

Special Commission on County Governance

Wednesday, February 16, 2012

Revised Minutes

(See Minutes of 2/29/12 for a correction to these minutes)

Co-chair Rob O'Leary convened the meeting at 6:40 p.m. in Superior Courthouse conference room 11/12. Minutes of the February 8 meeting of the Special Commission were approved with substitution of Special Commissioner Bert Jackson's subsequent emailed clarification of his comment regarding the Regional Umbrella Services System (RUSS): **that the County would not hire developers to build applications, but would procure vendors to do so.**

Initial discussion concerned process and the order in which government structure and issue votes should be considered, and it was noted that Special Commissioner Bill Zammer was participating via telephone and that Cape Cod Chamber of Commerce CEO Wendy Northcross would be voting by proxy for Special Commissioners Dorothy Savarese and Bill Zammer. [After the 8 p.m. break in the meeting, Special Commissioner Larry Cole said he would vote by proxy for Special Commissioner Scott Ridley.]

Special Commissioner Cheryl Bartlett felt that governance should be decided before issue votes, while Special Commissioner Ron Bergstrom said the County's MMA Consulting report awaits consideration, and other changes discussed could be implemented and should not depend on structure. Mr. Ridley noted that some issues need attention as soon as possible, and Special Commissioner Florence Seldin called RUSS and wastewater urgent issues, regardless of governance.

Special Commissioner John Doane noted that there had been little discussion of governance, and Co-chair O'Leary agreed that discussion of structure was needed and intended, with Special Commissioner Sue Rohrbach adding that it had been needed for three months. Co-chair Henri Rauschenbach said the next meeting should concern structure, after resolving issues in the current meeting, noting that the most aggressive structural change could take two years.

Mr. Cole said some issues are independent of structure, while others depend on the structure, and Ms. Northcross said that others agree, so votes may be qualified, depending on structure. Special Commissioner Margo Fenn suggested discussing governance and voting on issues unrelated to structure.

Governance Structure

Co-chair Rauschenbach said the status quo was not included among voting options, and that comments from the League of Women Voters and Business Roundtable had been omitted but would be emailed.

Co-chair O'Leary called the current combined position of County Administrator/Treasurer effective and efficient, adding that a strong County Administrator would be like a Town Administrator, with power to hire, fire and sign contracts, all requiring County Commissioners' approval now.

Special Commissioner Bob Lawton favored a strong appointed County Administrator with 5-7 Commissioners as the Legislature, and Mr. Doane agreed, saying 5 Commissioners with Administrator and no Assembly seems feasible, adding that there was no Assembly when he started as a County Commissioner.

Mr. Bergstrom also felt a stronger Administrator was needed and should be appointed, as the position involves administering and not setting policy as with an elected office, but he considered 5 too few for a legislative body, suggesting it might appear to be executive rather than legislative. He thought the Assembly is good as structured and effective in representing the towns.

Special Commissioner Mary LeClair recalled that Selectmen stopped participating in the County's Financial Advisory Committee when she was County Treasurer as they had no power over the budget. Co-chair O'Leary noted that it was also the time of transition from County responsibility for the jail and Registry of Deeds and of beginning regional solid waste planning.

Ms. Fenn favored 7 members in recrafting County government, as town Assembly Delegates think first of their own town's self-interest, while big regional issues require a broader perspective than individual towns represent.

Special Commissioner Maggie Geist added that only a small percentage of the County budget is derived from towns, so towns should not control the County government, and Ms. LeClair recalled the County tax as about \$2 million in the County budget of \$25 million.

Ms. Rohrbach suggested looking at the State Representative districts and distributing the County population among 7 districts.

Special Commissioner Phyllis Day recalled beginning her tenure as Clerk of Courts 35 years ago and her presence at the [per Ms. Day's emailed correction 2-28-12] swearing in the first Assembly of Delegates, adding that a Countywide campaign for an at-large candidate would cost at least \$40,000, while the position would pay no more despite the added Countywide campaign costs. She said the County Charter requires initiating change with the Assembly, then the County Commissioners and then Legislature and then placed on the ballot for Barnstable County voters [per Ms. Day's emailed correction 2-28-12], a process that she said appears to be unavoidable as prescribed in the Charter.

Mr. Bergstrom said he was opposed to changing the government, while he said Special Commissioner and fellow Assembly Delegate Julie Taylor was more accepting of considering it. He thought other Delegates might accept the concept and pursue change, but he felt that losing town representation could be a sensitive issue.

Co-chair O'Leary wondered if County government – as a creature of the State – could be changed through the State, if the Assembly declines to pursue it, noting that separate legislation could be filed by individual petition. He and Mr. Bergstrom agreed that the easiest approach would be through the Assembly Charter Review Commission, but the outcome would be unpredictable.

Mr. Cole said that a strong County Administrator wouldn't be Treasurer, as well, and also support Cape Light Compact (CLC) and Cape and Islands Electric Cooperative (CVEC). He favored pursuing change through the Assembly and then being like counties across the nation without an Assembly.

Mr. Lawton pointed out that the Charter would dictate the extent of authority of the County's top official, and Ms. Rohrbach said the Administrator would be the County's Executive branch and asked who is the public face of the County: Executive or Legislative branch?

Special Commissioner Charles Sumner said in his 25 years here towns have evolved from having Executive Secretaries to Town Administrators, with elected officials now providing policy vision, not day-to-day administration.

Among the responsibilities Mr. Lawton saw for a strong County Administrator were making appointments, signing contracts, proposing budgets, planning consistent with the Legislative vision, and accepting and considering the individual concerns of Legislators.

Ms. LeClair noted that the County Administrator also chairs the Retirement Board, since the Legislature abolished the County Treasurer's position, leaving the County Administrator as Treasurer and Chairman of the Retirement Board.

Mr. Bergstrom pointed out that an elected Executive would require a working Administrator besides.

Ms. Day said three concepts were considered in 1986 : 1)an elected County Executive and elected Commissioners, 2)a County Manager appointed by the elected Commissioners, or 3) the current Charter's

Administrator appointed by the elected County Commissioners, and she noted that the Special Commission's inclination now seems to be the opposite of what was adopted then.

Dennis Selectman Wayne Bergeron called town representation an important consideration, as towns pay for the County through fees, etc.

Electing the Assembly from districts was discussed, and Mr. Bergstrom reminded that the concentration of population might mean a single representative from Provincetown to Chatham but 4 from Barnstable, adding that, since delegates are elected, they don't represent the towns. He said the current weighted vote has always been controversial, as Barnstable and Falmouth could control it, but, historically, it has not been a problem.

Ms. Fenn agreed, but felt that representation beyond a single town would help expand the perspective.

Co-chair O'Leary asked if the County Commissioners should be merged with the Assembly, if elections should be partisan, with a two or four-year term, and if there should be an advisory board of Town Administrators with possible budget veto.

Ms. Northcross noted that RUSS and CVEC provide services that involve towns.

Ms. Rohrbach proposed a 9-member nonpartisan body with three-year terms, and Co-chair O'Leary recalled that Special Commissioner Vicky Lowell had called running in a nonpartisan election difficult.

Mr. Bergstrom thought party affiliation would be needed for efficiency in providing information beyond just the candidate's name, but Mr. Lawton wondered if a change in dominant party would mean a change in County Administrator, as happens across the nation.

Mr. Cole felt the concentration of population in Barnstable and Falmouth would mean multiple representatives from those towns.

Special Commissioner Alan McClennen thought three-year terms would be good, and Mr. Lawton favored limiting the size of the board.

Co-chair O'Leary asked if County Commissioners and Assembly Delegates should be paid (currently \$14,000/year for Commissioners and \$1,000 plus benefits for Delegates), if they should have benefits and be partisan.

Mr. Sumner felt with so much engagement required that salary and benefits (i.e., health insurance) should be offered, and Special Commissioner Mimi McConnell agreed but cautioned against offering benefits that could be abused. Ms. Rohrbach noted that some people need to replace livelihood sacrificed for their County service, and Mr. Bergstrom suggested paying \$5,000. Co-chair O'Leary said pay could be an important consideration to attract young people – around \$15,000, like the current stipend for Commissioners – and Co-chair Rauschenbach called for a vote at the next meeting. In reply to Ms. Rohrbach's procedural question, the Co-chairs said they would provide a Special Commission report of all discussed concepts for the consideration of the County Commissioners.

Wastewater

In discussing the wastewater draft, Ms. Rohrbach said a District was needed, whether within County government or not, and it was agreed to strike the questions in Italics.

The Co-chairs felt the proposed District should be a separate entity - related to the County and with the capacity to address wastewater issues consistent with the Cape Cod Commission's (CCC) Regional Policy Plan (RPP), but the term "Authority" was preferred over "District" to avoid geographic confusion.

Ms. Geist said that stormwater might be included among wastewater issues, but Co-chair Rauschenbach said that stormwater can also be considered transportation-related or agricultural.

Co-Chair O'Leary said an Authority needs regulatory authority, funding, coordination with the CCC RPP, and Co-chair Rauschenbach added that the County Commissioners could seek special legislation to create it through the Cape legislative delegation.

Ms. McConnell suggested considering the name "Cape Cod Water Quality Authority," and Ms. Fenn advised striking the word "embayments" from the draft.

Mr. Bergstrom thought CCC could be empowered as the governing board, and Cape Cod Water Protection Collaborative Director Andrew Gottlieb said the new entity would assume the responsibilities of the Collaborative.

The Special Commission then accepted the Wastewater draft as discussed and revised by unanimous vote.

Transportation

The Transportation draft was considered and accepted with two proxy votes of "No" representing Ms. Savarese and Mr. Zammer, as County coordination is considered good now, with no change needed. Ms. LeClair, Ms. Rohrbach and Ms. Seldin also objected to convening all transportation groups annually, while Mr. Lawton thought formalizing such a meeting good. Special Commissioner Mark Forest also thought the recommendation merely affirms and sustains coordinating planning and working together, formalizing existing coordination.

Environment

The draft recommendation was accepted by unanimous vote.

Cape Cod Mosquito Control

The draft recommendation was accepted by unanimous vote, with Mr. Doane abstaining.

CLC/CVEC

The draft recommendation was accepted by unanimous vote, with the revision that the County should "convene efforts" and Co-chair Rauschenbach abstained.

Economic Development

Recommendation #7 was accepted, with Ms. LeClair and the proxy votes of Ms. Savarese and Mr. Zammer opposed.

Recommendation #7A - drafted by Ms. Northcross and CCC Executive Director Paul Niedzwiecki – was accepted by unanimous vote, with Mr. Cole abstaining. Ms. Northcross noted that it recognizes the Comprehensive Economic Development Strategy (CEDS) process as the basis for the County economic development program, and Mr. Forest added that it affirms that the program is working and that speaking with one voice is preferable.

RUSS

Mr. Cole was concerned about advocating the County assume RUSS responsibility when it has no related experience, and with funding for annual operating costs unknown and dependent upon the marketing component.

Dan Gallagher, CEO of OpenCape Corporation, replied that RUSS is a CEDS goal, with the County already involved through its leased building. He said a County Department of Regional Services is needed, a consultant is now pursuing implementation, and that the County's lead in pursuing it should be endorsed and funds authorized to staff e-permitting and licensing, as County leadership would be required, along with an advisory board on behalf of the towns.

Ms. Seldin felt the County should take this responsibility, but Mr. Cole asked if something else should be cut in order to fund it. Mr. Gallagher replied that each application has its own cost, and Co-chair O'Leary added that, in the absence of Mr. Ridley as RUSS recommendation author, the question should be tabled until the next meeting. When Mr. Gallagher said that the issue was to be decided at the County Commissioners' meeting on the following Wednesday, Ms. Fenn called for asking Mr. Gallagher and Mr. Ridley to confer.

Mr. Sumner said he was supportive of County efforts to develop aggregation of telecommunication services for schools, libraries and public services, noting no service is provided without payment, and assuming that Brewster will be a customer.

Mr. Gallagher said the total annual cost for the whole Cape would be under \$200,000, with the annual Provincetown share estimated at \$3,000.

County Commissioner Mary Pat Flynn said the County Commissioners are addressing and budgeting \$75,000 for a consultant to pursue implementation.

It was agreed that Mr. Sumner's language in his comment would be substituted in the recommendation, and Mr. Gallagher explained that the only contract will be between OpenCape and the County for regional services, with other services then to be procured.

The revised recommendation was then accepted by unanimous vote, with Mr. Cole abstaining.

Public Safety/Emergency Management

Co-chair O'Leary reminded that this issue had been discussed for 30 years and should be removed from the Sheriff's budget.

Ms. Seldin said that Sean O'Brien had reported that a steering committee is being formed to pursue the concept, but she felt it should still be supported, as the Sheriff only dispatches for fire departments and could be one of the three dispatching centers envisioned.

Ms. Bartlett questioned the revenue stream, and Ms. Seldin replied that the towns would pay for their dispatching.

Co-chair O'Leary saw savings for towns through regional dispatching, but felt police and fire departments need control of its governance, and he called for recommending that the County establish a call receiving and dispatch service in collaboration with local officials.

This recommendation was then accepted by unanimous vote.

Barnstable County Regional Emergency Planning

This recommendation was accepted by unanimous vote.

Health and Human Services

Mr. Bergstrom said he opposed combining the two departments, as they have two different functions.

Ms. Bartlett felt a combined department could be appropriate in the current trend toward new health management initiatives, such as addressing obesity, in affiliation with national health care reform.

County Commissioner Flynn said the MMA Consulting report doesn't recommend combining the departments, adding that a grant just received to address obesity would be announced the next day.

But Co-chair Rauschenbach felt coordinating health, human services and the extension service could be mutually supportive, strengthening their voices, plus funding might be more accessible together

Ms. LeClair said the County Executive should review and decide, after the government is restructured, and Ms. McConnell said the departments each have a different focus, but do coordinate.

This recommendation was then accepted as drafted, with 12 votes in favor and 8 opposed.

Mr. Forest said the vote would be unanimous if it followed the MMA Consulting recommendation, and Co-chair Raushenbach said he would redraft it for reconsideration.

The next meeting, scheduled for Wednesday, February 29, was expected to involve final voting as the last meeting of the Special Commission on County Governance.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk