

Final Report Mashpee Charter Commission

To the Citizens of Mashpee:

The Mashpee Charter Commission respectfully submits its Final Report for the consideration of the voters with the unanimous support of all nine of its members.

The members of the Charter Commission believe adoption of the Charter, which we are proposing, will significantly improve our town's governmental structure and its concomitant ability to deal with contemporary problems, both on a day-to-day and on a long range basis. The charter provides for structured financial accountability and full reporting to citizens. The charter will give Mashpee residents a clear picture of how their local government operates.

Overview

The Charter Commission's eighteen month study of our town's government has served to confirm a view long held by many of us, that Mashpee has been, and is, fortunate to have an outstanding group of men and women serving in its elected and appointed town offices and positions. The changes which we are proposing should in no way be construed to be criticism of any of them or the way in which they perform their assigned tasks. Quite the contrary, we believe adoption of the proposed charter will aid in the delivery of services to you the citizens and taxpayers in the most effective and efficient manner possible.

The Charter Commission has not reached its conclusions lightly, nor has it done so in a vacuum. We have made every effort to involve both citizens and incumbent officials along the way. The steps which we had taken during the first months of our study were enumerated in some detail in our Preliminary Report which was published in the *Mashpee Enterprise* in early September before our second Public Hearing was held.

In the period since the Public Hearings were held concerning our Preliminary Report, we have reviewed completely our proposed charter and all comments and criticisms we received concerning it. In a number of instances we have made changes in our Preliminary Draft to reflect the comments and criticism.

Explanation of Proposed Charter

The single most significant difference between the proposed charter and the existing laws of the town of Mashpee is the way in which each is organized and phrased. The town now operates under a hodge-podge of general laws, general law acceptance statutes and special laws (laws which apply only to Mashpee) passed by the state legislature. At the present time it is virtually impossible for an individual citizen of Mashpee to know these provisions or to have access to them in a useful

format. These laws do not fit together into a comprehensive, orderly statement of the town's governmental structure and the relationship of one part to another. The proposed charter would provide a remedy to this situation.

The major change which we are suggesting is the same change that was suggested by a charter commission in Mashpee nearly twenty years ago - that certain offices which have until now been chosen by election be made appointed offices. We recognize that at our public hearing a few people came forward and criticized this change. We have discussed the change at length at meetings subsequent to the public hearing and we have chosen, by a majority vote, not to alter this recommendation. The Charter Commission has made this recommendation for the following reasons:

- 1. The 'short' ballot has been a goal of government reformers for more than one hundred years. It was one of the first 'reforms' advanced by local governmental innovators at the turn of the last century. Not only has it been the single most common recommendation contained in the reports of charter commissions in this Commonwealth over the past forty years, but many other communities have by special acts of the legislature made similar reductions in the number of offices filled by election.**
- 2. Appointment, rather than election, is a way to assure that persons serving in offices which require special skills and training will have those essential attributes when appointed to the offices they fill. Requirements can be written into by-laws if an office is appointed; no qualifications other than being a registered voter can be imposed on an office filled by election.**
- 3. Across the Commonwealth, and Mashpee is no exception, it has become ever more common to see elective offices appear on the ballot that are not contested. In this situation, persons who are not qualified can be (and are) elected to offices which they are unable to adequately perform. It is the PUBLIC which suffers when this happens.**

Although we took very seriously the comments that were made to us concerning these changes, in the end we concluded that this change is essential to the improvement of local government administration in Mashpee.

The proposed charter contains all of the provisions relating to the operation and conduct of our town government organized in a way which is easy to read and to understand. In addition, by adopting our own "home rule" charter we make it more difficult for the state government to interfere in the internal affairs of our community than is the case if we remain a "general law" community.

The proposed charter also differs from our existing government in that it seeks to centralize the town's administrative business in a manner best calculated to permit the greatest amount of coordination of effort and control as may be possible. We have sought to provide for the elimination of overlap or duplication of effort by:

- 1 giving the board of selectmen a responsibility to oversee and coordinate the work of all town agencies (except schools) including the officers and employees serving under other elected offices; and**
- 2 recognizing the expansive duties and responsibilities already assigned to our town administrator by renaming the position as town manager.**

The experience of other communities with this type of organizational structure has proven it to be the most effective way to deal with today's complex, technical society. The time has long since passed when the day-to-day business of the town can be managed by part time officials no matter how well intentioned, motivated, or skilled they may be. These officials can and must play a vital, important role in our town's affairs by establishing policies to guide full time employees, but there is no way in which they can provide the day-to-day oversight and coordination which has become so important.

Conclusion

Since we began our work in May 2002, the members of the Charter Commission have been unanimous in their belief that the citizens of Mashpee desire a structure of local government that provides for the accountability of town officials, encourages the efficient and effective management of the town's resources, clearly defines the division of authority and responsibility among all town departments, including the schools, and that the vast majority of townspeople desire to retain the basic structure of Mashpee's governmental and legislative affairs in an Open Town Meeting.

This report is the product of more than fifty meetings, which included discussions with numerous town and school officials, department heads and boards. All of our meetings have been open and public, and we have welcomed participation by members of the public when present. We also held three formal public hearings to solicit community input.

The Home Rule Charter we recommend be adopted for the town of Mashpee seeks to accommodate the suggestions and recommendations received during course of the Commission's deliberations. The Commission feels strongly that this Charter will provide the framework for the good and efficient management of Mashpee government for the next ten, twenty or more years and will afford Mashpee

maximum Home Rule consistent with the Constitution of the Commonwealth. This Charter contains provisions for amendment, if, and when needed. The Commission members are pleased to present this proposed Charter to the citizens of Mashpee and urge its adoption.

Finally, this document is dedicated to the memory of Dr. Elizabeth Petti, the driving force behind many educational and civic endeavors in Mashpee including the movement to improve our local government through the adoption of a ‘home rule’ charter. It was Dr Petti’s vision, and it is our sincere hope, that after the charter is adopted many more Mashpee residents will participate in our town’s government based on their interests and expertise.

Respectfully submitted,
MASHPEE CHARTER COMMISSION

Edward H. Larkin, *Chair*

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