

**To:** Barbara Holmes Neil  
Clerk of Courts, Barnstable County

**From:** The Barnstable County Charter Commission

**Date:** May 4, 1988

**About:** Report of the Charter Commission

This Home Rule Charter for Barnstable County places the power and responsibility to deal with the unique problems of Barnstable County with a county government directly accountable to the people of Barnstable County.

This charter improves the organization for planning for and delivery of services and dealing with issues that transcend existing municipal boundaries on the one hand and which cannot be addressed effectively by statewide regulations on the other.

These issues include—but are not limited to—disposal of septage, sewage, solid and toxic wastes; adequate supply and quality of water; air pollution; traffic and transportation; law enforcement; public health.

This Home Rule Charter establishes, for ourselves and our posterity, the means and mechanisms to deal with these promptly and efficiently.

This report summarizes the eighteen month history and actions of the nineteen member Barnstable County Charter Commission. A unanimous recommendation for a strong county government for Barnstable resulted. Appended to this report is the legislation and accompanying amendments and comments from the Secretary of State embodying the recommendations for the establishment of a Home Rule Charter for county government on Cape Cod.

County government has been a significant part of Cape Cod heritage for three hundred years. Modernizing and improving its structure and functions has been a concern in the recent past. In 1982, the county commissioners established a twenty-member Barnstable County Government Review Committee to examine, assess and make recommendations for the future. The Review Committee's research and conclusions were utilized by the Charter Commission in their deliberations.

In 1985, the Massachusetts legislature created a unique opportunity for the counties of the Commonwealth to examine the role, structure and function for continued existence. Charter 801 was enacted by the Great and General Court creating the Barnstable County Charter Commission and outlining its responsibilities. Elections were held and representatives from each town on the Cape along with the Chairman of the Finance Advisory Board and the three county commissioners first met on December 16, 1986. In early 1987, the three county commissioners and the county treasurer, an elected representative, stepped down to avoid any possibility of conflict of interest. Replacements were named, and the full nineteen-member commission completed their task. The appended legislation is the result of over thirty charter commission meetings, fifteen public hearings and the suggestions and counsel of county personnel, selectmen, the consulting firm of Bennett & Shaw and a number of public and private individuals dedicated to developing an efficient, effective regional government for Cape Cod.

The charter retains the ability of the county to perform such regional services as the Constitution of the Commonwealth and the general laws permit. It gives the county power to establish innovative programs as future needs dictate. Nothing in the charter impairs, diminishes or infringes on the powers and duties of the towns.

The charter creates a governing body for Barnstable County which includes both legislative and executive functions. The model for the structure follows the pattern of government in the fifteen towns. The executive functions are embodied in a three member board of county commissioners analogous to the selectmen of town government. The three commissioners will employ a full-time professional county administrator to operate the day to day administration of the government. The county commissioners will be elected Cape-wide in a partisan election with overlapping four-year terms of office. No more than one county commissioner may be elected from any town. The executive is given a veto, subject to a two-thirds legislative override. This allows for a healthy system of checks and balances between the two branches of government. The county commissioners will meet at least four times a month. An administrative code will be prepared by the executive and submitted to the legislature for approval ninety days after the establishment of county government.

Barnstable County cannot assume more responsibility for regional issues without the establishment of a directly elected legislature. The legislative body, similar to town meeting, will exercise all legislative

functions previously carried out by the commissioners. In order to provide for the individual voices of the Cape towns, the legislative body called the Assembly of Delegates consists of one member elected from each town with a vote weighted by population. Delegates are elected for a two year term of office in a non-partisan election. The Assembly shall meet at least once a month and as often as needed to carry out the county business. The county budget will continue to be made up by the executive, analyzed by the FAB and enacted by the newly created Assembly.

The charter establishes a department of finance headed by a professional financial officer. The present treasurer's position will continue for one term on an elected basis and thereafter on an appointed basis. While the new county government relies on traditional revenue sources, the Charter Commission thoroughly discussed the necessity of creating a governance with adequate funding capabilities. Provisions in the charter allow the county latitude in utilizing the stamp tax revenues at amounts not to exceed that currently imposed by the state. The new county government should request that the county be made eligible for federal and state grants, loans and technical assistance in the same manner as municipalities. The growth factor of the several towns in Barnstable County should be incorporated into the formula mandated by proposition 2½ for calculating the increase in the county budget. The county should be included in the distribution of the state/local funds. Legislation should be sought to make these decisions a matter of county home rule.

The petition appended was adopted by the Barnstable County Charter Commission at its meeting on April 14 with the following recorded vote:

**Voting in the affirmative:**

LUCIEN P. POYANT, JR. of Barnstable  
LOUISE CROCKER of Brewster  
THOMAS E. DONOVAN of Bourne  
NANCY E. TERRY of Chatham  
HARRIET E. SEARS of Dennis  
WALLACE RUCKERT of Eastham  
MILTON M. GRAY, JR. of Orleans  
GEORGE BRYANT of Provincetown  
ROBERT LEVY of Truro  
BARBARA FEGAN of Wellfleet  
ROBERT KOENIG, designee of  
County Commissioner  
CHARLES EAGER, designee of  
County Commissioner

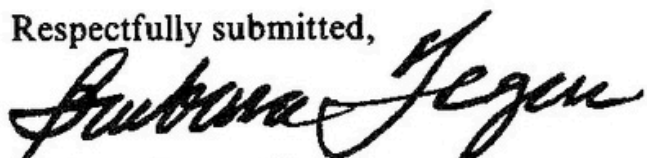
**Abstaining:**

MARY J. K. BURRES of Sandwich  
ROBERT FRANZ, Chairman, Financial  
Advisory Board

**Absent:**

JULIA TAYLOR of Falmouth  
JAMES M. FALLA of Harwich  
ELIZABETH PETTI of Mashpee  
JAMES IGOE III of Yarmouth  
ANDREW KAMARCK, designee of  
County Commissioner

Respectfully submitted,



Barbara Fegan, Clerk

# HOUSE . . . . . No. 5390

By Mr. Morin of Barnstable, petition of Peter B. Morin, Henri S. Rauschenbach, Thomas S. Cahir, Howard C. Cahoon, Jr., and Paul V. Doane relative to a charter for Barnstable County. Counties.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

### AN ACT RELATIVE TO A CHARTER FOR THE COUNTY OF BARNSTABLE

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding the provisions of any general or  
2 special law to the contrary the county of Barnstable shall be  
3 governed by the provisions of the following Home Rule Charter.  
4 If this act is accepted by the voters of Barnstable County at the  
5 state election held in the current year the county of Barnstable  
6 shall thereafter be governed by the provisions of this act: to the  
7 extent that the provisions of this act modify or are otherwise  
8 inconsistent with any special or general law the provisions of this  
9 act shall govern.

1 SECTION 2. In Barnstable County, in addition to the excise  
2 imposed on deeds, instruments and writings pursuant to the  
3 provisions of chapter sixty-four D of the General Laws and  
4 chapter five hundred and forty-six of the acts of nineteen hundred  
5 and sixty-nine, the Barnstable County assembly of delegates with  
6 the approval of the Barnstable County board of county  
7 commissioners may adopt an additional excise on such deeds,  
8 instruments and writings filed with the register of deeds of said  
9 county at a rate up to but not exceeding the rate imposed by the  
10 commonwealth under such statutes. The revenue provided by this  
11 additional excise shall be retained by Barnstable County.

1 SECTION 3. For the purpose of Barnstable County the phrase  
2 "except as otherwise provided," which appears in the first and