three county commissioners, lack of responsibility/accountability from county administrative staff because of blurring of lines with different branches of county government.

2) Assembly of Delegates resolution

Pros: Addresses small, insular situation with county commissioners, larger towns will have more chance of any at large seats, small change, every town will still have a seat at the table.

Cons: Same cons as status quo, few changes to explain, charter changes, county wide vote, ?legislative approval.

3) Committee Model

Pros: Strong executive face for the county, professional and skilled administrator, clearer accountability, better representation for citizens of the county, power and authority fairly distributed, more people making county policy decisions, easier campaign and election for representatives.

Cons: New and unfamiliar, will require education and explanation to citizens, language changes to charter, county wide ballot, ?legislative approval.