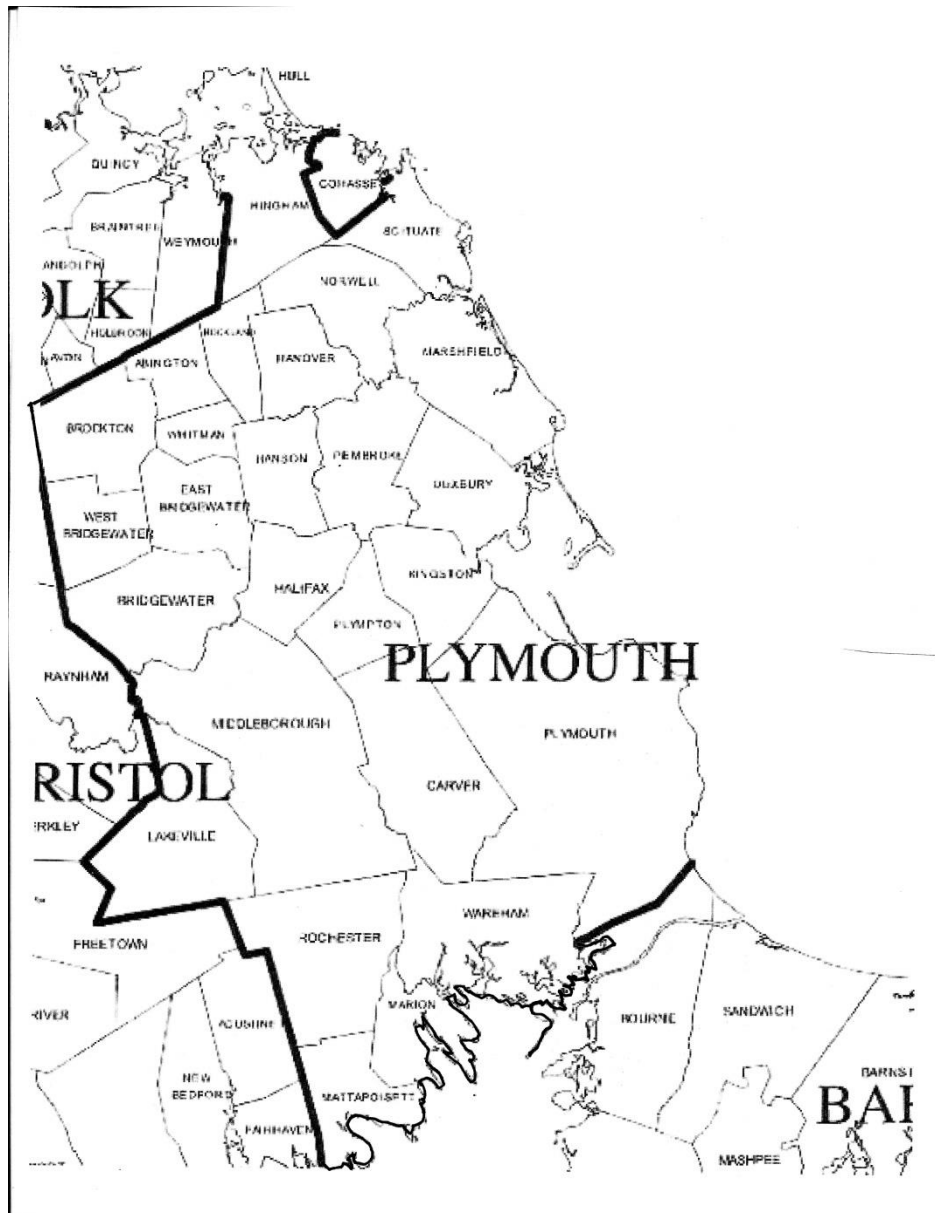


# A Charter For Plymouth County ?

A Report By

## The League of Women Voters of Hingham

May, 2014



## A CHARTER FOR PLYMOUTH COUNTY?

May 2014

### WHO CONDUCTED THIS STUDY?

Since 1920 the mission of the League of Women Voters has been to secure democracy's promise through voter education, issue advocacy, and citizen outreach. Our goal remains to help create a participatory democracy for the 21<sup>st</sup> century. We believe a healthy democracy is one where citizens are involved in their communities, and are well-informed at the ballot box, in public policy debates, and in governmental deliberations.

Voters in Plymouth County might be presented either at the November 2014 election or a subsequent election with a ballot question asking whether they will approve the adoption of a charter for Plymouth County. This possibility provided the motivation for the League of Women Voters of Hingham (LWVH) to conduct this study at this time. LWVH members feel that it is an appropriate and timely topic for our League chapter to study and conforms to the League's mission of educating voters about public policy choices they might be called upon to make.

A subcommittee of the LWVH prepared this report on Plymouth County government to provide voters with information about the proposed Plymouth County Home Rule Charter ("the Charter") and House Bill 1831, which seeks approval from the Massachusetts General Court for placing the Charter before the voters on the November 2014 ballot. In accordance with League process, the report was presented to the membership of our Chapter and concurrence was reached on the recommendations at the end of this report. LWVH members serving on this sub-committee are Catherine Salisbury (Chairman), Kate Boland, Eva Marx and Mary Kenyon.

The information in this report is public information that has been obtained from the Massachusetts General Laws (MGL), internet research, other League chapters, interviews with public officials, handouts distributed at Plymouth County Advisory Board meetings, and legislation filed in 2013 in the General Court by the Plymouth County Charter Commission. The report addresses:

- The history of counties in Massachusetts
- How Plymouth County government is run
- What Plymouth County government does
- What Plymouth County government does not do
- Where Plymouth County revenues come from
- How Plymouth County spends its revenues
- Inter-municipal cooperation in Plymouth County
- Provisions of the proposed Plymouth County Charter
- Whether Plymouth County voters should approve the proposed Charter

### THE HISTORY OF COUNTIES IN MASSACHUSETTS

When English settlers arrived in New England, they brought with them their tradition of counties. Dividing its domain enables the state to extend its reach and carry out its functions locally. County seats allow citizens to conduct their business or obtain a jury trial before their peers closer to home. Counties can exist merely as lines on a map delineating geographical regions for judicial purposes, such as in Rhode Island, or can have organized forms of government set by statute, such as in Massachusetts.

In Massachusetts the first counties to be incorporated in 1643 were Essex, Middlesex, and Suffolk. Barnstable, Bristol, and Plymouth Counties were incorporated in 1685 and the remaining eight in later years. All 14 Massachusetts counties were organized as judicial, election, and fiscal districts, and probate and land registries. Counties traditionally oversaw the county sheriff's department and operated courthouses, houses of correction, and the registries of deeds and probate. Counties also operated agricultural schools and extension services, maintained tubercular hospitals and training schools for juvenile offenders, and provided medical examiner services.

Cities and towns were being incorporated concurrently with the establishment of county government in Massachusetts. There are 351 cities and towns in the Commonwealth. Municipal and county governments have operated side by side with distinctly different functions. Since colonial times New England cities and towns have delivered services directly to residents. These services have grown to include public safety, public health, public education, land use control, highway construction and maintenance, solid waste disposal, delivery of water supply, wastewater treatment and disposal, historical preservation, recreation, conservation and environmental protections, economic development, and enforcement of state statutes such as the Building Code, Title 5 (septic regulations), the Wetlands Protection Act, and the Sub-Division Control Law. In other parts of the United States counties commonly provide some or all of these services.

The Commonwealth has gradually, over a period of years, assumed county functions and incorporated them into existing state departments. Starting in 1997 (MGL Chapter 48 of the Acts of 1997), eight Massachusetts counties were abolished--Franklin, Middlesex, Hampden, Worcester, Hampshire, Essex, Berkshire, and Suffolk. The functions performed by these counties were transferred to relevant state departments and employees of those abolished counties became state employees. In 2009 the Commonwealth transferred the sheriff's departments in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth, and Suffolk Counties to the Commonwealth (MGL Chapter 61 of the Acts of 2009). However, those six remaining Massachusetts counties still retain their other statutory functions.

## HOW PLYMOUTH COUNTY GOVERNMENT IS RUN

Plymouth County Government is governed by a three-member Board of Commissioners (MGL Chapter 54 s.158) elected countywide at state elections for a four-year term. The Register of Deeds, Register of Probate, Sheriff, Clerk of Courts, and County Treasurer are elected for six-year terms and the District Attorney for a four-year term. As elected public officials, all are accountable to the voters.

An advisory board on county expenditures is required in each county (MGL Chapter 35 s. 28B). Each of the 27 municipalities within Plymouth County appoints an Executive (either a Selectmen or Mayor) to serve on the Plymouth County Advisory Board. Voting is proportional to the municipality's county property tax (Attachment 1). The Advisory Board Chair appoints five Advisory Board members to serve as the Advisory Board's Executive Council. The Commissioners serve as the executive branch and the Advisory Board as the legislative branch of county government. The Advisory Board approves the annual budget and any special assessments.

## WHAT DOES PLYMOUTH COUNTY GOVERNMENT DO?

MGL Chapter 34 s. 3 requires each county to provide suitable jails, houses of correction, fireproof offices, and other public buildings for its use. Plymouth County owns three courthouses (Brockton Superior Court, Hingham District Court, and Wareham District Court), two Registries of Deeds

(Brockton and Obery Street in Plymouth), the District Attorney's Building in Brockton, the Sheriff's Administrative Building and House in Plymouth, and the Administration Building on Obery Street, Plymouth. The County built the Plymouth Registry of Deeds building; Entergy Nuclear Generation Company, which owns and operates the Pilgrim Nuclear Power Station in Plymouth, built the Administration Building. The three courthouses and the District Attorney's Building are rented to the Commonwealth. Entergy occupies the Administration Building.

The Commonwealth built the new Plymouth County Court (which houses the Superior and District Courts) and the new Brockton District Court in Brockton and owns the Plymouth County House of Correction, which was built by Plymouth County and is located in the Town of Plymouth. The Plymouth County Commissioners sold the 1820 County Courthouse and the Commission Building to the Town of Plymouth, which is redeveloping them as a new Plymouth Town Hall. The Plymouth County Government is expected to move into the Administration Building when Entergy vacates it in 2015.

Plymouth County is responsible for maintaining and repairing the buildings that it owns. The County also owns unimproved land, which, subject to state oversight, the Commissioners can use, rent, or sell.

The Commissioners oversee 83 employees who work for Plymouth County. These employees work in County Administration (21); maintain the courthouses, District Attorney Building, and the Registries (17); and staff the Registries of Deeds (45). MGL Chapter 35 s. 51 establishes a County Personnel Board consisting of the county administrators of all existing counties and mandates the procedures the Board must follow in its supervision of county employees. The County Personnel Board reports to the state Department of Administration and Finance and has to follow state rules and regulations regarding employee positions and benefits, which the Commissioners in turn have to follow in their supervision of county employees.

The Plymouth County Commissioners also perform a number of functions on behalf of member municipalities. These include preparing and issuing cooperative procurements, collecting and accounting for parking ticket payments, handling administrative tasks for the Mayflower Municipal Health Group, underwriting the Plymouth County 4H Program, running the Plymouth County Energy Collaborative, and maintaining a fire plane for use by Plymouth County fire departments. The County has received grant monies for a regional services project and for the purchase of a dredge for shared municipal use.

## WHAT DOES PLYMOUTH COUNTY GOVERNMENT NOT DO?

This section aims to clarify a number of misconceptions regarding the functions of the Plymouth County Commissioners. The Plymouth County Commissioners do not supervise the work of personnel in the courthouses, other than maintenance workers. The clerk and staff, prosecutors, probation officers, court officers, court reporters, librarians, and judges are state employees who report to the state judicial department. Similarly, employees of the Plymouth County Sheriff's Department are state employees.

The Plymouth County Contributory Retirement System, to which many Plymouth County municipalities belong, is an independent entity governed by MGL Chapter 32 s. 20. The Plymouth County Contributory Retirement System has 56 member units including municipalities, housing authorities, regional school districts, a regional health district, a regional disposal district, Plymouth County government, fire districts, mosquito control districts, and the Tri-Town Development Corp. The Public Employee Retirement Administration Commission (PERAC) supervises this retirement system

as well as 104 other public pension systems in Massachusetts (MGL Chapter 32 s. 21).

A five-member retirement board governs the Plymouth County Contributory Retirement System, which covers approximately 11, 425 participants. The Plymouth County Treasurer is a non-voting member of the Board and serves as Chairman. The County Commissioners appoint a second member, the membership elects two members, and one member is chosen from the Plymouth County Retirement Board Advisory Council, which consists of the Plymouth County Treasurer and the treasurers, elected or appointed, of each town, unit, or district belonging to the Retirement System. Each member unit has one vote.

Similarly, many Plymouth County municipalities are members of the Mayflower Municipal Health Group, which is governed by Chapter 32B of the Massachusetts General Laws. MGL Chapter 32B s. 12 authorizes participating governmental units to join together to negotiate and purchase HMO coverage and health, dental, and life insurance. Each participating unit appoints one person to serve as a member of the board. Each member has one vote. The Mayflower Board contracts with the Plymouth County Commissioners to handle the administrative services necessary to carry out the provisions of Chapter 32B and the Mayflower Municipal Health Group Agreement. This contract is revenue neutral. The Mayflower Municipal Health Group pays for contractual services, supplies, and the salaries of three Plymouth County employees who provide necessary services.

Finally, the General Court created the Plymouth County Mosquito Control Project in 1957 as a special district to be run by the state, not the county, as a regional response to a regional problem. It provides a way of organizing specialized equipment, specially trained employees, and mosquito control professionals into a single agency with broad geographic responsibility.

#### WHERE DO PLYMOUTH COUNTY REVENUES COME FROM?

Plymouth County revenues come from four sources: 1) county property taxes, 2) the Deeds Excise Fund and recording fees, 3) rental fees from county-owned properties, and 4) revenues earned on County projects or received from grants. The 2014 Plymouth County budget, which was approved by the Advisory Board on May 30, 2013, was based on projected income of \$9,749,685.37 (Attachment 2).

Each of Plymouth County's 27 municipalities pays an annual county tax, which is determined by the percentage that each municipality's total property valuation bears to the total valuation of all the property in Plymouth County (MGL Chapter 35 s.31). County taxes for FY 2014 totaled \$1,392,893.37 (approximately 14% of total revenue).

Registry of Deeds recording fees accounted for \$4,050,000.00, or 42%, of total revenues. Revenues amounting to \$1,275,000.00 (approximately 13% of total revenues) were projected to come from the Deeds Excise Fund (MGL Chapter 64D s.11). Plymouth County is entitled to 10.625% of the Fund's annual revenues. This legislation also requires 60% of the Deeds Excise Fund revenues to which Plymouth County is entitled to be expended for the operation and maintenance of the County and the remaining 40% to be expended for the automation, modernization, and operation of the Registry of Deeds (MGL Chapter 64D s. 12). Further, each year's budget proposed by the Registry of Deeds must allocate expenditures of not less than 102.5% of the amount expended in the preceding fiscal year for operation and maintenance of the registry.

The three courthouse rentals (Brockton Superior Court, Hingham District Court and Wareham District

Court constituting 88,000 square feet of space) were projected to generate \$1,660,262 in revenue. The District Attorney Building in Brockton would generate \$125,000, the Brockton Registry of Deeds would generate \$40,000 (rental paid by Congressman Stephen Lynch), and the Plymouth Registry of Deeds would generate \$13,530 from lock box rentals. The total of all FY 2014 rents were projected to be \$1,838,792 or approximately 19% of total revenues.

The fourth source of County revenue totaled \$1,193,000 (approximately 12% of revenues) and resulted from service provision or grants. The Mayflower Health Group paid the largest sum (\$260,000) for administrative services rendered by Plymouth County employees to carry out the provisions of MGL Chapter 32B and the Mayflower Municipal Health Group Agreement for Joint Negotiation and Purchase of Medical, Health, Dental, and Life Insurance Coverages. Other earned income included an investment management fee (\$60,000) for investment advice provided by the Plymouth County Treasurer to the Mayflower Municipal Health Group, municipal cooperative procurement services (\$5,000), administration of a municipal parking ticket program (\$100,000), facilitation of a countywide energy procurement project (\$225,000), revenues derived from the Plymouth County Extension Service (\$18,000), revenue derived from landfill capping and closure (\$5,000), development of a wood lot (\$5,000), miscellaneous income (\$10,000.00), and interest on County accounts (\$5,000). Plymouth County received a \$500,000 state Regional Services Grant, which was included in FY 2014 revenues.

## HOW PLYMOUTH COUNTY GOVERNMENT SPENDS ITS REVENUES

The FY 2014 Plymouth County budget approved by the Advisory Board on May 30, 2013 totaled \$9,749,216.86 (Attachment 3). Attachment 4 lists the 17 categories in descending order of allocation. Special Accounts, the largest single category of expenditure, includes approximately \$2.6 million for group health insurance for active and retired Plymouth County employees. This cost represents roughly 27% of the budget.

Total Plymouth County personnel expenses of \$4,097,516.58 represented approximately 42% of the total budget. The details are as follows:

The Registry of Deeds with 45 employees and personnel costs of \$2,369,227.46 represented more than half of total personnel costs. The Commissioners' Office, with three full-time employees and a \$15,000.00 stipend for each of the three Commissioners, had a budget of \$243,577.32 for personnel. The Treasurer's Office budget, with 5 full-time employees, included \$387,351.92 for personnel expenses. The Building Maintenance Department, with 17 full-time employees, budgeted \$675,948.24 for personnel. The three Plymouth County employees devoted to administering the Mayflower Municipal Health Group contract received \$141,044.40, the three-and-one-half full-time-equivalent employees who work in the Cooperative Extension Service received \$162,416.12, the two full-time employees in the Parking Department received \$83,749.68, and the one employee in the Regional Services Department received \$34,201.44.

The remaining major expense lines in the FY2014 Plymouth County budget were \$687,570 for contributory retirement payments to the Plymouth County Retirement System; \$121,000 for contractual services such as appraisal, auditing, accounting, legal, and professional services; \$375,300 for current charges and obligations such as Workers Compensation, Medicare contributions, and building, auto, and other insurance premiums; \$123,818.25 for interest on a loan taken out for the construction of the Plymouth County Registry of Deeds; and \$275,000.00 for debt reduction payment related to the same loan.

These items total \$1,461,688.25, or roughly 15% of the total budget. The remaining 16% of the budget is attributable to other contractual services, other current charges and obligations, supplies, equipment, firefighter training, capital improvements, human services, Plymouth County Development Council, the Fire Control airplane, the engineering and purchasing departments, and the Charter Commission.

There are three “off-budget” fiscal items that need inclusion in this discussion.

First, the Commonwealth billed Plymouth County a “continuing payment” of \$414,844.12 to cover the health insurance costs of the Plymouth County Sheriff’s Department employees. The Plymouth County Commissioners disputed the requirement to make this payment and stopped making payments in 2010, the year that the Commonwealth took over the Sheriff’s Department. This charge remains an open issue between the Massachusetts Department of Administration and Finance and Plymouth County. This sum did not appear in the FY2014 Plymouth County Budget.

Second, when the Commonwealth took over the sheriff’s departments in 2010, pension obligations for retired employees in the departments were imposed on the existing counties. In the case of Plymouth County that unfunded obligation amounted to over \$31,000,000. The Secretary of Administration and Finance has established a plan for county governments to pay off these unfunded pension liabilities and the Public Employee Retirement Administration Commission (PERAC) has set an amortization schedule to accomplish this task.

In 2013 the Plymouth County Contributory Retirement System sued the Plymouth County Commissioners and the Commonwealth to recover the sums owed it to date for those retirees. As a result, the Commonwealth allowed the “re-direction” of \$1,729,067 from the state’s portion of the Deeds Excise Fund to Plymouth County. At the September 12, 2013 meeting of the Plymouth County Advisory Board a unanimous vote of the Board again “re-directed” this amount to the Plymouth County Contributory Retirement System. This re-direction is permitted by statute (MGL Chapter 64D s.11) and does not appear in the FY 2014 Plymouth County budget although it is a Plymouth County obligation.

Third, the Plymouth County Commissioners sold a parcel of land containing 112,370 square feet on Long Pond Road in Plymouth on January 7, 2013 (Book 42527, page 229 of the Registry of Deeds). The proceeds were used to pay some previous year’s obligations. The proceeds from this transaction were not reflected in the 2013 Revenue Forecast under “Real Estate Disposition.”

## INTERMUNICIPAL COOPERATION IN PLYMOUTH COUNTY

As part of the LWVH research for this report, committee members interviewed administrators of the 27 municipalities that comprise Plymouth County to determine the extent to which these municipalities cooperate with one another to address common problems. Respondents included a town administrator, town manager or assistant in each municipality. They were asked for examples of their municipality entering into a formal inter-municipal agreement with one or more other municipalities as authorized by MGL Chapter 30B, Chapter 40 s. 4a, Chapter 71 s. 15, or Chapter 44 s. 28C to deliver services cooperatively.

The seven main areas listed were cooperative procurements, schools, water supply, sewage treatment, public safety, transportation, and trash disposal. Procurement means cooperative Invitation for Bids run by a public entity in conformance with MGL Chapter 30B. Such public entities include Plymouth County, Southeastern Regional Services Group, Metropolitan Area Planning Council, Town of

Kingston, Southeastern Regional Planning and Development District, and South Shore Regional Purchasing Group. Schools include both regional schools and membership in one of the regional vocational high schools. Water Supply and Sewage Treatment refers to municipalities that share infrastructure (actual pipes in the ground). Public Safety means shared dispatch centers for 911 calls, shared Emergency Operations Centers for Disaster Relief, and a joint drug enforcement program.

Transportation includes membership in the Brockton Area Transit, Greater Attleboro Transportation Regional Authority, and the Massachusetts Bay Transportation Authority. And, finally, Trash Disposal includes a shared contract for trash removal, a shared transfer station or hosting SEMASS, which is a regional trash incinerator. Attachment 5 shows existing inter-municipal cooperation. The Detail of Shared Services (Attachment 6) spells out what services are shared.

Respondents were also asked the following three questions: 1) How has Plymouth County government facilitated the joint delivery of services by several municipalities in the past? 2) What are those services? and 3) How did they work out? A number of municipalities successfully utilize the County's cooperative Invitation for Bids for fuel oil, sand, and public safety vehicles. Several cited the Plymouth Mosquito Control, which is a state-run program that serves the Plymouth County region. Others mentioned the Mayflower Municipal Health Group, which is an independently organized board authorized by MGL Chapter 32B. Several municipalities said they used the Plymouth County parking ticket program.

Another question was "Do you think your municipality would be interested in utilizing Plymouth County government to facilitate the joint performance of local government functions such as were mentioned in this survey? For example, forming a Regional Fire District?" Generally the responses were favorable. The administrators expressed an interest in sharing services with the caveat that they would have to review any specific proposal to see whether it would benefit their municipality.

The final questions were "Are you aware that there is a proposed Home Rule Charter for Plymouth County in the General Court (HB 1831) which has been assigned to the Committee on Municipalities and Regional Government for review? Has your Board of Selectmen or City Council taken a public position?" Most of the respondents were either unaware or only vaguely aware of the proposed Charter. None of the Boards of Selectmen or City Councilors in the 27 municipalities had taken a formal position on the Charter.

## HISTORY OF THE PROPOSED CHARTER FOR PLYMOUTH COUNTY

A question on the November 2, 2010 state election ballot asked, "Shall a charter study commission be created to study the present governmental structure of Plymouth County to consider and make findings concerning the form of government and make recommendations thereto?" It passed with 86,894 in favor; 84,584 against, and 22,574 blanks. Voters were also asked to vote for one Charter Commission member for each of 15 districts.

The Charter Commission, in accordance with the provisions of MGL Chapter 34A met regularly for 18 months. In 2012 the majority voted to petition the General Court for a Special Act enabling the Commission to carry out its recommendation, i.e., submit a special Home Rule Charter to the voters of Plymouth County. The legislation seeking the Special Act, House 1831 with the Charter, is available at [www.malegislature.gov/Bills/188/House/H1831](http://www.malegislature.gov/Bills/188/House/H1831). If approved, the earliest that this Charter could be on the ballot is the November 2014 election.



A minority of Charter Commission members filed a minority report, which can be found at <http://plymouthminorityopinion.webs.com/the-minority-opinion>. The minority report takes the position that the proposed Charter greatly enlarges Plymouth County government and entitles it to 42.4% of the Deeds Excise Fund without addressing oversight, accountability, and needed reform.

Plymouth County does not currently have a formal Charter. It is governed, as are all Massachusetts counties, by Chapters 34, 35, and 36 of the Massachusetts General Laws. In 1986 a different Charter Commission proposed a Charter for Plymouth County, which Plymouth County voters defeated in 1988. If the currently proposed Charter does not receive approval, Plymouth County will continue to function as it does now.

## WHAT DOES THE PROPOSED PLYMOUTH COUNTY CHARTER PROVIDE?

The proposed Charter gives "Plymouth County Government the power and the authority to establish programs and to perform any service, activity or undertaking for, or on behalf of, any governmental unit which said governmental unit has the legal authority to perform for itself." The proposed Charter goes on to say: "It is the intent of this Charter to permit, enable or otherwise authorize cities and towns to employ services and facilities of or under Plymouth County Government when said cities and towns deem it desirable so to do for more effective, efficient or adequate provision of services." Examples of local service functions that Plymouth County Government might deliver "that will best serve geographic, economic, population and other factors without regard for any existing political boundaries" are public works including street and road layout, construction, and maintenance; dredging of channels and harbors; refuse and garbage removal; public health services; building inspection; water supply, treatment, and distribution; sewage collection, treatment, and disposal; police, fire, and other public safety services; parks, playgrounds, and other recreation-related facilities; assessment of real and personal property; planning and zoning; transportation; and veteran services.

To accomplish these goals, the Charter establishes a five-member Executive Council, which would be elected countywide. According to the proposed Charter, the council "may exercise whether directly by such Executive Council or through the several agencies under its direction and supervision" the executive powers of the Plymouth County Government (Section 1, Article 2, section 2-2). These executive powers include the power to organize and regulate its internal affairs; adopt, amend, enforce, and repeal the Administrative Code; construct, acquire, operate, and maintain public improvements, projects, or enterprises for any public purpose; exercise powers of eminent domain, borrowing, and taxation to the extent authorized by this charter and by law; exercise all powers of a government in such manner as the governing body shall determine; sue and be sued, have a corporate seal, contract and be contracted with; contract with or sign agreements with other governmental units for the provision of a joint, coordinated or cooperative service or function; and apply for and administer grants.

The Advisory Board of the new Plymouth County Government would serve, as now, as the legislative branch. It would consist of 27 members (one from each member municipality) who are appointed by the Executive branch of each city or town. The appointee may be any resident and does not have to be a Selectman or Mayor. The vote of each Advisory Board member would be weighted in proportion to its county tax assessment as it is now. The Advisory Board would continue to meet annually to approve the Plymouth County budget. The Charter states in addition that the Advisory Board must hold special meetings to approve the purchase or sale of county land, to ratify the compensation and employment of the County Administrator and as otherwise necessary to complete their functions.

The Charter proposes that the Chief Administrative Officer, or County Administrator, be appointed by majority vote of the Executive Council and ratified by a majority of the Advisory Board. One task of the County Administrator would be to initiate three Committees and serve as a non-voting member of each. The first is a Planning and Growth Committee made up of nine members of the Advisory Board appointed by the Chairman of the Advisory Board and a representative of each of the three regional planning agencies, i.e., the Old Colony Planning Council, the Metropolitan Area Planning Council, and the Southeastern Regional Economic and Development Council.

The County Administrator would also initiate a Committee on Programs and Services, which would consist of nine members of the Advisory Board appointed by its Chairman, one state representative, one state senator, and the Register of Deeds. Finally, the Charter would establish a Finance and Revenues Committee consisting of the County Treasurer, nine members of the Advisory Board, one state representative, and one state senator.

The proposed Charter makes no changes to either the Register of Deeds or County Treasurer, which remain elected positions with the same statutory duties as now. The Charter does provide for recall provisions for elected Plymouth County officials.

Finally, section 7 of the proposed Charter states: "Plymouth County will receive 42.4% of all money collected in Plymouth County for recording fees, state stamps and deed excise taxes." Currently Plymouth County collects 10.625% of the Deeds Excise Fund revenues.

#### SHOULD VOTERS IN PLYMOUTH COUNTY VOTE FOR THE PROPOSED CHARTER?

The League of Women Voters of Hingham recommends that voters vote "NO" on the proposed Charter. The following sections raised concerns:

SECTION 1. ARTICLE 3. Section 3-1 (b). The Plymouth County Advisory Board is the legislative branch of Plymouth County government and is responsible for approving the annual Plymouth County budget as well as any supplemental budgets. Under the proposed Charter, the Advisory Board remains at its current 27 members with one member representing each of the county's 27 municipalities. However, the Charter removes the requirement that Advisory Board members be elected officials. The Charter proposes that the executive branch of each member municipality appoint a representative to the Advisory Board who may, according to the Charter, be any resident of the municipality and not limited to an elected Selectman or Mayor, as is the current practice. Elected officials have clear lines of accountability to the voters and are empowered to make decisions on their behalf. A Plymouth County Advisory Board composed of members who are not elected members of the executive branch would not be accountable to the voters of the municipality that they represent. Furthermore, elected Selectmen and Mayors have experience reviewing their own municipality's budget, are responsible for the development of that budget, and understand the implications of assessments upon their municipality's finances. They can be called upon to justify the inclusion in their own municipal budgets of county assessments that they might approve in their capacity as Advisory Board members. Non-elected representatives would not offer similar accountability.

SECTION 1. ARTICLE 2. Section 2-3 (a) and (c). The Charter creates a Planning and Growth Committee, which has no stated mission. The proposed committee would include representatives from three Regional Planning Agencies (RPAs)—Old Colony Planning Council, Metropolitan Area Planning Council, and Southeastern Regional Economic and Development Council. Massachusetts law divides the Commonwealth into regional planning districts, each with its own planning agency. These RPAs

work with municipalities on issues, such as transportation or land use, that affect more than one municipality in their region. There do not appear to be common countywide concerns of this nature that would warrant a mandated countywide body. Moreover, with no mission stated in the Charter, we do not perceive any current need for or value in a County Planning and Growth Committee and deem this an unnecessary burden for those agencies.

SECTION 1. ARTICLE 7. Section 7-2. The Charter would entitle Plymouth County to claim 42.4% of all money collected in Plymouth County for recording fees, state stamps, and deeds excise taxes. This is roughly equivalent to the amount (42.5%) that the County collected prior to the Commonwealth taking over the Sheriff's Department. The amount appears arbitrary and there is no provision or requirement that the Plymouth County Commissioners use any of this additional revenue to meet its statutory pension obligation to its retired Sheriff's Department employees or to provide regional services suggested in the proposed Charter.

For these reasons the League of Women Voters of Hingham urges a "NO" vote should this Charter appear as a question on the November 2014 Massachusetts election ballot or at any future state ballot. If the Charter fails to win voter approval, the governance of Plymouth County Government will not change.