

BARNSTABLE COUNTY AND CAPE COD REGIONAL GOVERNMENT

TO OUR ELECTED REPRESENTITIVES

July 17, 2019

RE: HB # 3929

To the elected members of Cape Cod Regional Government and our State Delegation;

As we all know both the Massachusetts Legislature and the citizens of Barnstable County created by Charter a new form of Government in 1988, Chapter 163 of the Acts of 1988, and subsequent to that act, they endorsed and thus created the Cape Cod Commission as our regional planning agency (Chapter 716 of the Acts of 1989) to “reestablish for ourselves and for our communities the means and the structure to deal with regional issues which transcend the existing boundaries of municipal governments.”

Barnstable County has thus rolled out a form of Government incomparable to any other form of municipal government. Heretofore our Government has performed in an extraordinary service role to our Cape towns dutifully saving municipal governments millions with regional procurement, planning grants administered to the Towns via the CCC, \$35 million in dredge work, \$25 million in AmeriCorps services to local conservation and natural resource programs across the Cape, water quality monitoring in the County Lab, fire training, agricultural and aquaculture planning, funding and monitoring, floodplain management, emergency planning and a multitude of human services especially for the Cape’s elderly and needy. All of this was provided on a fixed income.

When we write that our income is fixed, we were created as a revenue based municipal form of government without recourse to any State revenue, new growth, growth fees, debt exclusions, or tax override assistance. We do not share hotel- motel or meals taxes, or lottery revenue. Our revenue funding was set in 1988 and remains unchanged in Article 5A of our Charter from the deeds excise tax, a constant variable, registry fees and a local assessment.

In 1988, despite the growing anxiety dedicated by political leaders to dissolving county governments across the Commonwealth, we were formed. By 2010 most county governments were dissolved excepting those in Southeastern Massachusetts. However, that same year the Commonwealth absorbed the assets and duties of the Sheriffs Office and after offering an early retirement plan, they left the unfair obligation to pay for the Sheriffs retirement fund to the Counties. Four counties were unfairly burdened by that obligation and in 2014 the legislature acted to right this wrong, by passing legislation that transferred that duty back to the Commonwealth. However, Barnstable County, was not included in that bill and we remain the only County now burdened with this potentially fatal flaw in our ability to raise revenue. Segal Consulting’s latest actuarial forecasts show that in FY 21 the amount owed on that obligation will exceed \$1.7 million or 50% of the local tax we collect under Article 5 set by the Legislature in 1988. That obligation continues to grow annually. To date citizens have sent \$10 million to Boston to fund that obligation and it will not be retired until \$42 million in local revenue heads over our bridges to Boston.

This dilemma was not unanticipated by our creators. Disruptive political conversations regarding some underperforming counties were in full swing in 1988 and thus to foreshadow this eventuality the

drafters of our Charter addressed it accordingly in Article 5A section 1: “The Commonwealth shall not assess the Towns of Barnstable County for the transfer of former county functions either directly, through a reduction in local aid, or by any other means.” The subsequent transfer to the Towns is implicit in the act of applying the pension obligation of a now run state agency to the County and is in direct contravention to that language, language written by and adopted by the Mass Legislature that should be given preemptive status. So we contend.

To remedy this inconsistency Representative Sarah Peake with the full endorsement of our Legislative Delegation in January filed HB # 169. Subsequent thereto our Board of Regional Commissioners unanimously voted to likewise endorse the Bill. Therefore, we now bring this request before the Assembly seeking again your endorsement and a new vote that was overwhelmingly supported by last years Assembly.

The obligations flowing to our Cape Cod Regional Government are not dissipating by any means. Our duty to the citizens of Hyannis to continue our efforts to protect the Mary Dunn wells is not negotiable and it is expensive. Our Commitment to our public safety personnel to relocate and recreate an environmentally safe first responder training center at Joint Base is critical to many of our local communities but it is likewise costly. Lower regulatory water quality standards created a need to upgrade our lab for the benefit of all Cape Coders which the County is committed to. Ocean resiliency and flood plain planning are critical to the regions drive to be prepared given the USGS data on rising water. The cause of eliminating homelessness on the Cape, addressing the opioid crisis, and improving on the quality of life for our seniors is unyielding. Our recent effort to double on our dredge investment is critical to what we do for our Towns but it too has a cost.

We can no longer wait. We need a resolution on this challenge forthwith and thus our delegation needs your committed endorsement. Thank you for your support.

Jack Yunits , County Administrator