

DRAFT

CHARTER REVIEW COMMITTEE – September 4, 2018

GOVERNANCE OPTIONS FOR CONSIDERATION:  
PREPARE A LIST OF PROS & CONS FOR EACH

STATUS QUO/ NO CHANGE:

Existing County structure/model

- County Administrator (appointed)
- EXECUTIVE BRANCH: Three (3) Commissioners (elected – partisan)
- LEGISLATIVE BRANCH: Fifteen (15) Delegates (one elected from each Cape town, non-partisan)

OPTION #1:

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 a weighted vote)

OPTION #2:

Charter Review Committee suggested model

- EXECUTIVE BRANCH: One (1) County Executive (replaces Board of County Commissioners)
- LEGISLATIVE BRANCH: Eleven (11) Cape-wide District Representatives (one elected from each district)

Janice O'Connell

*from Bill Doherty*

**From:** Bill Doherty  
**Sent:** Monday, September 09, 2013 5:48 PM  
**To:** Julia Taylor; Janice O'Connell  
**Subject:** Points Pro and Con on 3 set ups

Points Pro and Con on 3 set ups

No change:

PRO It's been working

Con: question on one man one vote

Members do not clearly differentiate between whom they represent although elected by citizens they act as representatives of the town

Five commissioners 15 delegates

Pro: legitimatizes private meetings among the commissioners

Is easier to run for

CON: more not less government

No change essentially from what exists now

11 Districts & Professional manager

Pro: you represent the district and the citizens

Clearly defined that rep does not represent town

Issue of one man one vote resolved

Con: requires selling and acceptance

The latter is the right thing to do

Sent from my iPad

## Janice O'Connell

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**From:** Mike P Curran <mikepcurran1@verizon.net>  
**Sent:** Tuesday, September 17, 2013 4:54 PM  
**To:** Julia Taylor; Janice O'Connell  
**Subject:** Some Significant Changes Under Consideration  
**Attachments:** Barnstable Some Significant Changes Under Consideration.doc

Julia and Janice:

I believe the committee has made a decision to scrap the weighted vote 'one town representation' which has existed and to go to a single member district system.

I also believe the committee has made a tentative conclusion to eliminate the 3 member board of county commissioners and have the 'executive' powers of the county exercised by the person chosen by the assembly of delegates as its presiding officer (but I am less certain of this).

and I believe there is dissatisfaction with continuing use of the designation Assembly of Delegates

Attached are some 'thoughts' that i hope will be useful in explaining these rather sophisticated concepts.

Use so much or so little of these thoughts as you believe might be useful There are offered for the purpose of being helpful, If they are not helpful discard them.

Good Luck with your project to develop some explanatory materials.

best regards

mike

michael p curran

submitted by:  
Atty. Mike Curran  
9/17/13

## 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.