

Recommendations of the Special Commission on County Governance

Wednesday, March 21, 2012

SPECIAL COMMISSION ON COUNTY GOVERNANCE

March 21, 2012

Dear Commissioners:

At your direction, the Special Commission was formed and over the past several months has reviewed the county's functions and organizational structure. Our agendas were posted, the public was invited and the meetings were well attended. The Committee was made up of thoughtful and experienced individuals from a variety of professional and political backgrounds. Although they came from different towns, they all shared a commitment to the well being of Cape Cod and to the value of civic engagement. They worked hard and gave generously of their time.

The debate was wide-ranging and spirited. We explored the current structure of county government: its strengths and weaknesses and discussed possible alternatives. We reviewed its functions and looked at ways it might reorganize its relationships with state, local and other independent regional agencies. We received testimony from public and private organizations and from the general public.

There was much discussion about the difficulties facing state and local governments, the likelihood of less state support and the growing financial and service demands facing our towns. Many members argued that some existing and future municipal services could be provided more efficiently at the county level and that many existing and future regional functions should be located under a single regional umbrella for better coordination and accountability.

There was also much debate about the structure of county government including the respective roles of the Board of Commissioners, the Assembly of Delegates, and the County Administrator. Every member expressed concerns about the difficult choices facing Cape Cod and the need to deal with some of these challenges with a more coordinated regional approach and with a reformed political structure. In the end, although there were some disagreements over specific recommendations, there was virtually unanimous agreement over the need to strengthen and reform our regional government.

Sincerely,

Robert O'Leary

Henri Rauschenbach

Special Commission on County Governance

Members

**SPECIAL COMMISSION ON COUNTY GOVERNANCE
Membership List**

**Cheryl Bartlett
Ron Bergstrom
Larry Cole
Phyllis Day
John Doane
Terry Duenas
Bud Dunham
Margo Fenn
Mark Forest
Maggie Geist
Bert Jackson
Bob Lawton
Mary LeClair
Vicky Lowell
Mimi McConnell
Alan McClennen, Jr.
Rob O'Leary, Co-chair
Marylou Petitt
Henri Rauschenbach, Co-chair
Scott Ridley
Sue Rohrbach
Dorothy Savarese
Florence Seldin
Charles Sumner
Julie Taylor
Bill Zammer**

Special Commission on County Governance

Recommendations

SPECIAL BARNSTABLE COUNTY COMMISSION RECOMMENDATIONS

#1. Transportation – County and the Regional Transportation Authority

Discussion focused on:

- the Regional Transportation Authority (RTA) working with Cape Cod Commission (CCC) on a shared economic development mission;
- the uniqueness of the RTA;
- the percent of town budgets and impact are minimal;
- could a new governing board of the county be a new governing Board of the RTA?
- concern about fair assessments under a new or different administrative structure for the RTA;
- a question as to how many 15 member boards do we need in the County;
- concern about the "balkanization" of transportation - how do you combine MPO, CCC RPP, RTA Bd, TIP, SSA, airports, and Joint Transportation planning.

The goal is to have better coordination, more resources and a better result.

Recommendation: It is important to push for more collaborative efforts around planning and implementation while the other recommendations of this report are deliberated and implemented. Convening all regional/local transportation groups annually or more regularly through the County would be an important first step.

2. Wastewater

Recommendation: We strongly and unanimously recommend that the Barnstable County Commissioners, working with the Cape Cod legislative delegation through an open and public process, seek special legislation establishing the Cape Cod Wastewater District. The Commissioners should charge the Executive Director of the Cape Cod Commission and the Executive Director of the Cape Cod Water Protection Collaborative with developing recommendations on the structure, powers, and funding mechanisms of the District.

The Commissioners should act immediately because of the critical importance of the wastewater solution to the environmental and economic future of Cape Cod.

Related Input for Consideration by the County Commissioners:

1. Determine if the Authority should be an independent, separate entity charged to deal with regional wastewater issues.
2. Ensure the Authority has sufficient authority to fully realize the primary goal of vastly improved water quality standards on Cape Cod in cooperation with the Cape cod Commission and the Regional Policy Plan.
3. Highlight the many positive outcomes that enhance future economic development and better manage our natural resources in addition to the significant environmental gains.
4. Ensure the development of fair, broad-based funding mechanisms that take into account funds already invested by towns on infrastructure that could assist the regional solution(s).

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5. Highlight the financial savings of comprehensive regional solutions over the higher costs of planning and building 15 separate – and less effective – local solutions.

#3. Environment – County and State Coordination

There has been much discussion about the reduction in the State workforce and concurrent reduction in services available to local and regional governments. With the inevitable slowdown that results from this, it seems important to explore what kind of partnership role the County could play in the delivery of state services.

Recommendation: That The County Commissioners develop a strategy and engage in discussions with the Commonwealth and legislature about providing services currently delivered by the State at the regional level. Such services would include but not be limited to health functions, environmental protection functions, public works and highway department functions, housing development functions etc.

#4. Environment – Cape Cod Mosquito Control to County

There is a growing concern about the Boston centric management of the Cape Cod Mosquito Control and their different philosophy concerning the use of pesticides and how this relates to the management and control of the mosquito in a fragile ecosystem.

Recommendation: Barnstable County Commissioners in conjunction with Mosquito Control Commissioners should explore filing legislation to transfer the Cape Cod Mosquito Control program from the State to the County.

#5. Cape Light Compact/Cape & Vineyard Electric Cooperative & the County

Goal: To continue and enhance the services of the Cape Light Compact for the benefit of the residents, businesses and municipalities of Barnstable County

Present Situation: The Cape Light Compact aggregates consumers and negotiates contracts for electric power supply and operates the region's state-mandated energy efficiency program. Towns have adopted the Compact program through Town Meeting votes. Consumers have a choice of whether to remain with the Compact or choose another retail power supplier. The Compact was initiated and is housed by Barnstable County, but is not a department of the County. The Cape Light Compact is organized by an Intergovernmental Agreement between the 15 Cape towns and Barnstable County, as well as the six towns of Martha's Vineyard and Dukes County. The Compact is governed by a Board of Directors made up of representative of each town and the counties. Barnstable County acts as the administrator for the Compact, and as its fiduciary agent. Under an Inter-municipal Agreement, one of the members acts as the fiduciary agent. If this were not Barnstable County, another member would have to provide that function. The Compact's programs are under jurisdiction of the state.

The power supply program and each contract is approved by the Department of Public Utilities and requires supply service to be offered to all classes of customers. The Compact is also required to offer pricing below that of NStar. The Cape Light Compact contracts with a retail power supplier who bills Compact customers through NStar. Under the law which allows

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municipal aggregation, the Compact cannot contract directly with a wholesale electric supplier. This creates a barrier to opportunities for low cost wholesale power supply.

The Compact's Energy Efficiency Program and each of its five year plans are also subject to approval by the Department of Public Utilities which conducts detailed audits of the program. The state prerequisite for operation of an Energy Efficiency Program is a power supply contract, thus the two programs are linked.

Separate from the Compact, the Cape & Vineyard Electric Cooperative (CVEC) is a private non-profit 501 (c) 3 organization that can assist in the development of renewable energy in Barnstable County and help the Compact meet its power supply needs through access it can provide to the wholesale power market. The purpose of CVEC projects is to reduce the cost of power supply to residential, business and municipal consumers.

Recommendation: The County should recognize and clarify its vital role with the Cape Light Compact, and the synergy it can help to create between the Compact and other regional agencies.

1. In addition to providing administrative support and housing the Compact programs, the County should examine its potential to acquire licensing or long term broadband resources for SmartGrid development which is essential for expanded renewable energy supply and energy efficiency.
2. The County should also consider use of long term Clean Renewable Energy Bonds, as well as other resources that would enhance services for Barnstable County consumers.
3. The County should formulate a long range energy plan in a public process. The purpose would be to maximize security, reliability, economic savings and environmental protection related to all forms of energy use in Barnstable County. The plan would cover a twenty-five year term with flexible five year plans containing specific goals in each energy sector. The plan would incorporate both the Cape Light Compact Energy Efficiency and Power Supply planning efforts, and the Cape Cod Commission planning efforts.
4. In view of these long term resources and planning efforts, the County and Cape Light Compact should form a long term contract (i.e. 25 years) that specifies the services and resources the County is to provide for the Compact and the terms of compensation and resulting benefits for the County. The contract could include County audit and oversight services for the Compact's annual budget and five year efficiency and renewable energy/power supply plans. (It is important to note that under the current Administrative Services Agreement with the County the Compact's budgets have been thoroughly audited in the past as part of professional annual audits of Barnstable County records. This recommendation addresses future practices and structure.)
5. As an alternative to formation of a long term contract, the County could consider revision of the Inter-municipal Agreement and making the Cape Light Compact a County program.
6. As a structural option, and as part of long range energy planning, the County should examine the potential to form a regional power authority in cooperation with municipalities.

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7. Given that CVEC is a separate 501(c) 3 private nonprofit organization, and that the County is a member of CVEC and has an administrative services agreement with CVEC, the County should clarify its relationship to CVEC through contractual terms with CVEC as well as through County policies regarding personnel and operational practices.

#6. Economic Development – Workforce Investment Board and Service Delivery Administrator under County

The Workforce Investment Act of 1998 (WIA) created a comprehensive workforce investment system. The success of the local workforce investment system is contingent on a successful relationship (an Agreement) between the Chief Elected Official and the Local Workforce Investment Board. Changes to the Agreement must be modified if there is a new Chief Elected Official and if there has been a change in the entity named to assist in the administration of the grant funds, to act as the local grant sub-recipient, or fiscal agent. Barnstable County Commissioner Sheila Lyons is the new Chief Elected Official for our Local Workforce Investment System. The Chief Elected Official (CEO) has the authority to designate an entity to act as the WIA fiscal agent and/or to act as a local grant sub-recipient. The CEO also must develop an agreement with the Local Workforce Investment Board (LWIB). As a function of the agreement, the LWIB may choose to employ LWIB staff directly or contract with another appropriate organization to provide staffing services, including the designated CEO, or its fiscal agent and/or sub grant recipient. It is permissible for the CEO to be the employer of record for LWIB staffing purposes.

Recommendation: We recommend that the Barnstable County CEO consider entering into discussions with the SDA Administrator and the LWIB about electing to designate the County as the fiscal agent and local grant sub-recipient for the local workforce investment system. We also recommend that the Barnstable County CEO consider designating the Cape Cod Commission as the staffing entity for the LWIB. We feel that this new arrangement would bring a critical public program more into the view of the public and better align it with the economic development priorities of the Cape. We are also aware that this initiative requires a deep understanding and assessment of its pros and cons.

#7. Economic Development

Definition of Economic Development: Economic development increases the wealth in a region. Economic development efforts seek to improve the environment in which private businesses function. All economies are regional – and a strong economic development effort requires a coordinated regional approach by government and the private sector.

Recommendations:

- **Approve an Economic Development Constitution – CEDS:**

Barnstable County does (and should continue to) craft a Comprehensive Economic Development Strategy (CEDS). This document should be considered the constitution of economic development for the region. This document is prepared with great involvement from the private sector as well as the towns and economic development organizations. The document is submitted to the U.S. Department of Commerce and can be a conduit for funding. Most importantly however, it is a process to gain agreement, guide activity and set priorities, identify implementing entities (government, m non-profits or for-profits) and track progress.

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• Collaborate to Execute the Plan:

Key organizations charged with economic development (as defined above) should meet constantly to break down any silos, and find common ground on the CEDS priorities. A current example of this is the SmarterCape Partnership, where the CEO's of the key organizations meet weekly to advance the innovation economy goals of CEDS.

Public/Private Partnerships: State Government has called for Regional Economic Development Organization status for private not-for-profit entities that have a demonstrated track record and use a collaborative approach with others in regional of not less than 10 communities. For Cape Cod, the CCEDC (a sister corporation of the Cape Cod Chamber) has received this status, and has a memoranda of understanding with eleven other regional entities, including Barnstable County and it's EDC. This cross-silo effort is bearing fruit with stronger programs to advance entrepreneurial growth and development among other topics. The REDO grant awarded is to fund a scope of services agreed upon by the REDO partners.

Government has a critical role in building and maintaining infrastructure that enables trade and economic activity. The private sector has a role in delivering specific services (i.e. workforce training, financing, business skill development, destination marketing, affordable housing, etc.)

#8. Regional Umbrella Services System (RUSS) – Open Cape and County Relationship

The Special Commission is supportive of the County's efforts to develop a Regional Umbrella Services System for the aggregation of telecommunications and technology services and the delivery of common applications among municipalities, schools, libraries, and public safety departments

#9. Public Safety/Emergency Management

Goal: Establish a regional working group of Cape Cod town officials, public safety officials, Barnstable County, CMED representative and the Sheriff's Office to investigate an opportunity for the communities of Barnstable County to create a new regional center for the purpose of managing, maintaining and administrating a Cape-wide public safety communications center. The recently completed Barnstable County E911 Regional Feasibility Study prepared by Intertech Associates dated December 12, 2011 recommended a multi-center configuration (more then one center), in order to create a level of system redundancy and backup between primary and regional PSAPs.

The rapidly approaching 2012 EMD deadline to provide an EMD specific response to every medical call by telecommunicators will be difficult and expensive to operate. This new regional model will be able to take into account the efficiencies of multiple emergency calls handled by a staff of consistently trained telecommunicators. This approach also eliminates the local risk factor of having a single dispatcher on duty and improves the opportunity to create a more efficient use of technology and personnel.

Recommendation: The County should establish a call receiving/dispatch entity in cooperation with police, fire and municipal officials to initiate the process of establishing the policy, procedures, operational and strategic direction for the delivery of emergency communications on Cape Cod. This entity will also research the creation of supporting legislation; seek appropriate grant funding needed for

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the support, planning, implementation and capital requirements to operate a consolidated dispatch center operation.

#10. Barnstable County Regional Emergency Planning

Discussion: Barnstable County has been facilitating regional "All Hazard" emergency planning in areas such as hazardous materials management and SARA Title III compliance, sheltering and mass care, grant applications and management, and communications through 700 MHz applications and 911 Dispatch Surveys.

- Barnstable County has worked with communities to initiate a regional response to weather related events through opening a multi-agency coordination center. The MACC is staffed by the Barnstable County Incident Management Team and administers regional shelter operations, processes local community resource requests, supports NSTAR power restoration activities, and provides communities with situational awareness with storm conditions, damages, and Power outages.
- Barnstable County provides a forum for local, state, and federal emergency management agencies to discuss issues through the monthly meetings of the Barnstable County Regional Emergency Planning Committee.
- Barnstable County assists with the development of region wide emergency plans such as the Cape Cod Emergency Traffic Plan with state and federal agencies.

Recommendation: Barnstable County Commissioners should continue to provide staff resources to further develop and improve the dialogue, communications and coordination among Cape Cod local Government emergency and support agencies; as well as to pursue grant funding opportunities to enhance emergency response capabilities for citizens of Barnstable County

#11. Barnstable County Health and Human Services

Recommendation: That the Department of Health and Environment, Cooperative Extension, and the Department of Human Services continue to collaborate, strengthen links between departments, and plan for greater efficiencies in the area of regional public health.

GOVERNANCE RECOMMENDATIONS:

#12. Strong Barnstable County Administrator

Recommendations:

- There be one appointed County Executive who would be the CEO and CAO of the County. The Administrator would be appointed by a majority of the Chief Elected County Officials. The Administrator would appoint all County employees and be responsible for all administrative functions of the County. The Administrator would have the authority to appoint a separate Finance Director as part of the transition of streamlining County Government.
- There would also be an Assistant County Executive whose duties and responsibilities

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would include but not be limited to human resources, contract administration, Human Services, oversight of Cape Light Compact, County Dredge, Resource Development, and a division of Regionalization Development. Other duties may be assigned by the County Administrator.

#13. Municipal Government County Advisory Board

Recommendation: There be a Municipal Government County Advisory Board that would meet quarterly and makes recommendations to the County. It would focus on the following: collaboration, cost effectiveness, efficiencies between government units, regionalization and the provision of regional services.

#14. Barnstable County Commissioners and Barnstable County Assembly of Delegates

Recommendation: that Commissioners and Assembly merge into one entity with 5 locally elected members and 2 County-wide members.

#15. Terms of Office for New Governing Entity

Recommendation: that the term of the new County Officers be for 4 years.

#16. Salary and Benefits

Recommendation: the salary range for the new elected officials be in from \$15,000 to \$25,000 with the consideration of benefits to be included within that range.

#17. Party Affiliation

Recommendation: That the elections for the newly created County Offices be non-partisan

Special Commission on County Governance

Minutes

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Wednesday, October 5, 2011, 6:30 PM
(Approved 10/26/11)

The meeting was called to order at 6:35 by the co-chairs, Rob O'Leary and Henri Rauschenbach in the chamber of the Assembly of Delegates. A copy of the agenda is attached as well as a list of members attending.

Speakers were asked to present their opinions/views of Barnstable County Government, past and present:

Julia Taylor, speaking as a **Delegate to the Assembly**, discussed the establishment of the Assembly, including the need for checks and balances in the county and the role of the County Commissioners as the executive branch. She said there were Charter Commission discussions relative to creating the Cape Cod Commission, including the need for elected oversight over the CCC and the need to have say in the product of the CCC. When the selectmen moved from full to part-time boards, they had stopped attending the County Financial Advisory Board meetings and they needed to be replaced to maintain the check and balance condition. The Assembly does not want the CCC to be autonomous, but whether there needs to be an Assembly remains to be seen. CLP and CVEC are a good example of nice ideas but the problem is that the county is involved financially but the power the county has over these entities is questionable. If there is a future wastewater spinoff without any controls, where is the accountability and checks and balances?

Bill Doherty, spoke as **Chair of the County Commissioners**. He said that regional government was affirmed by the voters and the Barnstable County Home Rule Charter provides for a dedicated revenue stream. He also spoke of the creation of the CCC with its own dedicated revenue stream. Those two revenue streams provided approximately \$5 million this year. Fourteen regional services exist under the County. The Registry of Deeds brings in \$7-9 million a year. The Cape Cod Commission is necessary to control development; it also promotes consistency and regional planning. **The benefits** the County services provide are that they save money for towns and for citizens. The CLC delivered \$65 million in benefits to citizens, although the county subsidized it during the first ten years. Should it stay in the County or should it be separate? The Resource Development Office assists towns with grant applications and assistance. The Health Department investigates, performs studies. The septic betterment program was done legislatively. There is dialogue between the towns and regional government. Town managers are more eager to participate than selectmen. Towns have **concerns** that their locally provided services might suffer if they deliver these programs to regional government.

Bill D. stated the **challenges** are **money**: they need a dedicated revenue stream; **support services** are needed and wanted; **citizen participation** is needed. **Public awareness** needs to be raised...who knows about the services and benefits provided? What have we done to highlight awareness? Should there be a TV/cable show to highlight the county? All meetings are accessible. We need to get behind **wastewater** quality regionally. Could **transportation** improvements and the RTA possibly move

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under the county? **Regional land use planning** remains a challenge; What about **public safety** and **CMED**?

Sheila Lyons, speaking not as a county commissioner, but for herself, stated the #1 big issue is **wastewater**. The CCC is also charged with economic development.

Delegate Julie Taylor found the comments interesting. Towns want oversight; twenty-two years have passed; but what can the County do? What structure do we need? The Open Meeting Law poses problems that have to be hashed out...e.g. inability to move quickly to solve problems/address issues. A board of five would make it easier. There is a bias against the weighted vote...it is not good that four towns can build something that has to be good for the entire region. There are big **structural challenges**. How does the county position itself? How do we handle problems that are too big for the towns but not big enough for the state? We are lucky to have a county government.

Commissioner & Select-person (Falmouth) Mary Pat Flynn stated the outcome of this effort should result in a stronger county government with sustainable revenue, a county executive that can make decisions; those decisions can have regional impact. Functions in the county need to be useful, for citizens and towns.

Florence Seldin spoke as a **Select-person (Chatham)** and said her perspective is broader as she is a selectman, but was a member of the CCC and president of the League of Women Voters. She said we suffer from parochialism. We need to look at the Preamble of the Charter. We need to look at the mission. Is it the right mission? How well have we followed it? The Preamble states: ...provide extensive services to regions.. The Charter gives unique powers to the County to deal with regional problems. Chatham has received extensive services. There is a list of services provided to towns. The Commissioners used to go over the list with the towns. What did each of these services save us? CCC - traffic counts, overview of wastewater, financial review of Chatham Wastewater Management Plan saved the town money, negotiating the SEMASS contract through the CCC was helpful; CLC & CVEC have contracted for solar panels at the landfill and the town stands to make money on this. Chatham has used the county dredge extensively, they have made use of Americorp through the County, which is a great service. Most of the residents of Chatham would be hard pressed to know about these county programs; they don't know they are county services. The County Pension Board keeps the Town informed. Could Chatham provide these services as a town? What would it cost us v. what we are saving? People wonder why we need this additional layer of government; **we need more and frequent and better communication** for the county...**need more updates**. The County does provide extensive services, but what are the regional services? As for **housing**, each town goes it alone with some CCC help. As for **environmental issues**, Chatham worked thirteen on wastewater. We talk about **regionalization**, but towns are doing this on their own, wastewater is a major regional issue.

Bud Dunham spoke as a **Town Manager/Administrator (Sandwich)**. There is a lot of buzz about **regionalization**. The Cape Managers Group has a list of what we

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cooperate on. State folks come to meetings and are shocked at how much cooperation there is. As for size, the Commissioners form committees, but the Assembly has 15 people. It is hard to focus. The County does great things. They are helpful in areas where towns have to back down because of lack of funds and/or personnel. We get assistance from the CCC. Sandwich has only one professional planner. **Energy** issues are hard to address. As for CLC/CVEC, they are taking the heat now, but they do save the towns money, e.g., their solar program. The County organization response to Hurricane Irene was great, better than the state response. Our chiefs talk to each other. As money gets tighter and overrides get tougher, the County will be helpful. **Water** crosses town lines and we need to work together on that issue. Tight budgets will move us towards regionalization. As for **structural thoughts**, we can streamline and do better; but I can't tell you what the exact role of the Assembly is. There were many years when Sandwich was not represented.

QUESTIONS from Members

Larry Cole: A principal fact is that **health care costs** are out of control. Is there a role at the County level for health care?

Vicky Lowell: What about **integration** of the Assembly and the CCC? It is hard to figure out how they would mesh. There was a lot of tension over how much authority the Assembly had over the CCC. In the original vision, the Assembly was to bring new ideas to the County, but no, we have the turf taken by local governments. The county went to places where there were no turf issues. **Wastewater** is a big issue; there is not much turf there. And the dredge; there was no town offering that. We need a **revenue** stream.

Ron Bergstrom: The County is totally separate from the towns; it is called the Cape Cod Regional Government. We don't have a high profile because we get along. We act collaboratively; we use the dispute resolution in the Charter. Disputes get resolved. When they show, they hit the papers. We are victims of our own success. We have gotten rid of elected officials like tree wardens and planning. How much can we rely on elected officials? The executive and legislative branches have to be elected.

Rob O'Leary: There are general questions about **finances**. The carrot and stick approach made things work. There are revenue questions for the towns and County. What are the trends? Are we healthy? What does the future look like? Should we look at new revenue sources? **Bill Doherty:** Mark has sent a report outlining this question. We were \$333 in the black this year. We are hopeful forecasts will be met. We rely heavily on the Registry of Deeds. We need better communication. The Assembly finance person is Mark. So far, we are on line this year. The towns are assessed \$2.6 million for the County and \$2.8 million for the CCC.

Julie Taylor: There is little disagreement over the **budget**. It is only \$24 million. We need carrots as incentives to towns. There were only two budget fights: should we spend reserves and should we set aside \$100,000 for regional services? There could be radical disagreements in how we spend the money.

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Rob O'Leary noted that the Registry revenue is determined by vote of the Assembly and asked if that is at the maximum amount. **Julie Taylor** responded "No". **Sheila Lyons** thinks the ceiling has 2% more to go. This could generate a lot of revenue, **Julie** said. **Rob** responded that once the CCC generated more revenue than they spent. **Bill Doherty** said the County does not contribute to the CCC. **Bud Dunham** added that there is an assessment on the cherry sheet for the County inside Proposition 2 1/2. The CCC comes in on a recap sheet and the towns can raise money outside Proposition 2 1/2. **Ron Bergstrom** noted that the County, like the state, estimates revenues, but towns know pretty much how much revenue they will have. It is difficult for the County to estimate. **Bill D.** noted that when the County had a surplus, they supported human services, then when the County ran out of money, they struggled to keep it up. That led to a stronger Human Services Advisory Committee.

QUESTIONS from the public

Peter Kenney, Yarmouth, thanked the County for "getting out of the way in Yarmouth." He has concerns and hopes for the CCC. On a good day the CCC is superb: it can bring resources to the town. The bad side is it can delay a project for five years and the project collapses. Peter told the group that a Commonwealth is a corporate body that tells the state how it is going to be. Towns should tell the County what they want to get done. They have to be realistic. Wastewater must never be used as a zoning tool. APCC stopped Yarmouth from sewerage 20 years ago saying it would encourage growth. People should be aware of the history of the APCC and LWV. People don't elect people to APCC or LWV. In 1992-3, the CCC refused to apply to the federal government for infrastructure funds; we can hold money from the Clean Water Act. He wants to move forward. How have we gotten to where we are now? Peter said he supported the CCC until he saw what it became. People are not against regionalization; they just don't want more government. The CLC energy efficiency program is superb. As for CVEC, he doesn't understand 1-%.

Deborah McCutchien (Truro Assembly of Delegates) cautioned the Commission not to throw the baby out with the bath water, that is to say, don't throw out representative government.

Preston Ribnick, Wellfleet, said he came to observe but now wanted to speak. County government is a stealth government. He didn't know who they were, but he knows now. The wind energy issue has caused this. He can't believe what has happened in his life. In the last seven to eight months, his rights have been eliminated. He wouldn't have believed it possible and can't understand why a citizen can't go to the county and be treated with respect. There is something wrong with Barnstable County. He knows about the CLC and CVEC, but can't get any information about them because Mr. Doherty would not recognize him to speak. He has sent letter after letter, question after question and no one responds. Why won't these agencies respond? He needs answers.

Peter Robbins: Towns are dealing with it on their own. What services could be RFP'd?

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James Rogers: Follow the money trail from CLC to CVEC.

Co-Chair O'Leary ended discussion at 8:25 PM explaining that the Commission is trying to limit meetings to two hours. The group agreed the next meeting date would be **Wednesday, October 26th** at a time and place to be announced. Co-chair Rauschenbach reminded us he will be unable to attend as he will be in China. There may be meetings places other than in the County complex.

Respectfully Submitted,

Patricia Eldridge
Clerk ProTem

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.

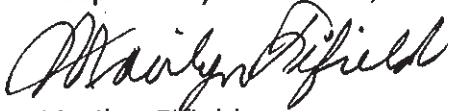
Co-chair O'Leary asked if the Cape Cod Commission Act needs review after 20 years, but Mr. Niedzwiecki replied, "No," adding that the Cape Cod Commission should not distract from the current County analysis.

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

Special Commission on County Governance

Good Evening, I am Fred O'Regan, CEO of IFAW, headquartered in Yarmouthport MA, and I serve as an officer on the Cape Cod Chamber of Commerce board of directors. It is in the latter role that I address you tonight. Since our CEO, Wendy Northcross, is out of town attending a business conference, and our chairman of the board, Dorothy Savarese, is a member of your committee, I have been asked to share our comments with you this evening.

The Cape Cod Chamber is a private not-for-profit non-governmental organization, serving all of Barnstable County. As the leading voice for our business community, we are deeply interested in the form, fairness and effectiveness of local government. We have enjoyed, since our founding, a strong working relationship with the towns in our region as well as regional, state and federal government entities to make our community a better place to work and live.

The Cape Cod Chamber has some similarities with the county, in that we are both regional in nature. Our program of work takes into account the 15 distinct towns on Cape Cod and, in recent years, includes working more closely with the islands of Nantucket and Martha's Vineyard and Plymouth County. We know from our work that there are efficiencies to be achieved by implementing programs on a regional level, whether it is marketing to visitors from Boston, New York, London and Frankfurt, to helping small business owners with financial resources and business information. As a regional entity, we have been able to attract significant grants, sponsorships and volunteer resources because we serve a larger population of businesses and residents and have an efficient delivery system.

In our deliberations to date on the issues of any county-level restructuring, we have focused first and foremost on the need to specifically define the regional issues that must be addressed. In essence, we seek structure following function.

No matter the final form of our regional County government, we desire that it be efficient, effective and transparent for our community.

Efficient. In the current economic crisis that each of our towns are facing, where dwindling budgets and trickling revenue streams are the norm, we need a strong regional government to find economies of scale and efficiencies of process, to lead guide towns in thoughtful regionalization of their services.

Effective. The next 100 years promises to be as fluid and dynamic as the last 300 years has been. We need a regional government that is nimble and responsive, a government that can quickly digest regional issues, develop sound solutions, build consensus and act.

Transparent. Government should be a reflection of those governed. We need an efficient and effective regional government that is clear, unobstructed, understood, and accessible for both the residents and businesses of the region to voice concerns and solutions.

As we all know, the new economy will reward only those organizations – public or private – which are nimble, practical and transparent. Those entities weighted down with bloated fixed assets (including overstaffing) and duplicate layers of administration, simply will not survive. This principle should drive any dialogue on structure.

More specifically, the critical issues facing regional governance for the next century include:

- Public safety (fighting crime and drugs)
- Regional Transportation (local public transportation and accessibility to the Cape)
- Cost effective public services (thoughtful regionalizing of governmental services)
- Workforce development (to retain and attract jobs to the Cape)
- Environmental protection of our greatest asset our ocean, beaches and air
- Energy and natural resources (sound regional water management plan and development of workable alternative energy permitting process)
- Economic development (to retain and attract small and medium size businesses)
- Support the Cape as a world class regional tourism destination
- Electronic Infrastructure (broadband and wireless networks)

If we review this set of core issues, two things emerge: first, they are intimately inter-related. For example, business development, especially on Cape Cod, depends on a clean environment. And second, these issues can only adequately be addressed at the regional level.

We must face the reality that greater elasticity of municipal boundaries, in regard to addressing specific critical, regional issues, will be needed. In addition, greater collaboration between the public sector and the private sector, both for-profit and not-for-profit, is a must. The challenge is beyond the capacity of any one institution.

Thankfully, we do have some examples of public-private partnership involving the Chamber. Two good examples are the CEDs process and the ongoing SmarterCape initiative.

In closing, The Cape Cod Chamber of Commerce has drafted a new strategic plan for our organization. The draft version will be presented to the general membership at a meeting in early December. The following is an excerpt from the plan introduction:

“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.

We look forward to implementing this in partnership with all relevant organizations.

Special Commission on County Governance

Wednesday, November 16, 2011

(Approved Minutes)

Co-chairs Rob O'Leary and Henri Rauschenbach convened the meeting at 6:35 p.m. in the chamber of the Assembly of Delegates, noting that the evening's agenda would complete review of regional agencies. Minutes of the November 10 meeting were approved as written.

Cape Cod Regional Transit Authority Administrator Tom Cahir began by reminding that he had chaired the Legislature's Committee on Counties and filed legislation for the County Charter with its provision for a new County legislature; to acquire the County dredge, and to establish the Cape Cod Commission (which he recalled had passed the House by 158-1, with a unanimous Senate vote), but said he's now been out of the Legislature for a decade.

He explained that MGL Chapter 161B has governed Regional Transit Authorities since 1973, and he said he is involved with Cape Cod Commission transportation planning staff as well as the Metropolitan Planning Organization (MPO), which programs the region's transit funds, but he saw no place for the CCRTA within County government. In reply to the co-chairs' query if County affiliation could provide a regional representative entity for the RTA, Mr. Cahir felt that would interfere with the requirement in Chapter 161B for the RTA to have its own regional representation.

In reply to Special Commissioner Bill Zammer's query on how the RTA works with the County regarding updating the Canal bridges, Mr. Cahir replied that the Cape Cod Commission is applying for grants and beginning planning for the bridges with the support of the Joint Transportation Committee (JTC).

He noted that the RTA participates with its counterparts across the State in the Massachusetts Association of Regional Transit Authorities (MARTA), and that all RTAs rely on the technical staff of regional planning agencies. Mr. Cahir explained that the MPO operates with a Memorandum of Understanding (MOU) between the State and region as required by the Federal government, and the JTC advises the MPO. In explaining the RTA budget-approval process, Mr. Cahir said the RTA advisory board has a financial committee, and the board is responsible for appointing the director, passing the budget, setting fares and collaborating with communities .

Special Commissioner Mary Lou Pettit noted that transportation is critical on the Cape, and RTA cooperation has been effective, as in the FLEX bus initiative, but wondered if the County could coordinate marketing. Mr. Cahir replied that the RTA staff has marketing expertise, but with traffic always an issue on roads never built for today's volumes, the County might be able to help with traffic, with no need for another entity. But he said the County needs a stable revenue source.

Next, **OpenCape Corporation CEO Dan Gallagher**, explained that OpenCape is a 501-c-3 nonprofit corporation with a representative board, and recommended that the County expand its services to include regional information delivery. He said OpenCape is building 21st-century telecommunications network infrastructure among Cape towns and is currently housed in leased County quarters, planning construction by May, with the top floor to include a conference room reserved for County use. He said fiberoptic installation would begin in January and microwave in March to meet the 2013 deadline.

Mr. Gallagher said Cape towns have a patchwork of telecommunications services now, and he proposed shared information services, noting that he meets weekly with leaders of key regional organizations, including the Cape Cod Commission and Cape Cod Chamber of Commerce.

As possible applications for the new technology, he cited regional permitting, regional Geographic Information Systems (GIS) and assessors' databases, so that smaller towns could benefit along with libraries, water districts and public safety (to supplement voice communication, e.g., via ambulance video interface with hospital – an innovation that would lead the U.S.).

Mr. Gallagher wondered if State funding might be available for development costs and if a County enterprise account could accommodate operating costs. County expense, County assessment and E-rate offset remained questions, he said, and if revenues exceed costs, network expansion could be pursued or municipal costs reduced. The Regional Umbrella Services System (RUSS) will be transferred to a government (e.g., Cape Cod Commission, CLAMS, OpenCape and each town). He felt the County should lead in RUSS and should distinguish between institutional IT support and regional application services.

Special Commissioner Larry Cole noted that OpenCape was created for future Cape sustainability, with economic development involving private firms a primary use.

Special Commissioner and Chatham Selectman Florence Seldin asked if the existing County could take over RUSS, and Mr. Gallagher replied that the County would need to create it, as in Fairfax County, VA, and Montgomery County, MD, among others. He added that WIRED NEST in western MA is regulated by the State as a competitive local exchange carrier creating a broadband company.

Co-chair Rauschenbach noted that towns can choose to use services, and the infrastructure is taxable, but financing and governing need to be a regional decision.

Special Commissioner Bob Lawton said that towns favor the concept, await grants, and each town is presumed to participate.

Special Commissioner and Brewster Town Administrator Charles Sumner said Brewster contracts for assessing programs and would favor County coordination to improve town services and reduce costs.

Co-chair Rauschenbach asked if the County could coordinate assessing, and Mr. Lawton reported interest among mid-Cape towns, adding that former Yarmouth Selectman Jerry Sullivan had first proposed a regional approach to assessing 25 years ago as a candidate for County Commissioner.

Mr. Gallagher noted that the co-location center could also offer a telephone system, and Special Commissioner Ron Bergstrom, also County Assembly of Delegates Speaker, summarized OpenCape as a private nonprofit that owns infrastructure, with municipal services among the services offered. Mr. Gallagher clarified that OpenCape is a private company with a board and with an existing County partnership agreement that can be expanded for town services, deferring details and time limits regarding services.

In reply to Co-chair O'Leary's question on how that could be pursued, Mr. Gallagher explained the County would contract to define services and costs, adding that CapeNet only recovers cost for

government services via contract with OpenCape and reminding that the system will be complete in 2013. He defined E-Rate as Federal funding – Universal Service Fund for Telecommunications – in rural areas, with a formula based on pupils eligible for subsidized school lunch that provides 50% reimbursement.

Co-chair O’Leary asked about any connection with municipal electric companies, and Mr. Gallagher replied that there is a fee for poles, that municipal broadband can be run, and he compared fiberoptics to the railroads of the 1800s – required to prosper.

Special Commissioner Terry Duenas observed that Cape economic development depends on communications and appropriate County governance.

Mr. Gallagher said that the County’s emergency management committee was initially involved, but a new group may form.

Special Commissioner Mary Lou Pettit noted that citizens don’t understand either the County or broadband, so information is needed. Mr. Gallagher replied that he is working with Mr. Duenas to publicize on cable TV, adding that off-Cape towns where cable travels want to buy services and may produce revenue.

Next, **Sheriff James Cummings** reported little contact with the County now, cautioning against duplication of public safety services, since the Sheriff is the regional public safety leader. He said the Sheriff can cooperate with the County on projects, and he explained that his regional dispatching operations are increasing as towns seek to reduce costs. Nine fire departments participate in regional dispatching , with no governance structure but quarterly meetings for coordination. He said police departments are more likely to retain a dispatcher on the staff for other duties at night, but new regulations may require a two-person staff, increasing dispatching costs.

Addressing Special Commissioner Ron Bergstrom’s query regarding addressing crime on a regional basis, Sheriff Cummings said that he meets with human services agencies and coordinates services for former inmates.

Responding to Special Commissioner Phyllis Day’s concern for dispatching costs assessed (\$11.50 per call, half for fire department and half for hospital), Sheriff Cummings said it was unrealistic to fund dispatching costs through his budget when they are paid by hospitals and fire departments elsewhere, and he said the hospital had contributed \$50,000 and the State \$100,000, while fire departments receive funds for transporting patients.

In reply to Special Commissioner Rohbach’s question if Centralized Medical Emergency Dispatch (CMED) could be included in OpenCape governance, Sheriff Cummings said that OpenCape would be providing a video connection, with CMED providing dispatching coordination and open to appropriate governance.

Special Commissioner Mary Lou Pettit asked how regional dispatching could be encouraged, and the Sheriff noted in reply that it is the sole responsibility of his staff, but town dispatchers could have additional responsibilities.

Next, **Cape Light Compact (CLC) Chairman Bob Mahoney**, detailed the development of the organization of Cape and Vineyard towns, tracing its origin to legislation passed in 1997 and the grant the County received to study electric industry restructuring, adding that he is a 14-year member, with seven years as chairman, as well as a Dennis selectman.

He called the collective's relationship with the County positive and effective in aggregating the towns, saying that the State considers it a model for electric restructuring, with all Cape and Vineyard towns and both counties represented by members. He felt providing County support for new initiatives was critical, adding that CLC could not have succeeded without it. Mr. Mahoney noted that a contract for power supply is a pre-requisite for receiving energy efficiency funds, and CLC has returned \$60 million in energy efficiency to the Cape and Vineyard. He explained that the County provides administrative support to CLC through an intergovernmental agreement, and said CLC town representatives are effective in communicating with their towns.

Special Commissioner Charles Sumner complimented CLC effectiveness, savings and model operation through the County with the involvement of CLC Administrator Maggie Downey.

Special Commissioner Bergstrom questioned how many residents know their CLC representative and what its accountability is, and Mr. Mahoney said availability of free energy audits is publicized, and they are popular, and Cape Cod Regional Technical High School has been funded for educational programs. In reply to Special Commissioner Florence Seldin's query on CLC finances, Mr. Mahoney said that County administration is cost-effective in preserving funds for energy efficiency, noting that similar energy efficiency costs for utilities are double CLC'S. Special Commissioner Charles Sumner called CLC provision of services efficient and a model for expansion to other areas.

Mr. Mahoney noted that MGL Chapter 164 allows formation of cooperatives such as the Cape and Vineyard Electric Cooperative (CVEC) to benefit towns through provision of renewable energy, with board appointment by towns.

Special Commissioner Mary Lou Pettit noted the importance of outreach coordination, and Mr. Mahoney said that energy audits can provide 80% of energy-efficiency improvements, up to \$2,000.

Public Comment

Kathy Sherman said that energy-efficiency funds, e.g., in CVEC, should be isolated from utilities.

Next Meetings

The next meeting, to address governance, was scheduled for Wednesday, November 30, at 5:30 p.m. to allow for extensive public comment from anyone interested, with special notice to Cape legislators, County Commissioners, Assembly of Delegates, County staff and advisory boards, selectmen and civic associations. After scheduling the subsequent meeting for 6:30 p.m. on Wednesday, December 14, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Marilyn Fifield,
Minutes Clerk

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>

Special Commission on County Governance

Wednesday, December 14, 2011

Approved Minutes

Co-chair Henri Rauschenbach convened the meeting at 6:30 p.m. in Superior Courthouse conference room 11/12.

Minutes of the November 30 meeting of the Special Commission were approved, but the accuracy of the Provincetown room tax claim at that meeting was questioned, and Co-chair Rauschenbach asked the Minutes Clerk to clarify it. [A note was subsequently added to the November 30 minutes indicating Provincetown room tax collection of \$1.5 million in calendar year 2010, 12% of the \$12.5 million County total, per MA Dept. of Revenue data -

<http://www.statscapecod.org/towndata/roomtax.html>]

Copies of the Statement of the Cape Cod Business Round Table before the Barnstable County Special Commission on County Governance, December 14, 2011, were distributed.

Cape Cod Mosquito Control Project Superintendent John Doane and Assistant Superintendent Gabrielle Sakolsky discussed the origin and operation of their agency, tracing it to Cape Cod Chamber of Commerce efforts in the 1920s to promote tourism by controlling saltmarsh mosquito infestation. In 1928, Cape donations totaling \$250,000 funded mosquito control efforts involving all Cape towns. The current agency was established by State legislation in 1930 and funded by all 15 Cape towns. Its five Commissioners must include a Selectman and Town Manager, and the present board includes Special Commissioner Charles Sumner, Yarmouth Selectman James H. Quirk, Jr., and former Barnstable Town Councilor J. Gregory Milne.

Agency Asst. Superintendent and Entomologist Gabrielle Sakolsky detailed the labor-intensive efforts required for integrated pest management in targeting mosquitoes at developmental stages, including monitoring habitat sites for three saltmarsh and 22 freshwater species. She explained that targeting developmental stages avoids

spraying of adult mosquitoes. Ditches in marshes drain water and allow predator access, she said, but they must be maintained to keep them open. Most work is done by hand on 30,000 feet of saltwater and 30,000 feet of freshwater ditches, along with opening culverts and pipes. This aid to towns in draining stagnant water also helps stabilize flood insurance rates, she added. Black box traps throughout the Cape also allow arbovirus - Eastern equine encephalitis and West Nile - surveillance for the State Department of Public Health. Larvicide applications, such as BT, are part of Integrated Pest Management, she said, and mosquito control education is also offered at schools, etc. Standing water in catch basins is treated, she added, and Mosquito Control staff work with the Extension Service and also with Nstar in vegetation management.

In reply to a query on why the Extension Service is concerned with tick infestation, Ms. Sakolsky explained that control approaches are different from mosquitoes and that tick control is a new issue, while mosquito control has been in effect for over 80 years.

Regarding the agency's connection with the County, Ms. Sakolsky said Mosquito Control is funded through State Cherry Sheet assessment to the towns, and Mr. Doane elaborated that Mosquito Control involves fulltime employees in a tailored program that is labor-intensive but avoids spraying. He felt the State Reclamation Board seeks override of local control, adding that he thought Mosquito Control could fit into the County structure as it does elsewhere in the U.S.

In reply to Co-chair O'Leary's question if legislation would be required for such a change, Mr. Doane replied in the affirmative, adding that the agency's Board, the County, and legal experts would have to confer. The agency owns its own building in Harwich, he said, so real estate transfer would be involved, as well as its self-insured vehicles. He added that pros and cons of County affiliation would have to be identified, including consideration of whether the County wants the added responsibility. With Cape towns funding 100% of the agency, Mr. Doane felt that County affiliation would make sense.

Mosquito Control assessments were considered reasonable as a fraction of other assessments such as the Regional Transit Authority's, and Mr. Doane explained that budgets are approved by the Mosquito Control

Board, which is appointed by the State Reclamation Board after nominations are sought from the towns.

Special Commissioner Marylou Petitt wondered if Mosquito Control should be under the County Health Department, and this question was deferred for later consideration.

Next, Dave Schropfer completed his November 30 presentation on the **Inter-municipal Cooperation Committee**, outlining obstacles to regionalization as loss of control and fear of the unknown. He explained that the Committee was established on October 14, 2008, in cooperation with the County and Cape Cod Commission, with voting by Selectmen rather than the Committee, and it involves sharing 5-year capital plans for specialized equipment and staff that could be shared, and considering procurement jointly or through the County.

He felt the County could help towns with assessing/mapping, prosecutorial services (rather than relying on individual police departments), Nstar spraying issues (as the added County weight could be effective), personnel services, County dispatch (now the Sheriff's, with State affiliation), shared police (e.g., Orleans, Eastham, Wellfleet), information technology and computer service and maintenance, as well as software (coordinating common software).

Mr. Schropfer thought the County could derive revenue from services and fees for inspectional services, joint fuel purchase, water/wastewater management, cable access negotiation, grant-writing, recycling coordination, housing and electronic permitting.

He also felt that the County should provide more shared services to towns, increase revenue for County services, and promote town cooperation. He favored equal town Assembly of Delegates votes, and five County Commissioners - not elected at large and with no party affiliation.

Mr. Schropfer called relationships with the County good, but felt the County could do more in providing and coordinating town services. He cited his experience with this in Stamford, CT, saying it's the same everywhere.

In reply to his equal Assembly vote preference, Special Commissioner Vicki Lowell reminded that the Assembly's weighted voting respects the "one man, one vote" requirement.

Next, **Cape Cod Chamber of Commerce CEO Wendy Northcross** presented comments supporting centralized, effective county government on behalf of the Chamber's 28-member board and 1,345 members. For marketing, they felt referring to the County as Cape Cod Regional Government could be effective in reducing confusion, and they favored electing a 5 or 7-member legislative body known as the Board of Cape Cod County Supervisors/Cape Cod County Legislators/ or other appropriate name, including two "at-large" members and five elected from the State Representative districts. For administration, the Chamber supported appointment of a strong County Manager or Executive Manager by the Board of Legislators. They also called for a Comprehensive Financial Advisory Council of town managers, rather than their designees, and they also advocated tapping municipal and Assembly of Delegates experience for various advisory committees.

Co-Chair Rauschenbach then outlined the procedure for compiling Special Commission conclusions, saying the Special Commission will discuss issues and the Co-chairs will draft conclusions where there is consensus, with volunteers welcome to participate, with function to be addressed before structure and governance, and with Bob Lawton offering towns' recommendations. Special Commissioner Dorothy Savarese cautioned against prioritizing and time-frame ratings, advising consideration of the level of difficulty in pursuing recommendations.

The question of moving the Regional Transit Authority (RTA) within the County was discussed as a means of improving coordination among transportation entities, considering its close involvement with the Cape Cod Commission (CCC) and its staff, the Metropolitan Planning Organization (MPO), Joint Transportation Committee (JTC) and overlapping boards of town officials. But, while the goal of simplifying complex transportation planning and consolidating boards was thought to be useful, it was also assumed that the RTA Act would

have to be modified. Still, Co-chair O'Leary felt that better coordination, resources and result could make modification and integration worthwhile. After further discussion, he and Special Commissioners Sue Rohrbach and Julie Taylor were assigned to draft a proposal for consideration.

Whether the County could assume State responsibility was questioned, and Special Commissioner Mark Forest felt that assuming public works duties, e.g., highways, could be more efficient. Special Commissioner Margo Fenn noted that County Health and Environment responsibilities could be better integrated with the State Department of Environmental Protection (DEP). Co-chair Rauschenbach said that a proposal would be drafted for further consideration, and Ms. Rohrbach advised considering retaining State funding.

Regarding Mosquito Control, Co-Chair Rauschenbach felt that State affiliation was inappropriate, and the agency should be in County government. Ms. Rohrbach suggested retaining a State connection to influence peers, and Special Commissioner Charles Sumner, who also serves on the Mosquito Control Board, replied that professional affiliations would persist. Co-Chair Rauschenbach then asked Mr. Sumner to outline the board structure.

In reviewing the Workforce Investment Board (WIB), Co-chair Rauschenbach noted the importance of the lead elected official. Among the 16 WIBs, some are affiliated with community colleges, he said, but he felt the WIB should be within the County, where it would be more efficient for training and more cost-effective and transparent, while adding synergy with economic development.

Special Commissioner Bill Zammer, also representing the Chamber of Commerce, thought centralizing economic development important, and Ms. Savarese agreed that integrating economic development efforts would improve effectiveness. Co-chair O'Leary favored integrating with the community college and technical schools, as well.

Mr. Zammer asked if CCC economic development was relevant to the Special Commission, and Co-chair O'Leary replied that it is part of the County. Co-chair Rauschenbach added that it is also relevant in

the context of the license plate funds, reminding later that the Lower Cape Community Development Corporation also receives 20% of them.

In discussing economic development planning, Ms. Northcross reminded that public/private partnership and cooperation are important, and Special Commissioner Ron Bergstrom noted that projecting the economy is challenging. Ms. Savarese referred to the Chamber's strategic plan to be released on the following Monday, while Ms. Northcross added that the Comprehensive Economic Development Strategy (CEDS)

provides the foundation for economic development. Mr. Bergstrom noted that attracting appropriate businesses for the Cape's unique assets is important, and Mr. Zammer said that the Regional Technical Development Corporation had sought companies and found interest. Ms. Savarese noted that the Open Cape infrastructure is powerful, and integration of economic development efforts will improve their effectiveness. Mr. Bergstrom cautioned against sacrificing long-term goals for short-term gains, and Ms. Pettitt wondered if integrating the WIB in County government could help involve related County departments, such as Human Services. Co-chair Rauschenbach said he would draft something on the WIB and a stronger role for economic development within the CCC.

Ms. Northcross reminded that government can do some things within a public/private partnership. Ms. Fenn noted that defining public and private-sector roles in economic development is critical, with providing infrastructure and demographic data appropriate for government, while marketing should be a private-sector role. Special Commissioner Maggie Geist called for the final report to clarify the distinctions of land-use planning and private marketing, and Ms. Fenn referred to the CCC Act for definition of the agency's economic development role, while Special Commissioner Florence Seldin reminded that the Regional Policy Plan and CEDS also detail economic development plans. Ms. Rohrbach said that the County should be the political advocate for economic development policies. Co-chair O'Leary asked Ms. Fenn and Ms. Northcross to collaborate on a draft for consideration.

Ms. Northcross wondered if an ombudsman might be effective or if a redevelopment authority was needed, and Ms. Geist noted that one of 16 CEDS projects would promote redevelopment (with eminent domain power) with the Town of Barnstable as leader. Ms. Northcross was asked to collaborate with the CCC Director on a draft for consideration.

Ms. Seldin felt that Open Cape should be in a County-coordinated Department of Strategic Information, while Special Commissioner Bert Jackson reminded that Dan Gallagher thought the County should manage the Regional Umbrella Services System (RUSS).

The next meeting was scheduled for Wednesday, January 4, in Superior Courthouse conference room 11/12. Co-chair O'Leary reminded that Cape Light Compact and wastewater are important issues that remain to be addressed, and Ms. Lowell called for circulating ideas among the Special Commission.

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

Respectfully submitted,

Marilyn Fifield

Minutes Clerk

Special Commission on County Governance

Wednesday, January 11, 2012

Approved

Co-chairs Henri Rauschenbach and Rob O'Leary convened the meeting at 6:30 p.m. in Superior Courthouse conference room 11/12. Minutes of the December 14 meeting of the Special Commission were approved.

OpenCape was reviewed with Scott Ridley and Dan Gallagher, noting strands available for municipal use, with a franchise fee of 5-7% to be returned to municipalities. Open Cape was summarized as owning the assets and licensing to CapeNet to operate, with 60% of 144 strands going to CapeNet and 40% held, 10 for the State in connection with a \$5-million grant, 12 strands to Nstar, two strands to link municipalities, and the remainder (34-36 strands) for future unanticipated needs.

Mr. Gallagher said communities would pay \$200,000 to CapeNet for service otherwise valued at \$600,000, and the cost may be reduced eventually, if revenues exceed costs, after building reserves for emergencies like hurricanes and after extending service to other locations.

OpenCape was described as a private non-profit 501(c)(3) nonprofit corporation for community benefit, with its own board as well as the communities' board.

In reply to Mr. Ridley's query regarding what the public will get and how it will be represented, Mr. Gallagher said the current 11-member board includes representatives of the County, towns, Chamber of Commerce, Woods Hole Oceanographic Institution and water districts, and the board determines its composition. In contrast to OpenCape, Mr. Gallagher said that similar Federal grants went to private companies across the nation to extend broadband without public requirements.

Special Commissioner Charles Sumner felt that towns could benefit from the Regional Umbrella Services System (RUSS) operating in conjunction with the County, and Mr. Gallagher anticipated revenues of \$2.5-\$3 million after three years, with all public entities, including schools and libraries, integrated in a single network. With the capital investment paid by OpenCape, towns' total cost would approximate \$200,000 per year, he said.

Co-chair O'Leary asked if there was any follow-up on the State Inspector General's report, and Mr. Gallagher replied, "No," adding that OpenCape exceeds standards in all categories, governed by board involvement and legal contractual obligations.

Mr. Ridley noted that County involvement should assure public benefit, and Special Commissioner Julie Taylor said the County representative should pursue the public benefits outlined in the Inspector General's report, while the County should pursue

RUSS directly, under the County Administrator, with a County elected official as the County's representative.

Special Commissioner Ron Bergstrom felt County oversight was needed, especially as the Board picks its own successors. Mr. Sumner said that involvement of public officials will assure public benefit from the private nonprofit corporation.

Special Commissioner Florence Seldin asked how the County should pursue RUSS, and Ms. Taylor replied that a county employee should pursue it.

Co-chair Rauschenbach asked how OpenCape strands would be allocated, adding that the Special Commission should recommend governance and revenue. Mr. Gallagher replied that there are no strands for the County now, but two for towns at a cost of \$200,000 or less, a discounted rate that represents operating cost without profit, with excess capacity available for contract by Comcast, banks, etc. A County Request for Proposals (RFP) would be required per Mass. General Laws Chapter 30B (Uniform Procurement Act), he said, before a contract could be negotiated.

Co-chair O'Leary acknowledged consensus for a recommendation that the County pursue RUSS, and asked if concern with structure and governance in the Inspector General's report was relevant.

Mr. Gallagher replied that the OpenCape Board is reviewing needs after network construction, but would accept and consider County recommendations, as well.

Special Commissioner Bob Lawton noted that OpenCape sets up the infrastructure, while RUSS operates it, and Mr. Gallagher explained that RUSS involves applications, including a possible Capewide telephone system for all government offices, adding that it would not require a technical employee as it's not Information Technology.

County Commissioner Mary Pat Flynn noted the connection between OpenCape and Smarter Cape for storage of strategic data such as regional assessing records.

Mr. Gallagher recommended the County issue an RFP for CapeNet to respond, noting that it already has a 25-year lease on a County building.

In concluding the discussion, Co-chair Rauschenbach said Mr. Ridley and Ms. Taylor had agreed to draft a RUSS proposal for consideration.

In discussing **emergency dispatching**, Sean O'Brien, the County's representative on the OpenCape Board, explained that Cape departments had asked last year for a study of Cape dispatching, funded by a \$135,000-grant. He said Intertech Associates of New Jersey had met with all the departments in conducting the study, and had just completed their report and issued recommendations.

Two to three dispatch centers were anticipated, he said, adding that the Sheriff now handles dispatching for 10 Cape fire departments, but no police departments. He felt

that savings could be projected for regional dispatching, and that a steering committee should be considered next, as the State 911 board seeks to reduce public safety answering points and the Cape has 13. Dispatchers require training in handling phoned emergencies, he said, noting that police are traditionally sensitive about unstaffed stations at night and have preferred to retain dispatching responsibility. Mr. O'Brien felt that a steering committee might include one County representative, two from police departments, two from fire departments, one from the Sheriff's Department, and one town manager. The County or an independent board could coordinate regional dispatching, he said.

Co-chair O'Leary called regional dispatching a 30-year-old issue, but Mr. O'Brien noted that regional dispatching of all towns' emergency calls could save \$5 million annually, with the Sheriff's dispatching operation now a model for the State.

Special Commissioner Cheryl Bartlett said that the State Department of Public Health prefers consolidation due to limited funding, and Special Commissioner Bud Dunham said the County should coordinate regional dispatching, while Ms. Taylor noted that the Sheriff is not accountable to anyone except the voters. Ms. Flynn said that Hingham, Hull, Norwell and Hanover just began coordinating dispatching, and other South Shore towns may join them.

Co-chair Rauschenbach asked Mr. Lawton and Mr. Sumner to draft a recommendation for consideration, and Mr. Sumner noted that Mr. O'Brien had played a critical role in the development of regional dispatching as it evolved since 2002 from hazardous materials concern.

Co-chair Rauschenbach asked if regional inspection services would also be of interest, and Mr. Lawton noted that Barnstable provides weights and measures services to other towns now, adding that the County should perhaps be more entrepreneurial in providing such services. Mr. Gallagher said that the County is pursuing e-permitting and inspecting, while Eastham and Orleans have pursued an intermunicipal agreement for public safety management following a Lower/Outer Cape regional public safety service study by the MMA Consulting Group.

In discussing **Human Services**, reference was made to the Massachusetts Municipal Association's (MMA) County management report issued three to four months ago that suggested combining Human Services with the Health and Environmental Department and Cooperative Extension Service.

Ms. Taylor felt that the County Commissioners should determine what would be appropriate after reviewing the report. Special Commissioner Sue Rohrbach suggested inviting the Human Service Department head to a meeting to discuss what they do, while Mr. Bergstrom felt that all the departments are successful in their current structure. Ms. Bartlett called consolidation and integration vital in view of diminishing

resources, and Ms. Flynn noted that departments can team up for Performance-based budgeting.

Co-chair Rauschenbach felt the County Commissioners might be encouraged to consolidate and integrate functions after hearing from the Human Services Department at the next meeting.

County Commissioner Bill Doherty noted that the Human Services Advisory Council coordinates human services, and Ms. Flynn said that the County Commissioners will consider the MMA report after the Special Commission's report.

Regarding the issue of **housing**, Co-chair Rauschenbach recalled that Housing Assistance Director Rick Presbrey had thought consideration of an expanded County role could have value. Mr. Doherty felt that regional or subregional consolidation of housing approaches could be promising, and Mr. Sumner thought regional housing consolidation with Community Preservation funds could be possible. Ms. Rohrbach noted that housing issues to be considered include homelessness, planning, plus production and administration, e.g., housing authorities. Special Commissioner Mark Forest called the Cape's HOME Consortium unique in the U.S., and Co-chair Rauschenbach deferred further discussion of housing to the next meeting, to include the Cape Cod Commission Affordable Housing Specialist.

Discussion of **revenues** involved the question of the amount of available unused revenue capacity, and how further services could be offered without additional revenue or cutting of current services. Mr. Bergstrom called County reliance on fluctuating Registry deeds tax revenue unreliable, preferring a dedicated, stable revenue stream, and he wondered if the County could benefit from towns' savings gains from regional services.

Ms. Flynn said the Registry fee can be raised further (with 30% of the County budget now derived from the Deeds tax, amounting to \$7 million).

Special Commissioner Alan McClennen, Jr. felt that present costs are justified to preserve the attractiveness of the Cape that is valued by residents and visitors.

Special Commissioner Larry Cole felt that County rooms and meals taxes could be substituted for similar taxes that towns collect, and Co-chair O'Leary noted that a short-term summer rental tax could be promising but would require State approval. Mr. Sumner reminded that time shares are exempt from room excise, as well.

Ms. Flynn reported that the current County financial status requires cuts of \$400,000-\$600,000 due to lower Deeds Excise revenues, while the Cape Cod Commission has reduced its budget by about \$1 million.

Special Commissioner Mary LeClair noted that the County has equity available for borrowing, as an option to avoid cutting services.

Ms. Rohrbach said that the Special Commission should note that opportunities for more services will also require more funding.

Mr. Dunham said that town revenues increase at 3.5–5% per year, but costs increase at a much higher rate.

Co-chair Rauschenbach recommended towns consider sharing with the County the savings accruing from regional services.

Public Comment concerned the increasing importance of regional coordination of housing services, as well as human services and employment opportunities, while calling for more publicity of County services.

The next three meetings were scheduled for Wednesdays on January 18, 25 and February 8, 2012, at 6:30 p.m. in the same room: the first to concern wastewater, energy, housing, human services and review of issues from earlier meetings; the second to address governance, along with any new issues raised at the previous meeting; and the third to involve discussing and voting on the Special Commission report.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk

Special Commission on County Governance

Wednesday, January 25, 2012

Approved as revised at the Special Commission meeting of February 8, 2012

Co-chair Henri Rauschenbach convened the meeting at 6:30 p.m. in Superior Courthouse conference room 11/12. Minutes of the January 11 meeting of the Special Commission were approved.

Correspondence received from the Workforce Investment Board (WIB) was acknowledged, and the process for drafting and voting on recommendations was discussed, especially the question of recommendations that do not receive unanimous agreement.

Special Commissioner Bob Lawton distributed copies of Cape Cod Municipal Managers Position on Barnstable County Government Structure, noting their support of the MMA Consulting report and the Cape Cod Chamber of Commerce comments.

County **Human Services** Director Beth Albert and researcher Christine Stein discussed their work as Convener in providing opportunities for exchange of information and as Facilitator in encouraging growth and improvements in their focus areas. Ms. Albert noted distribution of a new strategic plan for 2012-13, and said the agency's mission is to plan and develop human services programs, and promote regional services for public wellbeing.

Improved access to health services for seniors is pursued in coordinating meetings of COAST - Councils on Aging Serving Together - with efforts toward providing a mental health social worker for seniors through Councils on Aging, she said

Another project is an upcoming business summit for a healthy workforce, planned in conjunction with three Chambers of Commerce, that will involve business owners and single proprietors to address coping with stress.

Ms. Albert said her department is also involved with substance abuse data collection as well as analyzing secondary sources with a UMass medical student.'

In support of towns, she cited the crisis response model implemented following Falmouth's 10 suicides in 2010 that serves as a model for the State.

She also referred to the department's web site with human services data, saying Ms. Stein responds to data requests from towns, news media and grant applicants.

Ms. Stein discussed efforts to promote healthy eating, physical and emotional health through the Mass In Motion DPH/CDC Community Transformation Grant-funded 5-year project for the Cape and Islands in conjunction with the Cape Cod Commission (CCC), County Health and Environmental Department and Cooperative Extension Service . The project involves promoting Department of Public Health nutrition standards in schools, promoting safe routes to schools by encouraging safe walking and cycling to school, plus initiatives to increase healthy food donations to food pantries as well as growing of healthy foods, with biking and pathways events planned.

Ms. Albert added that the department is the convening agency for the Regional Network to Address Homelessness, and that public health prevention programs could also be coordinated with other agencies for synergy.

Special Commissioner Cheryl Bartlett complimented the effectiveness of the department, noting that collective work is important to address health needs.

In reply to a query, Ms. Albert elaborated on the role of the Advisory Council, saying it was created by County ordinance and meets quarterly on a focus area of the strategic plan, with the next meeting in February to concern homelessness.

In reply to another query, Ms. Albert described coordination – not duplication –with the Cooperative Extension Service in nutrition education and addressing hunger issues.

Co-chair O'Leary noted public confusion over the various human services agencies, wondering if the County could be a point of access.

Ms. Albert replied that her department had partnered with the United Way on a database of Cape data, with funds needed for a resource navigator, as well as community health workers with translation capability. She said Cape Cod Healthcare is on the advisory council, and they are involved in projects together, besides coordinating needs assessments to avoid duplication.

Ms. Bartlett noted that this will be important in the future with Health Care Reform emphasizing local care, and the State could initiate pilot programs.

Co-chair Rauschenbach asked if a different structure should be recommended for Health, Human Services and the Cooperative Extension Service, and Ms. Bartlett agreed to draft something for consideration.

Next, Paul Ruchinkas discussed the Cape Cod Commission (CCC) **Housing** program, with one and $\frac{3}{4}$ staff working on affordable housing. Providing the context, he said that resort areas have high housing costs, with the Cape's 10% over the State's, along with lower wages (33% below the State's). With 5,400 affordable units, and over 4,000 on the Section 8 waiting list, affordable rentals are needed, he said. Despite the population decline of the past decade, he said the percentage of households paying over 30% of their income for housing rose.

Since 1992, the Commission has served as the County HOME Consortium lead agency and liaison with HUD, receiving some \$700,000 per year and netting 1,000 affordable housing units. Besides a down payment program and rehab program, he said Housing Assistance Corp. (HAC) has administered a Soft Second Homeowner Program since 1993. He said towns with affordable housing bylaws benefit in the count toward 10% of affordable units. His program also involves information collection and distribution, technical assistance to towns, small grants for affordable housing planning, and working with 30-unit subdivisions for affordable housing or cash set-aside. He noted the link with economic development regarding worker housing and jobs for local contractors and workers.

In reply to a query, Mr. Ruchinkas said the affordable housing program is required in the CCC Act, adding that he is also involved in addressing housing issues with the Human Services Department and social services.

In reply to a query regarding the feasibility of regionalizing housing authorities, Mr. Ruchinkas said housing authorities were concerned with [as revised and approved

with these minutes at the Special Commission meeting of February 8, 2012] loss of their own jobs.

Co-chair Rauschenbach asked if the County could administer rather than control, recalling that HAC Director Rick Presbrey had thought the County might do more, possibly running programs.

Ms. Bartlett noted that the State had moved homelessness from the Department of Transitional Assistance to the Department of Communities and Development, but diminishing funds were not promising for the County.

Mr. Ruchinskas reminded that towns pay fees for regional administration.

Co-chair Rauschenbach noted that the Soft Second program ended in 2008 with the State funding HAC directly, and Co-chair O'Leary asked if the County could play more of a role in its relationship with HAC.

Mr. Ruchinskas noted that HAC operates a full-service affordable housing program. Co-chair Rauschenbach wondered if County bonding authority should be used to develop affordable housing, and Mr. Ruchinskas said now is the time to prepare for a better economy.

CCC Executive Director Paul Niedzwiecki expressed concern for future leadership in affordable housing as current leaders retire.

Assistant County Administrator Maggie Downey pointed out the significance of wastewater infrastructure to housing cost as development continues in sensitive areas, involving the CCC land use planning role.

Co-chair Rauschenbach wondered if any coordination could be possible through the Community Preservation Act (CPA), and Mr. Ruchinskas referred to a coordinating role in the initial CPA and to regional land buys involving Brewster and Orleans.

Co-chair Rauschenbach asked if there is any study of banks' Community Reinvestment, and Cape Cod Chamber of Commerce CEO Wendy Northcross noted that CRA assures no red-lining. Co-chair Rauschenbach wondered what big banks are funding and what are big insurers' contribution to the region. Ms. Northcross said that homeowners' insurance costs are rising, without necessarily reliable models.

It was agreed that elaboration should be sought from Mr. Presbrey, while Special Commissioner Margo Fenn said specialized expertise is needed, and what exists should be supported, suggesting partnering with HAC, rather than taking over. Special Commissioner Sue Rohrbach said towns could partner, as well, as former Housing Authority Director Tom Lynch has done in Barnstable.

The idea of recommending that the County convene housing authorities received no support before a break in the meeting.

When the meeting resumed for consideration of Energy, Co-Chair Rauschenbach recused himself due to conflict, and Co-Chair O-Leary chaired, asking Scott Ridley to provide background.

Mr. Ridley explained that New England is at the end of the energy pipeline, with some of the highest rates in the nation, and the electric industry the last to be deregulated. He said the County structure and deregulation are to benefit the public, not just large corporations. Municipal aggregation involves everyone unless they drop out, and the County could take over the utility's energy efficiency program, he continued. The Cape

Light Compact (CLC) looks out for consumers' interests, he said, and in 2001 benefited from the sale of Canal Electric. He called its current issues administrative, involving how to manage, and he said development of smartgrid is now experimental and important for reliability and cost-control.

Co-chair O'Leary noted that the legal relationship between the County, CLC and the Cape and Vineyard Electric Cooperative (CVEC) is an issue.

Ms. Downey explained that CLC is an intergovernmental agreement involving 21 towns and two counties under Mass. General Laws Chapter 40, with its own treasurer [as revised and approved with these minutes at the Special Commission meeting of February 8, 2012]. She said Energy Efficiency is a \$22.5 million program with a three-year budget approved by the State and invested in the communities. The County's standing is equal to each town member, and Chapter 40 requires a member to administer. She said she spends 75% of her time on CLC and 25% on County business, but 100% is paid by the County. Contracted energy-audit crews also employ over 50. Mass. Law requires holding executive sessions for procurement and litigation, she said. Power purchase funds amounting to \$130 million pass through CLC, with member towns and counties the ultimate authority and rate payers able to opt out.

CVEC can help with lower-priced power, she said, and deregulation and competition were to reduce consumers' costs.

In reply to the question of whether the CLC administrator should be paid by the County, since it's not a County department and the County has only one vote in CLC, Ms. Downey replied that the County staffed and funded the organization to initiate it until it evolves to be self-supporting.

Co-chair O'Leary called the relationship between the County and CLC confusing, and Special Commissioner Larry Cole said the League of Women Voters and MMA Consulting reports are misleading and organization chart wrong, as CLC is not under the County.

Regarding intergovernmental agreements, Special Commissioner Charlie Sumner noted that Brewster, Dennis and Harwich buy golf equipment together for savings, and towns seek more County coordination like that - an appropriate County role. He added that CLC has saved towns millions.

CVEC President Charlie McLaughlin said legal fees consume inordinate funds as the process is so complex, and an imminent second Request for Proposals for a solar vendor will save Cape and Islands communities \$50 million. In reply to a query regarding CVEC administration, Ms. Downey said it is separate, with the County as fiscal agent, and CVEC emerged from a CLC study as a way to reduce costs through the cooperative.

Special Commissioner Bud Dunham said Mr. Ridley's projected issues are now being fulfilled, and Ms. Downey's role is aiding towns, but support for wind energy drew criticism.

Special Commissioner Florence Seldin noted the public confusion over CLC through Ms. Downey's dual role, but Special Commissioner Julie Taylor said no other entity would be appropriate to administer it. County Commissioner Sheila Lyons said that Ms. Downey assumed the energy responsibility 18 years ago, along with other County responsibilities, and perception is the issue. Mr. Cole noted that the County

Administrator also serves as treasurer for various organizations, and Ms. Downey said that he is the County appointee to CVEC and serves as treasurer.

CLC Energy Efficiency Manager Kevin Galligan said that County Procurement procures energy and CLC staff cooperates for efficient operation.

In **Public Comment**, the question was asked whether the \$55-60 million from CLC benefitting communities through net metering benefits is subsidized, and Mr. McLaughlin replied, "No," adding that they are rate-payer funds. Consideration of a municipal utility was also thought to be of interest for discussion. The CVEC role in developing guidelines for wind energy was a concern, and whether rate payers have a net benefit was also questioned.

Mr. Ridley, Mr. Cole, and Co-chair O'Leary agreed to draft a recommendation for consideration, and Special Commissioner Mark Forest noted that the County role is positive and a model for County intergovernmental operation.

Next, CCC Executive Director Paul Niedzwiecki addressed **Economic Development**, reporting collaboration with the Economic Development Council (EDC) and Chambers of Commerce, with three major focal points: first, data aggregation in STATS Cape Cod; second, completing a five-year update of the Comprehensive Economic Development Strategy (CEDS), with 16 projects for implementation, including OpenCape; and third, involvement of a reset team of 4-5 water, transportation and legal staff assigned to help towns by amplifying town resources, working, for example, with Yarmouth on a Parkers River plan and next with Sandwich on its Golden Triangle area. He also referred to SmarterCape work with IBM, with a second goal-oriented conference in the spring. He reminded that the CCC Act requires economic development, and he noted Business Roundtable discussion of a redevelopment authority, but he questioned the extent of interest in Countywide eminent domain power.

Special Commissioner Bud Dunham called CCC outreach to towns valuable, and Co-chair O'Leary asked about any constraints of State law. Mr. Niedzwiecki replied that State funding is the constraint.

Special Commissioner Vicky Lowell asked if the EDC remains active, and Mr. Niedzwiecki replied that it is viable and working closely with the CCC. Tracking past license plate grants proved to be difficult, he said, so the new policy calls for pooling funds toward a common vision - for example, the Transportation Improvement Program (TIP) and pre-development funding. He explained that the EDC is a department of the County, but now staffed by CCC, although still a department (without administrator). County Commissioner Sheila Lyons reminded that the County Commissioners appropriate to EDC, adding that it makes sense for the CCC and EDC to work together. In response to Ms. Fenn's query on the status of EDC grants, Ms. Lyons said that funds are pooling now for towns and OpenCape, and Mr. Niedzwiecki referred to a three-year grant for the CCC reset team. He felt that State resources should be consolidated for economic development, and he reminded that the EDC is advisory to the County Commissioners and CCC, with EDC appointments made by the County from EDC nominations.

In discussing distribution of license plate funds, Ms. Northcross said the Lower Cape Community Development Corp. receives 17%, with the remainder divided among the Islands, County and the Cape Cod Chamber of Commerce, the only agency among the

recipients to audit them, to her knowledge. She said the Cape and Islands license plate remains the State's most popular special license plate.

Ms. Northcross also reported that she had just submitted a draft economic development recommendation, in collaboration with Mr. Niedzwiecki, for Special Commission consideration.

Regarding the Regional Transit Authority, it was agreed to delete first steps from the draft, after Special Commissioner Sue Rohrbach questioned the meaning, and it was also agreed that the Regional Transportation Plan should be the official plan.

The draft recommendation on Mosquito Control was also accepted

Regarding the WIB, David Augustinho and Kris Dower requested addition of the word "consider" to the draft recommendation, and Mr. Augustinho said there is a Federal vision for the WIB to be operated by private businesses, but private sector involvement would be compromised by County affiliation. Co-chair Rauschenbach agreed to redraft the recommendation with the word "consider."

With the February 8 meeting to concern wastewater and governance, Co-chair Rauschenbach said voting would occur at the last meeting, scheduled for **Thursday, February 16.**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk

Special Commission on County Governance

Wednesday, February 8, 2012

Approved as revised at the Special Commission meeting of February 16, 2012

Co-chair Rob O'Leary convened the meeting at 6:35 p.m. in Superior Courthouse conference room 11/12. Minutes of the January 25 meeting of the Special Commission were approved with two corrections. First, "In reply to a query regarding the feasibility of regionalizing housing authorities, Mr. Ruchinkas said housing authorities were concerned with loss of their own jobs. Second, "CLC is an intergovernmental agreement involving 21 towns and two counties under Mass. General Laws Chapter 40" with its own treasurer.

Drafts received on Information Technology, Public Safety, Health/Human Services, Cape Light Compact (CLC) and Cape and Vineyard Electric Cooperative (CVEC) were discussed.

Information Technology

Special Commissioner Larry Cole asked the implication of the Regional Umbrella Services System (RUSS) for existing town intercommunication and dispatching, wondering if OpenCape would be more cost-effective without subsidy to attract town participation.

Special Commissioner Charles Sumner said Brewster will connect schools, library and all municipal buildings, and RUSS could consolidate municipal assessing and e-permitting more cost-effectively than through the private sector.

Special Commissioner Bert Jackson explained [as revised in subsequent email and approved with these minutes at the Special Commission meeting of February 16, 2012] that the County would not hire developers to build applications, but would procure vendors to do so.

In considering the draft for review, Mr. Cole suggested making items 3 and 4 contingent upon 1 and 2.

Special Commissioner Terry Duenas asked why an Enterprise Fund should be required, and Special Commissioner Bob Lawton replied that it would keep funds separate.

Discussion concluded with agreement that Mr. Cole would draft his alternative for consideration.

Public Safety

Mr. Sumner noted the limited capacity of the Sheriff's Department's dispatching operation, per Sean O'Brien's Health Department study, with three dispatching centers planned and towns opting in and paying their share of costs.

Co-chair O'Leary said the County dispatches 10 of 20 Cape fire departments, with little growth capacity, and he felt a single regional dispatching site outside the Corrections operation could save towns the cost of individual dispatchers. While Barnstable may be large enough to do its own dispatching, he thought other towns might join together in a regional approach.

Cape Cod Chamber of Commerce CEO Wendy Northcross said that Sen. Wolf wonders if dispatching could be privatized, and Co-chair O'Leary said he would draft something for consideration at the next meeting.

County Commissioner Mary Pat Flynn reminded that the South Shore towns of Hingham, Norwell, Hull and Cohasset just consolidated their municipal dispatching and built a regional center.

Special Commissioner Ron Bergstrom said that the Sheriff's primary responsibility is always corrections, while dispatching is an appropriate County function.

Monthly meetings of the County Emergency Planning Committee, coordinated by Sean O'Brien in Dennis, were noted, and Mr. Dunham said there should be a Department of Public Safety.

Mr. Sumner agreed to redraft a recommendation for consideration.

Health/Human Services

In discussing the recommendation drafted by Co-chair Henri Rauschenbach and Special Commissioner Cheryl Bartlett, Special Commissioner Mary LeClair felt that any new County Executive should address this issue, with Special Commission recommendation unnecessary. She noted that the Mass. Municipal Association Consulting report recommends merger of the two, but she thought that the consultants did not understand the separate missions of the two departments. Special Commissioner Sue Rohrbach said she agreed after reading the affiliations of both departments.

Speaking as a founder of the Human Services Department while an Assembly Delegate, Special Commissioner Marylou Petitt said the two departments address two completely different concerns and suggested asking the departments themselves before recommending a merger.

Special Commissioner Vicky Lowell felt the public education focus of the Cooperative Extension Service might be integrated with all departments to improve their effectiveness.

Co-chair Rauschenbach said he would draft a recommendation for the next meeting, conferring with Human Services Director Beth Albert, and County Commissioner Sheila Lyons noted existing collaboration among County departments.

Energy

The collaborative draft of Co-chair O'Leary and Special Commissioners Cole and Ridley was discussed, noting that the energy efficiency program requires the power supply program, and that the County could consider municipal utility opportunities in its long-range planning. They felt that current issues could be resolved through contract or as a County department.

Special Commissioner Julie Taylor asked if the Cape Cod Commission (CCC) is doing long-range energy planning for the County, and that was affirmed, but she felt the relationship needs clarification.

Mr. Bergstrom said a contract could clarify the true cost of services, noting that the CLC governing board represents the towns rather than the ratepayers, and roles should be better defined.

Mr. Dunham said the County will be acting only as a member of CVEC ON July 1 and that will be good.

Ms. Lyons agreed that the agencies should be clearly defined and separate.

Co-chair O'Leary called the issue the most complex of all the issues under consideration, repeating the recommendation that CVEC and CLC should both be separate but asking if CLC should be separate from the County, with a Memorandum of Understanding (MOU) with each town

One recommendation option was seen as a contract between the CLC and County for County administrative support and long-term planning, with SmartGrid and OpenCape considered promising. Or the current MOU could be revisited, with Town Meeting approval required from all.

Ms. Taylor felt that CLC should consider the alternatives and pursue them itself, and Mr. Bergstrom said CVEC is almost a subsidiary of CLC due to its extensive funding, also noting CVEC executive committee composition of the County Administrator, Assistant County Administrator and a Barnstable Town Attorney, and adding that the actual cost of the operation should be paid.

Ms. Rohrbach agreed that the roles need to be clarified, and Mr. Ridley said an administrative solution could be a new contract, so no structural change would be needed.

Mr. Cole noted that Brewster opponents to the CVEC wind proposal objected to where the funds came from, and that CLC can now afford to pay for the services the County provides and could replicate them elsewhere. He called the comprehensive energy policy on the Cape and Islands Renewable energy web site an example of the long-term policy that the County needs, and he noted that CVEC is to access the wholesale

market that CLC cannot do, while the County role in CLC was critical in the beginning as the municipal aggregator.

Co-chair O'Leary suggested revisiting the MOU, recalling that CLC originated with former State Rep. Matt Patrick's interest in amending the CCC Act with regard to energy efficiency, followed by deregulation, adding that close County connection is needed for its future evolution.

Ms. Rohrbach agreed that the recommendation must be forward-looking, but Mr. Bergstrom said he disagreed with Mr. Cole and Co-chair O'Leary, as ratepayer savings amount to only about 14 cents per month.

Co-chair Rauschenbach said the draft recommendation would be further refined for consideration, and Ms. Taylor called for more promotion of planning.

Wastewater

In discussing wastewater issues with Cape Cod Water Protection Collaborative Executive Director Andrew Gottlieb and CCC Executive Director Paul Niedzwiecki, Co-chair O'Leary called wastewater arguably the Cape's single biggest issue. Mr. Gottlieb explained that the County provides the Collaborative's operating revenue, and it is composed of about half Selectmen and half Town wastewater management staff and conservation agents, along with County Commissioner appointees County Commissioner Lyons and Augusta McKusick, and ex-officio members Mr. Niedzwiecki and County Health and Environment Department Director George Heufelder. He said the Collaborative advises on policy and educates towns and that County management and financing are needed. He felt that a separate regional entity is needed to address wastewater issues, as individual town solutions would be less efficient, since estuaries are shared, and artificial town boundaries interfere and increase costs of addressing nitrogen-loading. While inter-municipal agreements could be possible, Mr. Gottlieb said they are seldom initiated, and the 15 towns have difference issues and funding resources that are not all equivalent. Elsewhere, he noted, wastewater facilities are regional, and the County role is needed here beyond the existing County structure.

Mr. Niedzwiecki said that new legislation is needed, realistically identifying a broad-based funding source that would be fair to all, adding that design would represent the biggest cost, and it needs to address watersheds, without town lines. Mr. Bergstrom agreed that a County wastewater entity is needed to erase town lines and protect water quality for all.

Mr. Gottlieb said that County, State and Federal governments should be involved along with individual rate-payers in seeking the most cost-effective solution involving various systems on a watershed basis.

Mr. Niedzwiecki agreed that the County has a role, adding that CCC could have played the role of the Water Protection Collaborative, and noting that State and Federal officials think the Cape is affluent, although it is not.

In reviewing funding options, Mr. Niedzwiecki called betterments an inequitable and irresponsible approach, preferring the general tax levy as a better approach.

Co-chair O'Leary said there is no regional authority for addressing wastewater management without new State law, and the Collaborative has discussed this problem for six years.

Mr. Niedzwiecki said CCC Local Comprehensive Plans (LCP) and Regional Policy Plan (RPP) could be used, or a District of Critical Planning Concern (DCPC) for wastewater could be pursued., with specifics of the regional plan to be complete by the end of 2012. He noted that drinking water makes money while wastewater loses money, but felt that merging the two would be challenging, and he anticipated eventual regulation of stormwater ahead, as well.

Mr. Lawton said that towns saw the need for a regional wastewater authority to address the issue, and Mr. Gottlieb replied that such an authority can't be regional in name only.

Co-chair Rauschenbach wondered if establishing such a regional authority would require a referendum and if the County should file the legislation.

Mr. Niedzwiecki cautioned that the Federal government would assume control if a referendum were to fail, adding that there is too little infrastructure here, and a hybrid approach that is watershed-based and innovative could be effective.

Mr. Gottlieb added that any legislation needs a clear mission statement for the most cost-effective approach, with a mix of technologies but no opt-in option as with the CCC Act.

Mr. Dunham noted that Mr. Sumner, Mr. Lawton and he had met with Mr. Gottlieb and Mr. Niedzwiecki to draft the recommendation.

Mr. Niedzwiecki favored keeping planning with CCC for checks and balances with the proposed regional authority, noting that environmentalists fear intensified growth as a consequence of wastewater treatment.

Mr. Gottlieb saw a full range of possible solutions available for choosing what makes the most sense.

Mr. Dunham said that Mass. Military Reservation reclamation projects improved Upper Cape water in 25 years and improved communication in the process, as well.

Mr. Bergstrom felt the cost of inaction needs to be publicized, and Mr. Niedzwiecki said that lawsuits are threatened because towns won't vote to pay to address wastewater issues. With two-thirds of watersheds crossing town lines, he said addressing wastewater by watershed would reduce the region's \$8 billion cost to \$3 billion.

Ms. Rohrbach said the word "authority" conjures up the Mass. Water Resources Authority (MWRA), so a "friendlier" word would be needed.

Mr. Cole reminded that the MWRA sewer bill is determined by water use, and even a County authority would require local involvement.

Ms. Northcross called for a quick solution before conditions deteriorate, and Mr. Niedzwiecki said a solution should be found before the end of the year.

Special Commissioner Dorothy Savarese asked what the governing structure of an authority would be to protect the rate-payers, and Mr. Niedzwiecki suggested a board of directors and advisory board. Mr. Gottlieb also called for a County sign-off that would assure that funds sought were consistent with the plan.

It was agreed that Special Commissioner Alan McClennen would confer with Ms. Rohrbach and Ms. Taylor in drafting a recommendation to address the concept of a regional authority, along with financing and legislation.

With next Thursday's meeting on February 16 to accommodate calls from absentee members, receiving draft recommendations by Sunday was preferred. And with Governance remaining to be addressed, it was noted that comments received from the Town Managers and the Cape Cod Chamber of Commerce would be considered, along with any others. Co-chair O'Leary called partisanship and financing two questions to consider, and he wondered if two more meetings might be required. Ms. Lowell felt that candidates must be partisan for support and promotion.

In reply to a query on the future process, Co-chair Rauschenbach said the Special Commission's work would conclude with a report to the County Commissioners, and Mr. Bergstrom called for follow-up with them.

Regarding the question of short-term and long-term recommendations, Mr. Bergstrom noted that the County Commissioners have no authority to restructure County government, but only the Assembly could pursue legislative change.

The reply to Ms. Rohrbach's query on the procedure for any recommended change in structure was: Assembly to Charter Commission to Secretary of State for ballot, or the County Commissioners could file legislation.

Mr. Dunham noted that most of the Special Commission recommendations are to the County Commissioners.

With the next meeting scheduled for Thursday, February 16, a further meeting was anticipated for voting.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk

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.

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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

Special Commission on County Governance

Wednesday, February 29, 2012

(This is the final meeting, so there is no member approval)

Co-chair Henri Rauschenbach convened the meeting at 6:35 p.m. in Superior Courthouse conference room 11/12. Minutes of the February 16 meeting of the Special Commission were approved with Special Commissioner Larry Cole's revision that the Regional Umbrella Services System (RUSS) aggregation of telecommunication services would reduce Provincetown's annual \$200,000 network cost to \$2,000.

County Commissioner Mary Pat Flynn thanked Co-chairs Rauschenbach and Rob O'Leary for accepting the challenge of chairing the Special Commission and for all their work on its behalf. She also extended thanks to all the Special Commissioners for their commitment and efforts, and to all who participated, including the press, adding that the County Commissioners look forward to receiving the Special Commission report and will be sure to put it to use.

Proxy voting for the meeting was noted as Special Commissioner Bud Dunham on behalf of Special Commissioner Charles Sumner, Special Commissioner Maggie Geist for Special Commissioner Margo Fenn, and Cape Cod Chamber of Commerce CEO Wendy Northcross for Special Commissioner Bill Zammer.

Reconsideration of Item #11, Health and Human Services Language

Special Commissioner Mark Forest suggested incorporating Special Commissioner Cheryl Bartlett's arguments for additional services.

Special Commissioner Sue Rohrbach called the MMA Consulting report an administrative report to the County Commissioners and recommended that the Department of Health and Environment, Cooperative Extension, and the Department of Human Services continue to collaborate, strengthen links between departments, and plan for greater efficiencies in the area of regional public health. She noted that this language would not necessarily favor combining the departments at this time.

Mr. Cole said that the MMA Consulting report also added Children's Cove and Elder Services for consideration, although they are not affiliated with the County.

Special Commissioner Mary LeClair repeated her objection that the Special Commission was not charged to recommend combining departments and that such considerations should be up to the new County officials.

Special Commissioner Marylou Petitt cited her 14 years with Assembly on its Human Services Committee and said she agreed with softer language, also because the departments in question were not involved in the discussion, although she thought integrating Children's Cove could be helpful.

Ms. Geist said that a reorganized County government needs to clarify distinctions for users, while Co-chair Rauschenbach felt that consolidation could be practical in an era of dwindling resources, and Special Commissioner Ron Bergstrom agreed that funding constraints should be considered.

Co-Chair Rauschenbach added that the interface with public health could be more effective, and Ms. Petitt said that integrating services and housing would be logical, while Mr. Cole felt it could be seen as too threatening.

Ms. Rohrbach called for integrating all public health concerns, while Special Commissioner Dorothy Savarese noted the top-down approach of the Special Commission discussion versus a bottom-up approach, and favored exploring how to improve coordination, especially since the affected parties were not involved in the discussion.

Special Commissioner Scott Ridley suggested convening a dialogue to explore increased effectiveness and efficiencies and possible integration.

Ms. Rohrbach repeated her recommendation that the Department of Health and Environment, Cooperative Extension, and the Department of Human Services continue to collaborate, strengthen links between departments, and plan for greater efficiencies in the area of regional public health, and the Special Commission voted to adopt it.

County Structure

Co-chair O'Leary led discussion of County structure, beginning with the question of whether to leave the current structure intact and preserve the status quo, which received no support.

Executive Branch

Consideration of the County Administrator position began with review of the draft submitted by Special Commissioner Bob Lawton. Special Commissioner Julie Taylor said that a single-person Executive branch requires a strong administrator, and there was general agreement with Special Commissioner Phyllis Day's suggestion that a treasurer should be included, as well.

Special Commissioner Ron Bergstrom said he supported a strong Executive and separate treasurer, while Mr. Lawton said the new administrator should hire the treasurer, or maybe have a veto option, as the chief administrative officer should decide, or else keep the status quo.

Special Commissioner Marylou Petitt said she agreed with Ms. Taylor, as the Executive is the face of the County, and the Executive is not an administrator. But Mr. Lawton noted that the Legislative body sets the policy.

Special Commissioner Sue Rohrbach said that Barnstable has an appointed Executive with a Legislative branch, while the County Executive will replace the County Commissioners.

Mr. Lawton explained that he was an Administrator, while Mr. Dunham is a Town Manager who appoints all department heads with approval of the Board of Selectmen, and Mr. Bergstrom noted that a County spokesman would have to have the support of a majority of legislators.

In reply to Co-chair O'Leary's question, Special Commissioners expressed no support for the concept of an elected County Executive, but preference for the title of Chief Executive Officer.

Discussion of the County Executive concluded with a unanimous vote for the draft under consideration, but with substitution of "Executive" for "Administrator."

Legislative Branch

Referencing her draft, Ms. Taylor said there is confusion between the County Commissioners and the Cape Cod Commission's Commissioners, and Co-chair O'Leary reminded that the Cape Cod Commission Act could be modified.

Rather than debating various names, Ms. Geist suggested leaving the wordsmithing to legal analysts.

Co-chair O'Leary said that merging the County Commissioners and Assembly of Delegates may be the goal - rather than elimination of the Assembly - for a new democratic, policy-making legislative body.

Mr. Bergstrom said he favored no at-large representatives, as towns could be combined so that each representative could represent approximately 20% of the County population.

Special Commissioner Alan McClennen said that town lines should be removed in County government, and Ms. Geist agreed, calling for finding a new way of representation.

Mr. Cole said that 2010 U.S. Census counts would suggest seven representatives, each representing approximately 31,000 population.

Based on her experience with the Barnstable Charter Commission, Ms. Rohrbach suggested five districts and four at-large representatives, so that everyone would vote for five candidates, a majority of the total.

Special Commissioner Terry Duenas felt that running a Countywide at-large campaign would be challenging, but said cable TV could help to facilitate it, and Ms. Day said such a campaign would cost \$150,000, far in excess of compensation for the office.

Mr. Bergstrom pointed out that Assembly Delegates receive County health insurance benefits which are particularly important to some.

Ms. Taylor thought that at-large representatives might likely be from the largest towns of Barnstable or Falmouth, and Ms. Northcross noted that the Barnstable Town Council has no at-large seats, adding that just an "at-large viewpoint" is needed.

Still, Co-chair O'Leary felt that at-large representatives add value, although he was torn over the choice, and Ms. Rohrbach agreed that she was also torn over the issue, but thought at-large representatives would have more power, in representing the whole Cape.

Co-chair O'Leary said in his experience with both offices, the County office is not visible and he found service as State Senator easier.

Ms. Savarese found Ms. Rohrbach's perception of power differential a concern, asking if all at-large seats should be considered.

Mr. Dunham felt that Barnstable's precinct representatives are self-interested, while Ms. Taylor said that issue has never been evident in the Assembly.

Mr. Bergstrom thought the at-large term could be longer, and wondered if seven or nine members should be considered, while Ms. Geist called nine too many and wondered if people will want to run for at-large seats, although a longer term could help to balance the extra cost and effort involved.

Ms. Petitt suggested reducing the legislative body from 15 now to seven, adding that at-large representation would help promote the regional perspective.

Co-Chair O'Leary's call for a vote on a nine-member legislative body received just two votes from Ms. Taylor and Mr. Bergstrom, while merging the Assembly of Delegates and County Commissioners into a seven-member legislative body, with five district representatives and two at-large representatives was accepted.

Partisan Affiliation

Regarding partisan affiliation, Ms. Taylor preferred nonpartisan candidates, and Mr. Lawton noted that nonpartisan campaigns work now in towns, and he cautioned that a change in the winning political party could mean a change in the appointed County Executive.

Still, Mr. Bergstrom said, a partisan label provides information for voters who may not know the candidates, and Co-chair O'Leary added that, with no primary election, there could be multiple names on the ballot.

Special Commissioner Mimi McConnell felt that nonpartisan elections would help avoid polarization and conflict, and Ms. Petitt also favored nonpartisan candidates, adding

that public information from the County could help with promotion, and the discussion concluded with acceptance of the nonpartisan option.

Terms

Four-year terms with staggered nonpartisan elections were preferred.

Compensation

Regarding compensation, Ms. Savarese hoped a broad spectrum of candidates would be attracted, and Mr. Dunham noted the visibility of the current County Commissioners from their frequent travels throughout the County in their work on its behalf.

Mr. Bergstrom reported a budget of \$100,000 for Assembly Delegates, with benefits, while Co-chair O'Leary suggested individual compensation of \$15,000-\$20,000 with no benefits, and Ms. Taylor said that State law determines the benefits voted by the County Commissioners. County Commissioner Mary Pat Flynn explained any compensated elected official must have benefits per Chapter 32B of Mass. General Laws, and Co-chair Rauschenbach added that some candidates need the benefits, while others might refuse them.

Mr. Cole suggested allowing purchase of benefits from salary, and Ms. Savarese favored recommending a salary range, while deferring the benefit question for later consideration.

Co-chair Rauschenbach's suggestion of a salary range of \$15,000-\$25,000, with consideration of benefits to affect the amount, was accepted.

Town Advisory Board

In speaking of the knowledge and experience that Town Managers represent, Ms. Taylor called them the best of the Special Commissioners.

Special Commissioner Mark Forest felt that no Town budget-oversight role was necessary, although Town advice would be valuable, and Ms. Geist reminded that towns contribute only 10% of the County budget.

Co-chair O'Leary said that County services are largely delivered to towns, with some to individuals, so town administrators should advise, sharing their recommendations perhaps quarterly.

Ms. Savarese cautioned against duplicating the current status quoin the new bicameral government, calling for facilitating cooperation and coordination and efficiencies.

Mr. Lawton agreed that town administrators are busy with their own budgets and also meet regularly now, with the County Administrator also participating.

Ms. Petitt felt that regular meetings could encourage towns' support of County programs, and Ms. Rohrbach thought they could help the towns feel more comfortable with changes, while Mr. Bergstrom said that added advisers complicate the decision-making of elected officials.

Mr. Cole said that current meetings of towns and County should continue but not to advise an elected body, and Ms. Savarese called for a continued robust dialogue between town managers and the County to promote efficiency as the objective.

County Commissioner Flynn said that County Commissioners now participate regularly in monthly meetings of the Cape Selectmen's and Town Councilors' Association, and Mr. Dunham felt that quarterly meetings were adequate.

To Co-chair Rauschenbach's call for a vote, Special Commissioners voted unanimously to recommend quarterly meetings of municipal and County representatives.

Special Commission Report

The Co-chairs said they would draft the Special Commission report and present it to the County Commissioners, and Mr. Bergstrom asked for consideration of the County Charter process for any proposed changes. Co-chair O'Leary said that a bill filed by Sen. Wolf could also be considered as an alternative to the County Charter process.

Ms. Petitt called for an Office of Public Information as critical to the successful implementation of the Special Commission's recommendations, perhaps with the help of a task force, although she noted that issue had not been discussed and considered.

Co-Chair Rauschenbach invited her to submit any comments in writing for inclusion in the Co-chairs' narrative, and he said the Special Commission's work had been worthwhile and well worth the time invested. Co-chair O'Leary echoed that sentiment, thanking the Special Commissioners for their participation and contributions and calling the series of Special Commission meetings a great experience.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Marilyn Fifield

Minutes Clerk