

Public Comment  
R. Beaty  
A&D 7-17-19

**From:** Ron Beaty  
**Sent:** Saturday, July 06, 2019 10:26 AM  
**To:** Assembly of Delegates; Janice O'Connell  
**Cc:** Suzanne McAuliffe; Jack Yunits Jr.; Owen Fletcher; Stephen Tebo; Susan Moran  
**Subject:** Public Comment for July 17th Public Hearing on County Charter Review mf

Attention: Barnstable County Assembly of Delegates and/or County Charter Review Committee

Dear County Assembly Delegates and/or Members of the County Charter Review Committee:

Restructuring our Cape Cod regional government has been a major topic of ongoing civic discourse for quite some time now. However, since the beginning, one major and vital component has been missing from this whole civil equation and political process: creation of a countywide recall charter provision.

From Bourne and Falmouth all the way down to Truro and Provincetown, every Cape Cod town charter contains a recall provision. Our neighboring county, Plymouth, a few years ago tried to adopt a new home rule charter; it also possessed a recall mechanism for the removal of elected public officials guilty of malfeasance. The Barnstable County Home Rule Charter does not.

The original 1988 enabling legislation sponsored by Tom Cahir and Henri Rauschenbach, among others, did contain a comprehensive recall provision for Cape Cod voters to avail themselves of as part of Article 7. However, for some unknown reason, it was removed before final passage of the legislation. For a quarter century, all that remained to remind anyone that it once existed was the lone word "recall" in the title caption of Article 7 of the charter, without any further explanation afterward.

The full recall provision now needs to be reinstated and officially inserted back into our county charter via a formal charter amendment process. Why?

Various political science and civics books describe the concept of recall as a vehicle enabling the direct application of citizen control over government. It helps to ensure accountability. For this reason, the mechanism of recall should be adopted as a suitable electoral tool that permits the voters to retire regional public officials for reasons they deem just and appropriate. An equitably crafted recall provision helps to ensure that county government officials will first and foremost represent the interests of the Cape Cod citizenry.

The expansive character of the recall authority mirrors its role as the proposed cure for a damaged democracy, whenever such a problem may occur. A sincere desire to tangibly reform the local democratic process whenever the need arises is what rests at the center of the effort to create a relevant recall provision for our county home rule charter. As with our respective Cape municipalities, it will serve only to strengthen the control of the people over the devices and processes of local government, while lessening the power of special interests. The power of a countywide recall provision, for both our executive and legislative branches, can also achieve all of this and more.

Political power is placed directly back into the hands of the people through three types of openly democratic instruments: the initiative, the referendum and the recall. All three of these mechanisms are considered to be tools by which regional electorate can guarantee that county government remains inclusive and transparent. The Barnstable County Home Rule Charter possesses the first two, but it desperately requires the third as well.

As a staunch supporter for adoption of a county charter recall provision, I wish to point to the unmitigated fact that its establishment is solidly grounded in the sovereign power of the people. The role of our each and every one of our

county officials is that of a delegate, whose obligation is to provide influence to the views of his or her constituents and not to implement his or her own decrees.

A logically worded and judiciously applied regional recall provision is vitally necessary to maintain a popular government by and for the people and to eradicate any improper control by private interests over our county executive and legislative bodies. Appropriately amending our county charter to recall members of the Board of County Commissioners as well as the Assembly of Delegates will provide the guarantee that we all need for continued fair treatment and transparent functioning on the part of all aspects of our Cape Cod regional government.

Thank you for your consideration.

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Barnstable County Commissioner

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Public  
J. Glynn Comment  
A of D 7-17-19

**From:** joe glynn <joeglynn2018@gmail.com>  
**Sent:** Friday, July 05, 2019 2:33 PM  
**To:** Janice O'Connell  
**Subject:** Charter review public hearing

Hi Janice ,

I was planning to come up to the assembly public hearing on charter review but I have to have an unexpected heart procedure. I am not sure even if everything goes well if I can make it. I am wondering if you can put me on list to speak tentatively and if I know I will not make it I will update you.

If you can pass my previous comments, these news clippings and my comments on to Speaker McAuliffe and submit them into the record. My main point would be that this topic has been a very long time without action, and that it need not be perfect. I believe that all the previous Charter Review Committees, County Stakeholders, Leaders/Officials and Citizen have many agreed upon changes/improvements. I think a comprehensive consists on restructuring can be obtained if it is generally accepted that we need to update changes. The specifics can be modified after Agreement is generally put before the voters.

We have waited long enough. I appeared at public hearing coming up two years ago. I said that "the time has come". Last year you had a local Selectman and CCCC government teacher appear. Please put something before the voters that you can agree upon.

Here is a CCT Editorial, a my view column I submitted, minutes from my appearance before the assembly also years ago and other opinions over the years, in addition to years of opinions by numerous members of Charter Review Commissions. It is time to update the charter finally!

I feel the three biggest changes are:

- #1) recall provision/vacancy provisions.
- # 2) Non Partisan. Three At large and three regional Commissioners/County Senators (Four Years non staggered) with a elected County Chair determined by largest vote getter of the At large Commissioners or separate election of County Manager (Not preferred) Assembly= Two years State/Federal- General Election  
(Increased pay 8 hours Min wage times 20 annually or equal to highest number of assembly meetings not to exceed 30- no Health Insurance Stipend for any elected officials or designated parking except for handicapped/Veterans designated spots.
- #3) Renaming of the branches for public understanding. County Assembly Representatives (Speaker/Chair=same) County Senate (Current Commissioners with Elected County Manager (Current Chair of County Commissioners) prescribed in #1. (Unelected County Administrator=same).

Respectfully,  
Joe Glynn  
Yarmouth  
Commissioner-Vice Chairman  
Yarmouth Housing Authority

PS -Here is just a small example over the years including meeting of my appearance before the assembly nearly two years ago! Feel free to email or phone questions to (508) 790-5747

<https://www.google.com/amp/s/www.capecodtimes.com/article/20131101/NEWS/311010337%3ftemplate=ampart>

<https://www.google.com/amp/s/www.capecodtimes.com/opinion/20170831/its-time-to-clean-up-county-government%3ftemplate=ampart>

<https://www.google.com/amp/s/www.capecodtimes.com/article/20131101/NEWS/311010337%3ftemplate=ampart>

<http://www.capecodtoday.com/article/2018/01/19/237015-Letter-Concerning-Barnstable-County-Government-Restructure>

<https://www.capecod.com/newscenter/assembly-of-delegates-seeking-public-input-for-charter-review/>

Assembly minutes Some two years ago this coming January.  
(Meeting reconvened at 4:30 p.m.)

Public Hearing on Proposed Ordinance 17-14 to amend the Barnstable County Home Rule Charter, Article 3: Section 3-1, "Composition, Term of Office" and 3-9 if a vacancy occurs in the office of a member of the Board of Regional Commissioners during the term for which the member is chosen.

Speaker MCAULIFFE: All right. It's 4:30. I'm going to read part of the announcement for the Public Hearing. On January 17, 2018, at 4:30 p.m., the Assembly of Delegates will hold a Public Hearing on Proposed County Ordinance 17-14 to amend the Barnstable County Home Rule Charter, Article 3: Section 3-1, "Composition, Term of Office" and 3-9 if a vacancy occurs in the office of a member of the Board of Regional Commissioners during the term for which the member is chosen.

The Public Hearing is held here, 6A in Barnstable. And anyone wishing to testify orally is welcomed to do so. We do have a sign-up sheet, and I will go through the sign-up sheet. But if anyone else who hasn't signed up wishes to testify, they're welcomed to testify as well.

The full text has been distributed to the Town Clerk in each town of Barnstable County and is available from the office of the Assembly of Delegates.

I'm not going to read the whole ordinance into the record, but the gist of the ordinance is that the Board of Regional Commissioners would be increased from three members to five members, and there would be a different structure as to how they would be representing, rather than Cape-wide representation, there would be different districts.

So it's a change in the structure of the executive branch increasing the Board of Regional Commissioners from 3 to 5.

And we're here to hear public comment. We have one person signed up and will Joe Glynn please come forward.

Mr. JOE GLYNN: Great. Thank you. Joe Glynn, Yarmouth. First, I come in peace. I think with your previous contentious or even questionable ones, pound for pound, somebody might be more worried about just me than what you had previously. But I want to thank you for bringing up this resolution. I think it's very

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commissioners and three regionals, that's six, that's an even number. I would say that that at-large commissioner that got the most votes would be the chair, and then you'd go back to an odd amount. He would only vote during those periods of a tie, but he would do the agenda, and he would set things that, you know, Leo is doing right now.

But that's for all you guys to work out. I just want everybody to say going forward if the public understands this, the dynamics change of how we elect people, people understand it, they come forward, they get involved. You know, the more people you have on the ballot, there's two more families. If you've got two people on the ballot, there's two more families that are coming out to vote. There's more people coming out to vote.

Everybody agrees. I haven't heard anybody disagree with the regional approach.

So if you guys go forward with just even the regional commissioners, I think that's a positive step in the eyes of the public. But I would go further, like I said before. I would go in depth. It's been a long time coming. I think you guys put your nose to the grindstone and really work it from the differences between, you know, whether you have a primary, whether you have at-large, whether you have partisan or nonpartisan; those are all-inclusive to people understanding. Because if we do, we're going to get interaction, we're going to get balance, and we're going to get dialog, and that's going to improve county government.

So, thank you, again, for letting me speak. If there's any questions either now or later, feel free because I have looked at the different variations on how to, you know, toggle through. I really think you can get close to perfect, and I think many people agree that it's far from perfect now.

Speaker MCAULIFFE: Thank you, very much.

Mr. JOE GLYNN: Thank you.

Speaker MCAULIFFE: I only had one person signed up. Is there anyone else? Yes. I'll go to the public first. Yes. Would you give us your name and your town, please?

Ms. MARGARET RICE-MOIR: My name is Margaret Rice-Moir. I live in Brewster. So I wanted to rise in support of this resolution. I wanted to support the gentleman who spoke before me.

I have been very disturbed by the kind of childish, inappropriate, kind of sophomoric behavior that I've observed going on with members of the commission. I think that most people don't behave that way.

And so my own feeling is very simple that if we increase the number of people we have on the commission, we have an opportunity to draw in people who can engage in more mature civil discourse, and who can, I think, engage without the same kind of harsh rhetoric.

So I would be in support of increasing the commission. I don't think it's a full answer to some of the difficulties, but I think it certainly is a start.

Speaker MCAULIFFE: Thank you, very much.

important to not only County government but reflective of all our people on the Cape, all our representation. I think there's a down ballot and an up-ballot ability to influence all elections. And I think if we get this, for lack of a better term, we form a more perfect union with County government and with all the government. But I think that it's very important that we address this. I thank you for bringing it forward. I will not get in the weeds about particulars, but I have researched it.

yourself.

The things that I would propose you might have questions on. I'm wide open and the Clerk has my address and my phone number, so feel free to get in the weeds. I think that all of you as an Assembly can do a great deal of improvement and almost like a rebranding of your public perception in what goes forward to have solutions in the County.

And I think you should be detailed. I think that things like recalls and other things that you don't have specifically on this agenda, you might want to get deeper and have more public hearings. And if you're going to do it, it's been a long time, and I'm not being sarcastic when I say that it's -- it's about time. I thank you for doing it. But if you're going to do it, do it right, do it all the way. Be comprehensive about it.

If you pick out something and you go through the motions and you go through everything and you don't fix it, or the public doesn't see a change, you're going to have some of the same problems that I think you have.

And I think many of you know that there is a perception issue. And the perception in the interaction of the public is vitally important, and I think the more people that we get involved -- I think that's why the expansion of the commissioners is important because the more people you have involved, you're a regional committee so you understand the problems with regional government.

But if you have five towns, you know, in the proposal, which I'm all for, upper, lower, and mid-Cape regional representatives, then you understand those groups. I would go further to kind of have a bicameral set of things because I think if we rebrand this, and I'm using branding as just a term, but people don't understand what you do. I think all of you know that. I think that if we rebrand this and you guys -- when people hear the word "Assembly," or they heard the word "Delegates," or they heard the word "Commissioners," it's confusing to them. The Assembly could be just an assembly of people. Delegates, people start thinking of political parties, and the commissioners, you have the County Commission and you have other Human Rights Commission and other commissions. So it adds some confusion.

I would call yourselves representative while we're doing this so you clear up confusion. I would call the current commissioners managers. There's county managers throughout the country. When people think of a manger, they think of an executive branch. And I think that you should have those three regional --

I think we should also look at the staggering of the elections. Right now, you have two and one of the commissioners. Also, you guys run nonpartisan; they run in a partisan election but it's a free-for-all and the primary doesn't make a difference. That's

confusing to everybody. And I think that if you set it up more like state government and federal government where we have representatives, we have managers; I would propose three and three and do the --change the period of four years. I would go to either three years or two years and stagger them.

Now some people say, well, you're going to have three at-large

## It's time to clean up county government

By Joe Glynn

Posted Aug 31, 2017 at 3:00 AM

I write in regard to the recent report by the Massachusetts state auditor and recent articles in the Cape Cod Times about Barnstable County government, including the relationships between the county commissioners and the assembly of delegates, as well as the many entities involved — employees, departments, programs and other vendors or government agencies and the many controversies over the years. Members of the public have consistently made clear their displeasure and frustration with the current system. This frustration with county government has been expressed in many polls, at recent conferences or in online pieces, print reports and in op-ed columns and media campaign releases.

It is time that we demand that both the Assembly of Delegates in the County Commission follow through to restructure of county government immediately given the many years and proposals that they have been presented. We should not need a recommendation by the state auditor to obey state law. Community members have been speaking loud and clear about their wishes to clean up county government make it much more efficient, restructure both government bodies or abolish them.

I propose three new regional commissioners from the Upper Cape, Lower Cape and Mid-Cape regions, and the restructuring of terms and voting processes. I propose two-year terms for both the county commissioners and delegates concurrently, with no staggered terms and consistency with both partisan or nonpartisan general elections for both.

Simply put, the election for both parties would happen every two years simultaneously with congressional and state legislative elections. This would bring the county commissioners to a reasonable five-member body, with the chairman being determined by the voters as the highest vote-getter. Most likely this would be an at-large member. The chairman would vote only in the event of ties and would set the agenda and appointments to boards and committees.

I propose an elected county manager, as is the case throughout the country. This would not eliminate the executive director position. This would make the function of the county legislature an exact mirror of the three branches of both the state and federal legislatures and would eliminate the public confusion of the county. It would encourage transparency, accountability and public participation in the county election process, all of which is lacking in this current form of government!

The public is now engaged, for good or ill, so let's not waste the opportunity to get people further involved. Let's demand the county restructure so that improvements can be made before the people demand immediate abolition of a clearly broken county system. It's the townspeople's money!

— Joe Glynn of Yarmouth is an elected commissioner - vice chairman of the Yarmouth Housing Authority.

## Hearing on County Charter Review 2019

### Testimony

July 17, 2019

Judy Thomas for the  
League of Women Voters Cape Cod Area

To the honorable members of the Assembly of Delegates.

The League of Women Voters of the Cape Cod Area has followed Barnstable County government for years. It has consistently shown interest in reviews of the County Charter. In 2012 the League conducted a study of the charter with a particular eye to its structure. The consensus that was arrived at is described below. We advocated for changes in conformity to that consensus in 2015, acknowledging that with any changes there are likely to be strengths and weaknesses. [Unfortunately the scheduling of this hearing conflicts with Judy Thomas' unavailable to be present and illness another League member.]

Now the Assembly of Delegates is considering another review as required by the Charter. At this time there are no specific proposals, simply a request by the Speaker to the delegates to review the Charter for possible needed changes, either minor "housekeeping" changes or possibly major structural changes.

We address first the process to be used by the Assembly of Delegates which has approved acting as a committee for review as a whole. We are pleased that the first order of business is a public hearing. It is important to gather information on how the public perceives the functioning of the County from as many knowledgeable voices as possible. As the process evolves we hope that it have additional hearings as possible changes to the charter are proposed and well before they are presented to the Assembly as a whole for approval. Transparency is of the utmost importance if trust in the process and its final results are to be valued.

Below we have outlined strengths and weaknesses of the present structure that we previously identified as part of our 2012 study that we hope might be helpful to the Assembly as it considers what changes might result in improved, effective, transparent county government.

#### **CURRENT EXECUTIVE BRANCH: A Board of Commissioners of three members**

##### Strengths:

1. Elected Cape-wide, must appeal to and take into consideration the needs of the entire region.
2. Offers a distinct separation of powers between it and the legislative branch -- a check and balance in the traditional understanding of the term.

##### Weaknesses:

1. The *entire* 3 member board is given the general supervision and direction over all agencies of the regional government. This is very diffuse. There is no consistent "voice of the county" since reorganization happens on a yearly

basis (see #4 below). Who gives direction to the administrator? Whom does the administrator call with a question? How does a whole board act as a CEO? Make inquiries into conduct?

2. Three commissioners means that, under the Open Meetings Law, no two commissioners may communicate in any form with each other because two constitute a majority of the board. This means there can be no discussion of new idea, no opportunities for clarification of a position or a misunderstanding or disagreement except before the public.
3. There is the potential for a quorum issue; if two are absent there is no meeting.
4. Re-organization happens on a yearly basis. Typically this means that the chairpersonship rotates. It is possible in two succeeding years that the views/passion of a chair could differ greatly from the previous year's chairs so that when speaking for the commissioners there could be little consistency year to year.
5. A budgetary process involving both the Commissioners and the Assembly makes the process both lengthy and hard for departments to plan and implement programs in a timely and efficient manner. (Ridley/Strategic Plan)
6. Many management consultants view an elected official as less able to make a fair evaluation of employees, to do the hiring and firing [as an appointed administrator would be able to do]. Politics complicates these relationships and responsibilities.
7. It is extremely hard to do personnel review in the public. Ideally reviews are done in a private setting where there can be open discussion of what's been done and where there are areas of improvement needed.

### **CURRENT LEGISLATIVE BRANCH: A 15 MEMBER ASSEMBLY OF DELEGATES**

#### Strengths

1. Each town has its distinctive *voice*.
2. Each town has some percentage of *vote*.

#### Weaknesses

1. Regionalism is not fostered to its potential since a delegate only represents his/her own town.
2. The inter-connectedness of the towns is less obvious; parochialism is potentially a problem.
3. Proportional voting is less than the ideal standard.
4. There is the potential problem of a quorum -- 8 members AND 50.1% of the vote. [If the delegates from the three largest towns and Mashpee happened to be absent, there is not a quorum.]
5. The legislative body is not streamlined. It is a lot of government for the size of the budget and the population of the region.
6. Charter revision decisions are delegated to persons who, in addition to the effectiveness of county government, might also be influenced by self-interest. For example, maintaining health benefits.

## The LWVCCA Position

The League of Women Voters Cape Cod Area's 2012 position calls for a reduced size government in which the current Board of Commissioners as the executive branch is eliminated and replaced by either an elected or appointed administrator/executive/manager. In addition, the position calls for a reduced size legislative body where delegates are elected on a regional basis with the County divided in to jurisdictions of approximately equal size.

Re strengths of an **executive branch** with a single executive officer:

1. Both internal and external communications would be simplified helping to reinforce a unified county identity or brand, and to build public awareness of the array of county services and programs provided by the county and the accruing benefits to the towns.
2. It is more efficient.
3. A single strong executive would be an obvious, consistent spokesperson for the region who could also:
  - a. function as a vision setter.
  - b. function as a catalyst for action.
  - c. bring additional cache at the state and federal levels of government
4. All executive power is in the hands of one individual; blurred functions are entirely removed from the current situation.

Weaknesses of an **executive branch** with a single executive officer:

1. This would be a new structure which can be a difficult "sell" as it involves change.
2. Some might feel the power in the hands of one individual (who may or may not be elected) is too great.
3. The cost (salary plus benefits) would be greater for a single executive than for three commissioners.
4. Some element of the traditional concept of checks and balances could be lost.

### Reduced size **legislative body**

Strengths of a smaller legislative body:

1. The legislative body is streamlined.
2. Regionally elected members of the legislative body would give this branch of government a one person, one vote system of voting.
3. Policy-making would reside solely in one branch of government.
4. While the wastewater crisis and 401 plan have managed to foster regionalism in that area, regional reps would foster even more the concept of regionalization. In some areas economies of scale would also be available and beneficial. Further, a regional delegate might be able to help voters/residents to think regionally and to see their connectedness to other towns and thus the advantages of regional cooperation.

5. A single, smaller policy making body, by concentrating power in the hands of a lesser number of persons, would increase efficiency and stream line government. Yet the body would still be large enough to allow for sub-committees to engage in work.
6. Some cost would be reduced by a smaller number of delegates.
7. The regional position might create more interest in the legislative position and thus lead to more contested, though still non-partisan, elections. Contested elections help to educate citizens to the issues, the value and role of county government. In the most recent election 10 town had uncontested elections, 4 towns had contested and one town, had only write-ins. Of the four contested, two of the towns had an open seat.

Weaknesses of a smaller sized legislative body:

1. Residents of the towns might feel that they are losing their individual voice. (However, public comment on agenda items always allows for voice.)
2. Towns would lose their distinctive vote which, regardless of the size of the share, might be important to them.
3. Citizens might not know their delegate as well.
4. Delegates in certain districts would have to campaign in larger geographical areas.
5. Salaries might need to be higher.