

Date: August 31, 2013

To: Members of Barnstable Charter Review Committee  
From: League of Women Voters of the Cape Cod Area, sub-committee on County Government

Re: League Consensus and background information on Special Commission Recommendations concerning structure of county government

In response to Julia Taylor's request for the pros and cons developed by the League Study Committee in 2012 in preparation for its consensus meetings, we decided to send to you a copy of our March 2012 *Voter*, our League newsletter. Please note that our study was in response to the specific recommendations of the Special Commission on Governance. A copy of the resulting consensus is attached for your information. The League will review recommendations coming from this Review Committee in terms of new information and current conditions.

We are including the section on background for those members who may be interested in the LWVCCA long time concerns and support for regional government.

Section 1, pps. 3-6, reviews the historical background of the League's activities regarding County Government and Structure.

Section 2, p.7, begins with a preface that in the first paragraph describes where we obtained information regarding the list of pros and cons which follow. (The opinions of two of the current Charter Review Committee members who were interviewed at the time were part of our resource material.) The lists simply reflect what members of the community told us.

Pages 8 and 9 deal with the executive branch pros and cons for both elected and appointed; page 10 deals with the legislative branch pros and cons on the reduced size as recommended by the Special Commission.

When the hearing is held regarding the options of the Charter Review Committee, we are very likely to have new comments to make based upon the options.

We have appreciated being observers of the Committee as it proceeds and value your thoughtful approach to all the challenges involved. Thank you for your request and we are pleased that our earlier work continues to have usefulness.

# THE CAPE COD VOTER

VOLUME 52 ISSUE 7-A

MARCH 2012

LEAGUE OF WOMEN VOTERS OF THE CAPE COD AREA

SPECIAL EDITION

MATERIALS PREPARED FOR  
GENERAL MEMBERSHIP MEETING

MARCH 29, 2012

2:30—4:30 p.m. Harwich Community Center

6—8 p.m. Brewster Ladies Library

TO CONSIDER RECOMMENDATIONS FOR STRUCTURE

OF THE

“THE REGIONAL GOVERNMENT OF CAPE COD

KNOWN AS BARNSTABLE COUNTY”

As recommended by the Special Commission on County Governance

Dear Members,

This is a special edition of the LWVCCA *Voter* for one purpose only: to help prepare you to participate in our General Meetings on Thursday, March 29. These meetings are to provide you with information on the Special Commission's recommendations to the County Commissioners regarding the structure of our county government to see if the League can come to consensus.

I strongly encourage you to read the articles in the *Voter*. Our time at the meetings will be limited to only two hours and we have much to cover. Your preparation will enable us to use our time to best advantage. Thank you very much for helping us in this way.

To whet your appetite for this study **the consensus questions** the County Committee has decided upon are:

1. **Shall the LWVCCA support the recommendation of the Special Commission for County governance which calls for changing the current executive branch consisting of three commissioners by**
  - a. a single, strong executive**
  - b. to be appointed by the legislative body?**
2. **Shall the LWVCCA support the recommendation of the Special Commission for County Governance which calls for a new configuration of the legislative body to seven persons with 5 members elected locally and 2 county-wide?**
3. **Shall the LWVCCA continue to advocate for the County Commissioners and Assembly of Delegates to work for change in order to create a more effective structure for county government?**

The meetings will take place as below. For your convenience two times are offered.

**Thursday, March 29, 2:30-4:30 p.m.**

**Harwich Community Center**

**Thursday, March 29, 6-8 p.m.**

**Brewster Ladies Library**

The agenda for the meetings will include summary of the articles inside, an opportunity to ask clarifying questions and most importantly discussion of the consensus questions, including the pros and cons of the issues. We will also refer to the 54 year history of the League in supporting changes necessary for an effective regional government.

See you on the 29<sup>th</sup>!

*Judy*

# **Section 1**

## **Background and History of**

### **League Activities Regarding the County Government and Structure**

#### **March, 2012**

#### **Beginnings**

The League of Women Voters, since its inception in 1959, has grappled with the issues of development and the impact on the fragile nature of the unique geographic entity of Cape Cod. The first step for the League, after studying regional planning for several years, was to support in 1965 the establishment of the Cape Cod Planning and Development Commission because “it is simple intelligence to plan for the future that is already upon us. This future affects all towns alike so no one town can solve the problem by going it alone.” [Barbara Fegan, LWVCCA president, 1965] State legislation was passed to permit the towns to place this Commission on the ballot of each town meeting. However, the Commission was primarily a coordinating agency, offering some professional expertise to the towns.

#### **The 1980s**

Twenty years later concerns were still arising about county government and its limitations and inability to deal with regional issues. A movement began to seek Home Rule. The League played an active role in the events leading to the Home Rule Charter adoption in 1989.

- The League in 1984 worked with a County Government Review Committee which was formed to see how the County could best be organized meet the broad continuing environmental and economic challenges of the Cape.
- The League actively pursued State legislation which was passed in 1985 outlining the procedures for local Charter Commissions to establish a Home Rule charter.
- The League participated in the resulting Charter Commission which developed proposals for the new structure and actively advocated for the necessary Commonwealth legislation. It went on to advocate for the passage of the local referendum on the new Charter. This all occurred at the time the Commonwealth was taking over County functions in most other parts of the Commonwealth.

The Home Rule Charter was passed in 1989. Shortly thereafter legislation was passed, once again with our active support, to establish the Cape Cod Commission with the responsibility for a Regional Policy Plan and some authority regarding land use.

## **SINCE 2000**

More than another 20 years later our work goes on. The Leagues County Committee has continued to follow and observe the evolving new structure. It became apparent to us and other groups that the barriers to truly effective and regional solutions to the problems confronting the Cape were as strong as ever. In 2009, the League revisited these issues and held a well-received public forum on Regionalization: Opportunities and Obstacles for Barnstable County Towns.

Throughout this period the League followed closely the work of the Charter Review Committees of the Assembly of Delegates, committees required every 5 years by the Charter. In the latest round in 2010, the Review Committee's attention was largely given to rather formal but essential "housekeeping" reforms, which were placed on the ballot and approved that year. During that 2010 review, our League observers found that the review committee struggled with its task. Meetings were often cancelled or a quorum was not present, thereby inhibiting meaningful structural work (see below).

Simultaneously in 2010, the Business Roundtable asked the Charter Review Committee to look at a more efficient structure to meet the demands of our current fast moving era. No action was taken, and proposals for general public input meetings were dropped largely because the Committee's term was up at the end of the year. Subsequently, in the newly convened 2011 session, the Assembly of Delegates determined it would not extend the life of that committee nor appoint a new one.

## **2011**

Meanwhile other observers of the county were becoming increasingly concerned with what appeared to be the inability of the county government to effectively respond in a timely manner to the on-going and emerging needs of the county for regional approaches and solutions to pressing county issues, foremost perhaps the wastewater/environment issue, but also economic development, housing, renewable energy and transportation.

All of this became a spur which led the League to hold the January 2011 Forum: Barnstable County Government: Lose it? Change it? Improve it? At this Forum, Elliott Carr presented the Business Roundtable proposal for a special commission to review county governance. The Forum was packed, standing room only, and obviously drew on widespread concerns and interest. Complaints from panelists and the audience were that the county moves too slowly and is hampered, even restricted in its work, by town fears of loss local control on important issues.

Mr. Carr followed up his forum comment and made a formal request for such a Special Commission at the March 16<sup>th</sup>, 2011 meeting of the County Commissioners where it was formally accepted by the Commissioners.

On April 6, 2011, League President , Judy Thomas, acting on LWVCCA Board approval, spoke in support of the requested Commission and discussed several reasons why such a review was needed:

- We believe the County is uniquely situated to remind and assist the fifteen towns of the Cape in seeing the “big picture.” We see a need for strong voices at the County level to help the fifteen towns recognize and accept their interconnectedness. This recognition includes not only the benefits of, but also the necessity of, regional approaches to what are truly regional problems – problems not able to be solved effectively, efficiently or economically by individual town responses.
- We support the recent questioning done by both individuals and organizations as to the current effectiveness of our County Charter. The Charter is now more than 24 years old. Previous five year charter reviews have done well at various “house-keeping” chores and minor revisions. But in nearly twenty-five years, times have changed. The County’s population has grown exponentially, changed in composition and is now in decline. Because of this, we believe it is an opportune time, a crucial time, to reassess the goals and purposes of county government and the means by which they might be achieved. Do the changing demographics, along with ecological, economic and technological changes suggest new, reprioritized or additional goals? Would the County benefit from different structures for support of these possible new goals? We believe a closer, more open, more imaginative look at Charter issues will benefit the County and its residents.
- Therefore, we support the concept of the recently recommended and approved County Special Commission. For this, we encourage a very open and transparent process for the Commission. The process should establish deadlines for its work that foster both thoroughness and meaningful and timely progress. All meetings should be open, invite public comment and provide timely minutes for the public’s review.

By mid-summer former state senators from the Cape, Henri Rauschenbach and Robert O’Leary, were appointed to chair the Special Commission and were charged with selecting the members. The 26 members of the Special Commission, then appointed by the County Commissioners, represented a broad range of men and women who have had experience in town government, town administration, various posts in County government, as well as those associated with economic development and environmental protection.

The County Commissioners charged the Special Commission with “examining the structure of government provided by the current Barnstable County Charter, its effectiveness at dealing with regional issues and the regional Government’s future role.” Such an examination should include an evaluation of the need for a strong county executive/administrative leadership;

the existing two-branch structure of the regional government; the representation and role of both the County Commissioners and the Assembly of Delegates; and the County's relationship with the fifteen towns of Barnstable County. An organizing meeting was held in September. The first official meeting was held on Oct. 5<sup>th</sup>

To keep the momentum going the League, in September 2011, presented another Forum: "Governing Cape Cod- Challenges and Opportunities." This was again well attended and brought to the county the expert knowledge of Prof. Ronald Oakerson who spoke on governance issues, especially economies of scale.

Upon ongoing study, the League, with Board approval, presented a statement to the Special Commission (Nov. 30, 2011) about the need for a strong executive and a more regionally-oriented legislature. The League made a case for the Executive to be an elected position, arguing that discussion of County issues would be fostered, County residents would become more aware of both their County government and of issues facing the region, and the Executive would be accountable directly to the voters. The statement was published in the *Voter*.

## **2012**

On February 29, 2012 the Special Commission completed its work, approving a structure that includes a single, strong executive, appointed by the legislative body. This body would consist of 5 "regionally" elected representatives and two representatives elected at large from the entire county. Formal presentations of their report were given by the co-chairs to the County Commissioners and Assembly of Delegates on March 21, 2012.

The next Section presents some tools useful in studying the recommendations and arriving at a consensus. The final copy of the Commission recommendations relating to the structure of governance will be included in a separate attachment for your continuing use.

Editorial Note: All the materials in this Voter issue were prepared by Nancy Curley, Judy Thomas and Jari Rapaport.

## Section 2

### Preface

To help provide our membership with some tools to review the recommendations of the Special Commission on County Governance, the recommendations for an Executive Branch and Legislative body are set up below in a table presentation of comments, both those in favor and those questioning the specific proposals. In reviewing them, remember that one person's pro can be another person's con! As always we try to seek a balance in evaluating any proposal and think through our goals and what appears to be **most workable** in the any given situation. The comments were gleaned from the minutes of the Special Commission, comments from other sources, e.g. newspaper editorials, and from members of our county committee. You should also know that the recommendations are still very general and such aspects as the specific form of a regional/district unit for legislative representation was not determined. Nor were there any details about specific powers of the legislative body. Our consensus questions deal only with the larger outline of structural proposals, and do not include taking a position on all of the Special Commission's structural recommendations, such as remuneration or advisory committees

As just noted, while the League is currently studying just the recommendations concerning County structure, the Special commission also made many other recommendations about County operations and we plan to distribute them in a separate communication. These were published in the March 23<sup>rd</sup> issue of the Barnstable Patriot. All of the recommendations regarding county structure appear in this issue of The Voter. The minutes of the Special Commission are posted on the Barnstable County website under Special Commission Governance.

You may also want to know more about ways in which changes to the governing charter can be made. This turns out to be somewhat complex and there is a need for further legal consultation. At this point it is estimated that it would take several years, since it would involve not only a referendum locally but state action as well and the work necessary to have the County charter conform. Avenues for action would include by petition to the State legislature, and working within the Assembly of Delegates responsibility for charter change.

The table of Pros and Cons regarding the recommendations are on the following pages. There is also a chart on current functions and responsibilities of county government.

## Executive Branch

### Special Commission Proposed:

**One single, strong Executive  
Appointed by legislative body**

### Appointed: Pros and Cons

<b>Pros for Appointed</b>	<b>Cons for Appointed</b>
Person could spokesperson for County	Would be accountable to legislative body which has power to fire, rather than the voters
A catalyst for action	Less visibility to many residents
Could bring additional cache at State level	Less interaction with voters
Failure to perform easily addressed and quickly	Beholden to those who hire/fire
Could be vision setter with approval given by legislative body	Vision for County would be that of legislative body
Could seek strong executive, experienced in municipal govt. and other desired skills	Might start with minimal familiarity with Cape
Draw could be nation-wide for appointee	Cronyism could develop with legislators Possibility of back room deals
Would avoid politicization of the office and necessity for a campaign every four years	Difficulty finding affordable housing if residency required
Would have some ability to help residents see their interconnectedness	
Less chance for tie to/bias toward a particular town since executive might come from off Cape	
Post-employment residency on Cape could be requirement for position	

## Executive Branch

### Elected: Pros and Cons

Pros for Elected (current LWVCCA position)	Cons for Elected
Person could be both spokesperson for County and Vision setter	Failure to perform up to expectation would need to wait for next election
A catalyst for Action	Pool of possible candidates would be limited to the Cape
Could bring additional cache at State level	Need to campaign could be a distraction to running county government and costly to candidate
Would be responsible/accountable to voters	Could be beholden to contributors of campaign
Could create vision independent of legislative body	Could create a vision independent of legislative body
Campaigning would give visibility to candidate and county	Could result in too much power in one person
Campaigning would give visibility to issues	Elections can be divisive, generate unneeded controversy
There could be more "buy in" of vision/plans by public	Executive might be more politician than administrator
Would have closer ties to public because of campaign Cape wide exposure	Election could become a popularity contest rather than based on true qualifications
Elections generate interest	
Would better be able to help residents see their interconnectedness	
Familiarity with Cape because of being a resident	

**Legislative Branch**  
**7 Elected Legislators**  
**5 by district, 2 at-large**  
**4 year staggered term**

<b>Pros</b>	<b>Cons</b>
Power is concentrated in the hands of a few leading to greater efficiency	Power is concentrated in the hands of a few leading to inadequate discussion
Regionally elected legislators would strengthen regional thinking, no person would represent just one town	Individual towns would lose, or fear loss of their distinctive voice
Leaner group can make decisions more quickly	Full discussion of an issue could be lost in quest for expediency
New regions could foster a new identity	Could there be a power differential between at-large and regionally elected delegates?
With fewer delegates less likelihood of regulations being watered down increasing ineffectiveness	Regional delegates would have a less expensive and easier campaign than Cape-wide
Could be more integration of issues since several towns might be represented by one person	Creating 7 districts would be time-consuming for secretary of state; would have to be done on a precinct by precinct basis
Regional delegate might help voters to think regionally as well, to see their interconnectedness with other towns	Salaries would need to be larger than current (recommended \$15-25,000 depending on benefits)
It would be easier to advocate for the efficiencies of regional approaches and solutions	Smallness of budget limits almost any kind of power legislative body might have under any sized legislature. We have regional problems but not regional money
5-7 is adequate number to deal with budget that is smaller than the towns	
Lower and outer Cape would gain in clout by being regionally represented among districts with equal votes, rather than weighted voting.	

## **CURRENT FUNCTIONS AND RESPONSIBILITIES OF COUNTY GOVERNMENT**

### **Executive Branch**

#### **County Commissioners**

1. Appointment and removal of County Administrator and all County employees.
2. Preparation of budget to be submitted to Assembly of Delegates.
3. Direction of County agencies.
4. Care of County property.
5. Supervision of revenue collection and disbursement.
6. Submit proposals of measures for Assembly consideration.
7. Approves and has power to veto actions of the Assembly.
8. Report annually to Assembly re the state of the County.

### **Legislative Branch**

#### **Assembly of Delegates**

1. Adoption of all ordinances, including the budget.
2. Establish salary of County Commissioners and the Assembly.
3. Conduct inquiries and investigations into any aspect of County government.
4. Require County Commissioners to appear before them to clarify any matter under investigation.
5. May override vetoes of Commissioners by 2/3 vote.

### **County Administrator**

1. Carries out the administration of day to day operations of the County.
2. Prepares and submits to Commissioners the annual operation budget.
3. Establishes procedures and policies for all departments, etc.
4. Responsible for conduct of all contract negotiations.
5. Reviews, analyzes and forecasts trends of Cape Cod regional government services, programs, finances and makes recommendations.
6. Authority to make inquiries re conduct of the office or performance of duty of all employees.

## **LWVCCA Consensus on County Structure----April 2012.**

The League supports the Special Commissioners' recommendation that asked for a single, strong executive who would be appointed.

The second recommendation for a reduction in size of the legislative body [but which would merge the current Commissioners and the Assembly of Delegates] from the current 15 with representatives from each town, with a weighted vote to a new configuration of 7 legislators, five elected on a regional basis and two elected on a cape-wide basis drew the most discussion. The League agreed in principle with a significantly reduced size of the legislative body to be elected regionally, but it could not quite reach consensus on the number of legislators or whether or not that number should include two legislators elected Cape wide. The League felt that more study and discussion are needed on the size and composition.

Finally, there was strong support that the League continue to advocate for change to create a more responsive, efficient regional government.