

Special Commission on County Governance

Approved Minutes

Wednesday, October 26, 2011

Co-chair Rob O'Leary convened the meeting at 6:35 p.m. in the chamber of the Assembly of Delegates, without co-chair Henri Rauschenbach, who was in China.

Minutes of the October 5 meeting were approved unanimously, as written.

Scheduled speakers were asked to address 1) their agency's relationship with Barnstable County, 2) if any County restructuring would be more effective in providing regional services, 3) any particular needs of their agency that restructuring could address, 4) if their agency's mission could be more effective within the structure of County government, and 5) vision for restructured County government, if a current County agency..

David Augustinho, Executive Director of the Cape and Islands Workforce Investment Board (WIB), was the first speaker, and he described his agency's function and projects. He noted that counties predominate nationally as the local government that offers a variety of services that are provided by municipalities in New England, including responsibility for schools. WIB education and training programs are coordinated with the County via its designee, County Commissioner Sheila Lyons, who succeeded County Commissioner Bill Doherty in that role. Federal funds pass through the County to the WIB and nonprofit Job Training and Employment Corp. (JTEC) with Memorandum of Understanding (MOU). The WIB employs 3.5 persons: director, assistant, program manager and part-time bookkeeper, with a \$2 million budget. The WIB has worked with the County Human Service Department and they now collaborate on a grant-funded homelessness project.

Mr. Augustinho felt the WIB function could not be improved if it were within County government, but he credited the successful efforts of both this Commission's co-chairs in having the County designated as a WIB region separate from New Bedford. In reply to a query regarding cooperation between the WIB, the Cape Cod Commission and the Economic Development Council, Augustinho replied that the agencies all work together, along with the Cape Cod Chamber of Commerce, calling economic development is an appropriate issue for the County to address and adding that the County could be more active in leading regional economic development efforts.

Mr. Augustinho estimated 90% of the WIB activity occurs in the County, with minimal Island involvement. With Barnstable County Commissioner Sheila Lyons acting as WIB Chief Elected Official, the County appoints 35 WIB members, most from the private sector. WIB meeting attendance averages 21 members, he said, and the WIB follows in the tradition of past programs, including the Comprehensive Employment and Training Act (CETA, 1973) and the Job Training Partnership Act (JTPA, 1982), with the County as the political entity receiving the Federal funding. He felt the County's Comprehensive Economic Development Strategy (CEDS) process was valuable in involving the WIB and other local agencies in developing regional goals and plans. He cited as examples of workforce training programs the 55+ program operated in the past to help with human resource needs,

and the training of low-income individuals as nursing assistants. He said a marketing committee publicizes the WIB for community outreach, and a youth council of 26-27 members seeks to improve graduation rates and youth employability via School to Careers program. Expenditures follow Federal guidelines, with Memoranda of Understanding (MOU) involving the County, WIB and JTEC. The WIB receives official labor force and employment data from the State, and shares the data, e.g., with the County for grant applications.

Fred O'Regan, CEO of the International Fund for Animal Welfare (IFAW) in Yarmouthport, represented the Cape Cod Chamber of Commerce as an officer on its board of directors, noting that it serves the region, just as the County does. He said regional government is important to the Chamber to streamline service delivery in addressing such significant issues as public safety, transportation, cost-effective regionalizing of government services, workforce development, environment protection of our greatest asset, our ocean, beaches and air, energy and natural resources, economic development to retain and attract small and medium-size businesses, and support for the Cape as a world-class tourist regional destination, and he said it was important for government to be transparent. He cited the Cape Cod Economic Development Council and Smarter Cape as particularly valuable County entities, noting that the Chamber cooperates in those as well as the Comprehensive Economic Development Strategy (CEDS) process.

Finding credit represents a business impediment, Mr. O'Regan said, but entrepreneurship persists here, and he explained that the Chamber relates to town chambers in coordinating their mutual concerns. In addressing queries regarding businesses' view of government and if any change in County government could be helpful, Mr. O'Regan said the Chamber recognizes the need for efficient, effective and transparent public/private partnerships. In reply to a query regarding distribution of Cape and Islands license plate funds, he said Chamber CEO Wendy Northcross could provide that information.

Mr. O'Regan called the Chamber's relationship with the County excellent, noting its minimal bureaucracy and streamlined structure for nimble provision of services. He felt the Chamber and County were appropriately separate but cooperative. Chamber interests in future economic development efforts would involve growth, workforce development and quality of life concerns, and he said the Chamber's new strategic plan is currently under development for unveiling in early December. Mr. O'Regan felt that County structure should depend upon identification of issues faced, that perhaps the County could be more efficient, and further Chamber recommendations could be forthcoming. Distributed copies of his statement conclude, "In our view, a regionalized approach to economic development and consensus building will allow Cape Cod to solve problems and build opportunity more efficiently. Today's issues transcend the ability for any single entity to tackle alone and a regional approach can gain more resources in a limited-resource world."

Andrew Gottlieb, Executive Director of the Cape Cod Water Protection Collaborative (WPC), explained that his organization is part of County government, and he said the regional scale is cost-effective for wastewater planning and implementation, although the current County structure lacks the technical and managerial capability as well as a regional funding mechanism for it. While both the County Health and Environmental Department and Cape Cod Commission are providing aid to towns in addressing wastewater issues, he questioned the County role with individual septic systems. Towns have a role where wastewater treatment plans exist, he said, but identification of an appropriate County role

should precede any structural change in County government. While WPC is not involved in the Conservation Law Foundation (CLF) and Environmental Protection Agency (EPA) lawsuit, he addressed the question of whether negotiations related to the lawsuit could result in County designation to lead regional wastewater planning efforts. He felt Federal regulation of wastewater disposal into groundwater would not favor a regional approach, although addressing wastewater treatment requires a regional approach, as individual towns can't affect adjoining towns in their watershed.

Co-chair O'Leary noted that there is no Federal permitting of wastewater disposal, but there are State regulations plus town zoning and health regulations, while the County has none, and Mr. Gottlieb replied that towns have State-delegated authority. Co-chair O'Leary asked if change in State law, along with revenue source, would be required for the County to act. Mr. Gottlieb explained that impaired waterways would require disposal outside the watershed plus County regulation if Title 5 is found to be inadequate. For revenue, towns have the betterment process, but the County couldn't do enough to be worth the fight with towns unwilling to cede authority. With 20 years of decline of water quality in near-shore embayments due to nitrogen, Mr. Gottlieb said property values could be threatened by declining water quality. With property values driven by proximity to water (as assumed to be desirable), he felt tax burden could shift to areas least able to afford it, driving away the middle class that couldn't afford to live here.

In reply to the question of the need for a Countywide wastewater district, Mr. Gottlieb said the Collaborative hasn't yet grappled with the issue.

Replying to the question of the appropriate approach, with public recognition of the importance of water quality, Mr. Gottlieb said public discussion of the issue – as in this forum – is valuable, and Cape Cod Commission wastewater management planning should indicate a regional approach would be most cost effective. He felt public outrage would be necessary to solve the issue of degrading water quality in recognizing its value and accepting its cost. In discussing the issue of towns' sharing their findings in exploring innovative technologies, Mr. Gottlieb felt integrating all technologies for a cost-effective solution would be a challenge to towns. Responding to the observation that the County could choose its role but would need authority from residents to pursue it, Mr. Gottlieb said Massachusetts residents have regional wastewater treatment, for example in watersheds, citing the Massachusetts Water Resources Authority (NWRA), Blackstone, Charles, Essex and all Florida wastewater treatment as county-based.

Regarding financing, and whether wastewater treatment is always financed through usage, Mr. Gottlieb replied that fees and charges funded by incremental levy are possible, as in the Mashpee Water District which sells water and also taxes residents.

In reply to a question, Mr. Gottlieb said that while the Massachusetts Military Reservation is not involved in a lawsuit, it is an asset that could be part of a solution, for example for the Upper Cape towns of Bourne, Falmouth, Mashpee and Sandwich. Regional solutions should be watershed-based, he said, not Countywide.

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, noted that he has served at all levels of government and also taught government at Suffolk University. He called his relationship with the County as one of its departments good, with good staff, although the Cape Cod Commission Act and County Charter could be smoothed. He felt a regional County body is needed, but wondered if the

weighted vote of the Assembly of Delegates is effective. He felt town administrators and managers should be more involved because of their knowledge, and thought voting districts crossing town boundaries, as with the State legislature, could be valuable. He noted that the three County Commissioners could potentially violate the State's Open Meeting Law when attending meetings together, and wondered if the County should have an executive appointed by a legislative body composed of town executives. He also felt that wastewater approaches should reflect property owners rather than towns. Regarding County Charter review, he felt the body should not review itself, and that the Charter could be streamlined, for example, in eliminating statement of personnel policies there. Another concern he cited was the challenge of communicating with the Assembly, as Delegates may vote one way in subcommittee and change their vote in the Assembly meeting. Addressing future issues such as wastewater, workforce and economic development requires a regional approach to circumvent ad hoc crisis approaches, as with the wastewater issue, he said.

Asked if the County legislature should be elected by town, but not the executive, Mr. Niedzwiecki saw a need for a more facile executive and Assembly, with the legislature perhaps elected by precinct. Districts might also follow watersheds rather than arbitrary town boundaries, he said.

Co-chair O'Leary asked if the Cape Cod Commission Act needs review after 20 years, but Mr. Niedzwiecki replied, "No," adding that the Cape Cod Commission should not distract from the current County analysis.

Asked if the County legislature's role is valuable, perhaps with a single County executive, Mr. Niedzwiecki felt that the advice of town managers and administrators could be valuable, for example, on the budget, and he said that CEDS, wastewater management and Smarter Cape digital regionalization all need a regional approach. Town heads will show up for meetings if important, as with the Regional Transit Authority, he added. He also noted that the hiring of a regional building inspector may be the beginning of shared services and may lead to future regional streamlining. In reply to a question of whether structure should follow vision, he felt structure could build confidence, but both were equally important.

Co-chair O'Leary thanked the speakers for participating and sharing their views, and the next meeting was scheduled for Thursday, November 10 at 3:30 or 4 p.m., with the Lt. Governor, followed by a Wednesday evening meeting on November 16. Future speakers were identified as Tom Cahir and Dan Gallagher and the Sheriff plus Cape Light Compact and Cape and Vineyard Electric Cooperative representatives.

The meeting was adjourned at 8:53 p.m.

Respectfully Submitted,

Marilyn Fifield,

Minutes Clerk