

Board of Selectmen

Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on **Tuesday, July 16, 2013 at 6:00 pm** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657

Submitted by

Posted by

DJ

7/12/13 12:00 pm

Austin Knight, Chairman

Town Clerk

Date, Time Posted

1. Presentation and discussion: Update on proposed restructuring of County government .
No votes will be taken.
2. Public Comments.
3. Other - Other matters that may legally come before the board not known at the time of posting.
Votes may be taken.



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

July 16, 2013 -Tuesday - 6:00 pm

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UPDATE ON PROPOSED RESTRUCTURING OF COUNTY GOVERNMENT

Requested by: Board of Selectmen

Action Sought: Approval

Proposed Motion(s)

Presentation and open discussion: Update on proposed restructuring of County Government. No votes will be taken.

Additional Information

See attached related material: 1) Special Commission on County Governance Recommendations; B) Barnstable County Resolution 13-01; C) Resolution of the Barnstable County Board of Regional Commissioners.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

A

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.

SPECIAL BARNSTABLE COUNTY COMMISSION RECOMMENDATIONS

- 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, non-profits or for-profits) and track progress.

SPECIAL BARNSTABLE COUNTY COMMISSION RECOMMENDATIONS

• 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

SPECIAL BARNSTABLE COUNTY COMMISSION RECOMMENDATIONS

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

SPECIAL BARNSTABLE COUNTY COMMISSION RECOMMENDATIONS

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

BARNSTABLE COUNTY
In the Year Two Thousand and Thirteen



RESOLUTION 13-01

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

The foregoing Resolution was adopted by the Barnstable County Assembly of Delegates by a roll call vote with 63.71% voting yes, and 36.29% voting no at the regular meeting held on February 6, 2013.

Attested by:

Janice O'Connell, Clerk
Barnstable County Assembly of Delegates



RESOLUTION

of the

Barnstable County Board of Regional Commissioners

Be it hereby RESOLVED,

Whereas, Barnstable County is the regional government of Cape Cod, which has as its mission "to promote and sustain a proactive open government that enhances the quality of life for the citizens of Barnstable County;" and

Whereas, the quality of life on Cape Cod is affected by issues such as wastewater, transportation, economic development, affordable housing, and energy and which cross town boundaries and require coordinated regional action in order to study, implement and fund effective programs and projects; and

Whereas, the Commissioners formed a Special Commission on County Governance to examine ways to enhance the functioning of Barnstable County government, and said Special Commission consisted of twenty-six citizens with civic, environmental, governmental, business, institutional, local and regional experience and perspectives; and

Whereas, the Special Commission invited testimony and information from County departments, town leaders, economic leaders, institutional leaders and others concerning a wide range of issues, programs and policies as well as the functioning of County government, and the Special Commission reviewed and discussed said testimony and information in meetings that were open to the public; and

Whereas, given the regional issues of concern to Cape Cod, the Special Commission recommended that a more streamlined structure of governance would promote pro-active, cost effective, efficient, transparent and accountable government action on behalf of the citizens of Barnstable County; and

Whereas, a streamlined structure of governance would facilitate communication and cooperation with municipalities in furtherance of collaboration, cost effectiveness, efficiencies between government units, regionalization, provision of regional services and other matters of regional interest.

Therefore be it resolved that the Board of Commissioners for the County of Barnstable endorses the following changes to the governing structure of Barnstable County:

1. The Board of Regional Commissioners and the Assembly of Delegates should be merged into a new legislative and policy-making body consisting of no more than 7 members. Members of the new legislative body would be the Chief Elected Officials


of Barnstable County and would be elected on a non-partisan basis by district for staggered four-year terms.

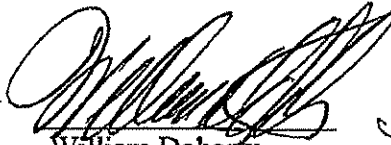
2. The executive functions of the County should be vested in a new County Executive position, which would be the Chief Executive Officer and Chief Administrative Officer of the County. The County Executive would be appointed by a majority of the Chief Elected Officials, would appoint all County employees and be responsible for all administrative functions of the County.

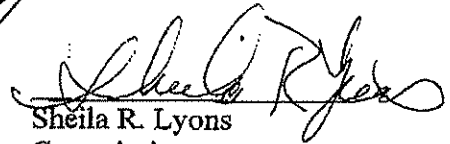
To implement the foregoing it is further resolved that the Commissioners shall:

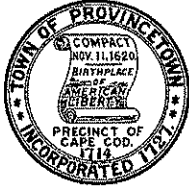
- a) Forward this resolution to the Assembly of Delegates and any charter review commission formed thereby to convey the position of the Chief Elected Officials of the County; and
- b) Explore and, as advisable, pursue all legislative and administrative measures necessary to present the changes in County governance structure proposed herein to the voters of Barnstable County.

Approved by the Board of County Commissioners 8/15/2013 (date), at _____ (time).


Mary Pat Flynn
Chairman


William Doherty
Vice-Chairman


Sheila R. Lyons
Commissioner



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
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PUBLIC STATEMENTS - COMMENTS

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Comments from the general public.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST
July 16, 2013**

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OTHER

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Other matters that may legally come before the board not known at the time of posting.
Votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>