

Special Commission on County Governance

Wednesday, November 30, 2011

Approved

Co-chair Henri Rauschenbach convened the meeting at 5:35 p.m. in the chamber of the Assembly of Delegates with review of the County's charge to the Special Commission to review County government in accordance with the Charter, considering its future role and appropriate structure, identifying services and recommending structures appropriate for regional services.

With the meeting devoted to receiving public comment, Co-chair Rauschenbach asked that those planning to speak sign in and also submit written comments for posting on the Special Commission's website. He also thanked Special Commissioners Bud Dunham, Bob Lawton and Charles Sumner for the list of 58 Regional Efforts of Cape Cod Towns and Barnstable County that they had distributed.

The first speaker, **Dave Schropfer**, Eastham Town Moderator and former Selectman, represented the Inter-municipal Cooperation Committee composed of officials from Eastham, Wellfleet, Truro and Provincetown. He said that the public is not aware of the County, and that towns are concerned with loss of control, loss of staff and fear of the unknown. Still, he felt that the County could supplement or augment municipal services cost-effectively, just as regional schools do with public approval. He called for the County to provide more shared services with reliable revenue, personnel dedicated to expanding regional services and research opportunities, and he advocated equal representation, with one vote per town in the Assembly, along with five County Commissioners: one representing Bourne, Falmouth, Mashpee and Sandwich; one representing Barnstable; one representing Dennis and Yarmouth; one representing Brewster, Chatham, Harwich and Orleans; and one representing Eastham, Wellfleet, Truro and Provincetown. Mr. Schropfer saw no need for party affiliation, but felt that County officials should meet with towns and share labor-intensive work, such as information technology service, just as some towns now provide services for other towns.

Next, **Elliott Carr** spoke on behalf of the Cape Cod Business Roundtable (BRT) founded 15 years ago in affiliation with the Association to Preserve Cape Cod, with environmental, business and government representation. He noted that New Jersey, North Carolina and Florida are among the states which rely on county government, and he said Barnstable County was the logical entity to facilitate Cape town cooperation. The BRT proposed 1) a stronger executive branch, including financial and legal elements, with a single professional County Executive hired to serve a maximum of 10 years; 2) a single legislative branch of five to nine members, including three to six elected geographically and two to four elected at large for staggered two-year terms, and 3) a financial advisory board composed of the 15 town executives, with an ongoing committee on joint initiatives.

Fellow BRT member and Housing Assistance Corp. (HAC) CEO Rick Presbrey described BRT as a think tank and explained that the high cost of Cape housing makes it unaffordable to residents with relatively low income, adding that rental costs are not falling, thus leaving a need for rental workforce housing in village centers. With wastewater disposal a challenge, he said regional planning is needed to meet the housing needs of aging residents and the workforce.

Mr. Carr noted that planning must cross town lines, as Brewster residents, for example, must travel to supermarkets in adjacent towns.

In reply to a query, Mr. Carr said the BRT is flexible on the question of whether the County should have an appointed executive, but felt an appointed executive might be stronger.

Responding to Co-chair O'Leary's query on possible revenue sources, Mr. Carr thought revenue might be derived from services transferred from towns for county provision.

In reply to Co-chair O'Leary's question if independent agencies should be added to the County, Mr. Carr said it should be considered, as in other counties. Mr. Presbrey added that HAC might be such a prospect, and that HAC would be willing to consider it, as Franklin County is able to benefit from a similar arrangement. Also, he continued, the regional plan needs to balance housing where needed.

Special Commissioners expressed interest in further BRT information compiled by a consultant on the subject of County governance, and Mr. Carr agreed to check on its availability.

Special Commissioner Mary LeClair recalled that selectmen did not actively participate in past County Finance Advisory Committees, as their votes were nonbinding, but Mr. Carr felt that town administrators would actively participate, and Co-chair O'Leary reminded that past committees served at a time when the County did less, so issues were less urgent, but he felt if there is authority at the regional level, towns will participate.

Nancy Curley, County Committee Co-chair for the League of Women Voters of the Cape Cod Area, reviewed the League's long-term interest in County government, including work on the committee that drafted the first County charter. The League produced the chart "How Barnstable County is Governed" that is distributed in conjunction with the County Commissioners, she said, and the League's County Committee members attend both Commissioner and Assembly of Delegates meetings regularly. The League participated in past review of the County Charter, she noted, and its January 2011 forum led to establishing this Special Commission. She said the League has a long history of support for regional government and regionalization, and the League is impressed by the extent of existing County regional services as reported in the testimony presented to this Special Commission. She added that the League is also impressed with the attendance of the public at Special Commission meetings, indicating interest in reform of regional government.

Specifically, she said, the League feels that the County would be better served by a single, strong executive with responsibility as a spokesperson to articulate a clear vision for the County, clarifying current blurred lines for both vision creation and execution. Electing this single County executive would involve a Capewide campaign that would focus attention on regional issues and approaches, she continued, and an elected official would also be directly accountable to the voters, perhaps enhancing achievement of goals.

Ms. Curley said the League supports the two-branch – executive and legislative - model of County government, but feels representation by region rather than town would improve regional approaches.

Ms. Curley then addressed communication, calling Cape residents' unawareness of County government and its services, plus sporadic communication between Assembly Delegates and their constituents, an

obstacle to regional efforts. In concluding, she hoped the Special Commission's deliberations and recommendations would be well publicized.

In reply to Special Commissioner Bill Zammer's query on the relative merits of a professional manager versus an elected head, Ms. Curley replied that an election would generate more interest.

Teresa Martin, Eastham Assembly Delegate and Charter Review participant, as well as communication consultant, called the County Charter's structure good, supporting the process of meeting goals, but including some extraneous material, saying its review should retain what is effective.

Ms. Martin called for the Special Commission to support 21st-century functions in its recommendations, keeping citizens involved in the process, and towns helping towns, noting that the Franklin County Regional Council of Governments serves 26 towns. She called a clear, defined structure important, as in the Workforce Investment Board (WIB) and Regional Transit Authority (RTA), adding that the County should serve as a hub to coordinate, not control, regional efforts.

Ms. Martin favored strong executive leadership – an elected fulltime “Mayor of Cape Cod” with professional manager – i.e., a Chief Executive Officer (CEO) and Chief Operating Officer (COO). She added that the County Assembly works and should be preserved, but a fiscal structure would be required to finance County government. She advised reviewing the current structure to identify what works, then adding goals, and she felt that the County offers abundant services for a region of its size.

Noting that town structure is dictated by required services, such as police and fire departments and schools, Special Commissioner Ron Bergstrom asked if the existing County structure is adequate to expand services, and Ms. Martin replied that it is not, and that is why a “Mayor” is needed to define and communicate the County vision, with a professional COO.

In reply to Special Commissioner Marylou Pettit's query regarding how to keep citizens involved, Ms. Martin replied that outreach tactics would be required to elicit their involvement.

Eugene Curry, representing the Cape Cod Technology Council, spoke next, explaining that he also co-chairs Cape Cod Connect with John O'Brien of the Cape Cod Chamber of Commerce. He called the rollout of Open Cape in 2013 a unique advantage requiring business, nonprofits, the arts and government to plan to leverage data sources and mobilize resources to improve service delivery. He advised an Open Cape regional services proposal and use of social media, as in Congress, to improve communication, and he said leadership must be involved in employing these new technologies now to improve communication and service delivery. Further, he advised centralizing data for savings by integrating databases in a central government function .

Special Commissioner Terry Duenas noted the new opportunity to use public access cable TV as a tool for communication on a regional government channel, including regional nonprofit organizations, integrated with Open Cape, as 93% of Cape homes have cable service. Mr. Curry reminded that Open Cape owns the infrastructure, but how it is used presents the opportunity, adding that existing and newly-identified data could be incorporated.

Mr. Curry said that the Technology Council has no position on County administrative structures, but he urged taking advantage of new technology.

Special Commissioner Vicki Lowell said that towns have data, but a “salesman” is needed to acquire it, and town managers are key to town integration in regional services in order to free town resources for other needs.

Special Commissioner Bert Jackson said the County structure should support new technology opportunities.

Mr. Curry noted that New York and San Francisco are taking the lead with strong mayors, but some counties are pursuing new technology, too, adding that parochialism must be overcome for regional cooperation.

Special Commissioner Florence Seldin reminded that Dan Gallagher of OpenCape had called for the County to take over its **Regional Umbrella Services System (RUSS)**.

The next speaker, **Preston Ribnick**, a Wellfleet resident since 1986, was concerned with citizens’ rights to request and receive public records, follow funding, provide public comment and question public officials. He said the reason for citizens’ inquiries can’t be questioned in providing the information sought, and he called for creation of a County ombudsman post. He said that Cape Light Compact (CLC) and the Cape and Vineyard Electric Cooperative (CVEC) need better oversight, with their County affiliation and shared staff and space and intergovernmental agreements, and he questioned listing CLC as a County department on the County website and on the County organizational chart, while the County has no authority over it. He said CLC appears to have a budget of about \$24 million a year, and the County Administrator serves as treasurer, with the Assistant County Administrator also an officer and a County Commissioner also involved, while sharing the County’s legal counsel. In concluding, he called for a clear policy on public document access for CLC and CVEC, and he said the Assembly was respectful of citizen inquiry in pursuing its own inquiry of CLC and CVEC.

Next, **George Heufelder**, director of the County Health and Environment Department, explained his department’s origin in 1921 State legislation as the State’s only county health department. He said his unique department is staffed by 20, and more in summer, to work with towns as needed, e.g., in the Regional Emergency Planning Committee that was the first in the State; in Title 5 nitrogen research, as the New England leader in testing alternative technologies; in seeking a Center for Disease Control (CDC) grant to prepare plans for public health emergencies; and in providing a laboratory that can test water for chemicals and hormones. He asked the Special Commission to preserve the elements of the County structure that allow his department to function as a model regional department.

Special Commissioner Sue Rohrbach called for preserving and encouraging such innovations in County government, and Special Commissioner Ron Bergstrom noted that such a neutral expert can be valuable to towns in providing facts and testing.

In discussing the County health department role, Mr. Heufelder explained that cafeteria-style services are offered, and service-users pay for them. He said the septic testing is now State-affiliated, and manufacturers benefit from and pay for the test center. Also, he said the County provides indoor air quality testing for towns, e.g., testing that towns don’t do, and can also assist with Town duties. Hotel beach testing is paid through room fees, he said, while grants fund some 50 nurses under contract to staff H1N1 clinics, in coordination with the Visiting Nurses Association.

Special Commissioner Marylou Pettit noted that the Health Department and County Extension are known to the public, but not as County agencies.

Next, James Rogers of Sandwich, made a plea for information on CLC and CVEC, including lines of authority, grants from CLC to CVEC (that are not loans), saying he found no financial reports at Town Hall, despite ratepayers' financing of oversight of CLC and CVEC. He said a special committee of the Assembly of Delegates is now seeking the agencies' documents and disclosure.

Next, **Austin Knight**, Provincetown Selectman, Cape Cod Commission (CCC) member and President of the Cape Selectmen's and Town Councilors' Association, termed the County supportive, e.g., regarding wastewater issues, and said a strong leader, as with the CCC, would be valuable in conferring integrity through appropriate education and experience. He felt the two-branch structure of the County is good, and he noted that \$20 million of the County's \$26 million raised in room taxes came from Provincetown,* with second homes at 80% of the total. In concluding, he advised saving what works, changing what doesn't, and pursuing a vision for 20 or more years from now.

Next, **J. Gregory Milne**, formerly a Barnstable Town Councilor for 12 years, explained that he participated in creating the water protection collaborative, participated in charter review and ran for County Commissioner. He said people are unaware of the County, and he advised focusing on problems first and the efficiencies of scale. He said the Land Bank and Cape Cod Commission benefited from a regional approach in their adoption, and that wastewater is the current issue that should drive any County change, just as responding to need led to the Health Department's success. The State Legislature could address these needs and provide revenue, he said, asking what the Special Commission plans.

Co-chair Rauschenbach replied that the Special Commission is to file a report for the County Commissioners and Assembly of Delegates, and Mr. Milne noted that the County has the gift of home rule, urging the Special Commission to think broadly for legislation and referendum, be bold and educate and inspire the Cape to address wastewater challenges.

Mr. Milne concluded by saying he found the recommendations for an elected County CEO heartening, and he felt the wastewater issue should be the driver.

Next, **Kathy Sherman** of Brewster expressed concern with CVEC in pursuing industrialization through siting, saying that grants returned to the Cape must be balanced against funds spent, and that land-based wind power is not feasible, but that is not accepted. She called for greater oversight, and she called consideration of a regional utility risky.

Next, **Barbara Howard** of Harwich identified herself as a new resident of a few years who wonders why the County is named Barnstable rather than Cape Cod County. She was also confused by the Assembly's voting down the Ocean Management Plan, while the Cape Cod Commission (CCC) voted to accept it.

Special Commissioner Ron Bergstrom clarified that the Assembly voted against the Plan criteria, and County Commissioner Sheila Lyons added that since State legislation provides for designating Districts of Critical Planning Concern (DCPC) in regional planning agencies with regulatory authority, CCC could regulate through its own legislative authority.

The next meetings were scheduled for December 14 and January 4, and Co-chair O'Leary assigned Special Commissioners to list their ideas on the issues of governance, revenue and services for consideration.

Special Commissioner Marylou Pettit asked if anyone had attended the State presentation on the new Innovation Grants, and Special Commissioner Terry Duenas replied that he had and that the County would be eligible to apply.

Co-chair Rauschenbach announced that William Quinn had attended the meeting earlier to represent the Fire Service, and that Special Commissioner John Doane would discuss Cape Cod Mosquito Control at the next meeting.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk

*Accuracy of this claim was questioned in approving the minutes of the November 30 meeting on December 14, and Co-chair Rauschenbach replied that the Minutes Clerk would seek clarification. MA Dept. of Revenue data indicate Provincetown room tax collection of \$1.5 million in calendar year 2010, or 12% of the \$12.5 million County total per <http://www.statscapecod.org/towndata/roomtax.html>