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REPORT
of the
COMMISSION TO EVALUATE
COUNTY/REGIONAL GOVERNMENT
to the
CUMBERLAND COUNTY COMMISSIONERS

October 1992

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INTRODUCTION

In the Fall of 1990, the Cumberland County Commissioners appointed a group of citizens to evaluate county/regional government. The County Commissioners took this action after reviewing the **VISION 2000** report and listening to a group of citizens present a summary of that report. The County Commissioners asked the group to focus its deliberations on the following questions:

- 1) *Should regional/county government continue to exist and, if so, what functions should be carried out by this level of government as opposed to local or state government?*
- 2) *Are the boundaries of Cumberland County, as they currently exist, still appropriate for regional government in this area?*
- 3) *Is the current structure of Cumberland County government appropriate for regional government, both now and in the future?*
- 4) *How should regional/county government be funded? Is there a better method of funding than the property tax?*
- 5) *What legal changes are necessary to implement any suggestions made?*

The County Commissioners appointed to the Commission To Evaluate County/Regional Government ("Commission") people from diverse backgrounds and varying political perspectives, but with the common trait of having a history of involvement with community affairs. The members of the Commission are listed at the end of this report (Appendix A).

Factors leading to establishment of the Commission included:

- Increased awareness of the regional nature of many problems impacting quality of life and ability to sustain economic growth in the region;
- Steadily increasing reliance on ad hoc regional problem solving mechanisms to address these problems;
- Increased frustration with the complexity and remoteness of the ad hoc governance mechanisms;
- Increased frustration with the lack of ability of existing governmental structures to facilitate efficient decision making when competing public priorities are involved;
- Increased frustration with the rising cost of county government and its impact on local property taxes;
- The belief that there might be a better way for government to be structured to effectively meet the evolving needs of the region.

This report will present the findings of the Commission and answer the questions asked by the County Commissioners. The report will discuss the historical and philosophical issues which impact the role of County government.

CONCLUSIONS

The Commission conducted its affairs over a two year period. Among its conclusions were:

- 1) *Efficient and effective provision of many public goods and services requires organization of some services on a regional basis.* Solid waste management, water provision, waste water treatment, human services delivery, police services in rural areas and transportation planning and coordination are among the public goods and services currently organized regionally.
- 2) *The regional organizations which provide public goods and services are often ad hoc, special purpose organizations.* These organizations usually focus on one specific function, i.e., solid waste management, and therefore lack the ability to coordinate and balance competing public interests. Also, these organizations often limit participation in policy setting to a small group of people who are not elected by the citizens at large. This lessens the ability of citizens to meaningfully participate in policy development in these areas.
- 3) *The role of State government has expanded greatly in the past thirty years.* Centralization of government authority at the State level has led to expanded bureaucracies designed to implement uniform policies statewide. The bureaucracies inhibit experimentation with new ways of achieving goals and lack awareness of unique factors important to effective decision making in Cumberland County as opposed to other counties, and visa versa.
- 4) *Keeping control of government as close to the people as possible is a time-proven concept.* As issues have become more complex and more inter-related (land use/environmental protection/transportation policy/economic development), the scale at which local control can be a meaningful concept has changed. Local control is being re-defined to mean control at that level of government closest to the citizens with the capability of effectively addressing the issue. Increasingly, this implies a stronger role for County government because the County is the level of government closest to the citizens with the capability of effectively addressing issues which cross municipal boundaries.

- 5) *Ad hoc interest groups have assumed a disproportionate influence in government.* In the era of interest group politics, many ad hoc interest groups claim the mantle of speaking for "the people" when in fact they present one particular view of what is best for the public. In a democracy, government must ultimately represent the interests of the public and must be able to make difficult decisions even when powerful interest groups are actively lobbying for their particular perspective. Government must reaffirm its role as the entity with the responsibility for coordinating and balancing competing interests. Strengthening the ability to coordinate and manage competing priorities from a regional basis will reflect the reality that many issues are inherently regional in nature, and will allow the unique needs of the citizens of Cumberland County to be brought to bear during the decision making process.
- 6) *The current structure of County government so divides responsibility from authority that efficient and effective governance is made very difficult, if possible at all.* The County Commissioners have responsibility for the functioning of county government, but do not have the authority to administer the departments of county government, which have their own elected heads. Authority, responsibility and accountability in county government must be made logical.
- 7) *The county has functional responsibilities, but no taxing mechanism to support its work.* To fund itself, the county levies a surcharge on the property tax, which creates on-going discord between the county and the municipalities. A direct taxing mechanism for the county is necessary if it is to effectively manage regional problem solving.
- 8) *County government should be more effective than state government in dealing with regional issues.* Effective county government will strengthen local control and local capacity to address key problems and opportunities.
- 9) *Regional governance should promote accountability of elected and appointed officials.* A good indicator of this will be when citizens know who is responsible and what they are responsible for at the county level.

RESPONSE TO THE CHARGE

The County Commissioners asked the Commission to Evaluate County/Regional Government to answer five questions. The questions and the answers developed by the Commission are:

QUESTION 1:

Should regional/county government continue to exist and, if so, what functions should be carried out by this level of government as opposed to local or state government?

ANSWER:

County government should continue to exist. It is best qualified to facilitate coordination and to balance the competing regional interests because it will bring to the policy development and decision making processes the perspectives of people actually impacted by the issues.

While the Commission believes many existing functions are properly situated, we believe the County should also perform the following functions:

- Economic development support
- Regional review of local comprehensive land use plans required by the state's growth management law
- Administration of state environmental protection laws and policies at the regional level
- Transportation planning and implementation
- Funding for non-profit human services agencies
- Waste water management
- Water supply management

The County should not manage correctional facilities; this responsibility belongs to the State.

The County should take an active role in promoting inter-municipal cooperation.

Background For This Answer

Democracy, i.e., governance by the people, demands that citizens get actively involved in defining the role of government. Citizens hold many different and varied philosophical beliefs about the role of government. Therefore, in a democracy, many different and varied philosophical beliefs must be considered when thinking through changes in government roles, functions and structure.

The members of the Commission To Evaluate County/Regional Government represented a wide variety of perspectives concerning the role which government should play in our society. This made for lively and at times contentious discussions concerning the topics being explored. This diversity of opinion and perspective was a strength of the Commission because it mirrored the perspectives and concerns of the citizens of our region in this time of change.

In the Commission's discussions it became obvious that the members generally desire similar outcomes from government, but define those outcomes, and ways to achieve them, differently. In general, members desire only enough government to provide those public goods and services which are necessary for our society to survive and prosper. They wish to limit government services to those that can be supplied better, at less cost, more equitably, or more responsively by a governmental unit than by individuals or private enterprise.

We support the following principles as guideposts for determining the role and functions of regional government:

- Public services should be provided at that level of government closest to the people which can adequately provide the service.
- Government based on majority rule is fundamental, but that the rights and preferences of the minority must not be ignored.
- Citizens should have the amount of government they want, but this must be tempered by the willingness of the people to pay for that government.
- Organizations tend over time to become less responsive to the evolving needs of those they were designed to serve, and that regular change and methods to encourage flexibility are necessary to prevent rigidity.
- Government must be very careful not to assume responsibilities better left to the private sector.
- There should be a logical relationship between the governance tasks assigned to any specific governing entity and the responsibilities and structure of that entity.
- Every governing entity should be held accountable for its actions.
- The funding mechanisms for each governance entity should be logically related to the services that entity provides.
- The way a governmental entity is structured greatly impacts the efficiency and effectiveness of that entity.

Those public goods and services which are inherently regional in nature should be provided at the county level. The criteria for determining which goods and services are inherently regional are:

- Natural boundaries, such as aquifers and river corridors
- Multi-municipal impact, i.e., issues which cross municipal boundaries
- Economic vitality, i.e., issues which impact the economic vitality of the region as a whole
- Meaningful public participation, i.e., issues which require a regional forum if public participation is to be meaningful
- Efficiency and effectiveness, i.e., issues which can most efficiently and/or effectively be dealt with at a regional level
- Historical precedent.

As the Commission pursued its charge it became obvious that to understand how any specific function of government worked, it was necessary to identify where responsibility resided for policy development, administration, funding and accountability. For any given function, such as fire protection, each of these responsibility elements is managed at one or more layers of government. For fire protection, policy development occurs to a great extent at the State level and somewhat at the municipal level. Administration, funding and accountability occur primarily at the municipal level. The State provides support and training services.

Where each responsibility element is managed is not the only area of interest. The relationship between the level at which policy is established and service is administered, or the level where funding is determined and accountability resides are also of concern. For instance, policies concerning incarceration of criminals are made at the State level yet much of the administration and funding for that governmental function comes from counties. Is this appropriate? Or should policy development, administration, accountability and funding be linked in a rational way? When discussing regional issues and the role of county government specifically, we focused much of our discussions on how policy development, administration, funding and accountability are being handled now, and how they should be handled in the future.

Considerable time was devoted to considering the functions of government. As noted above, policy development, administration, funding and accountability were reviewed for each function. In most cases, the existing distribution of responsibilities among State, Counties and municipalities was determined to be reasonable. Those governmental functions which the Commission determined should be handled differently generally fell into the category of functional areas which have experienced considerable change over the last twenty years. Also,

these functional areas tended to be ones where State control places responsibility too far away from the citizens impacted, while municipal control is not broad enough to include most people who are impacted by the function. Those functions we recommend be handled differently are discussed below.

Economic Development, Land Use and Environmental Protection

When discussing economic development it soon became obvious to us that meaningful consideration could be given to the topic only if environmental protection and land use issues were also discussed. In many ways, this realization points out a major weakness with the existing system. In the State of Maine we have bureaucracies to set and implement policies and regulations in all three areas. Although communication and coordination may occur among these departments, it is not uncommon for people and organizations in Cumberland County who are attempting to get necessary approvals for an economic development activity to receive what appear to be conflicting messages from the various bureaucracies. Since as a state we want more high paying jobs, a very clean environment, protection for individual property rights, development activities which by their nature do not make it more difficult to provide public goods and services such as clean water and fire protection, reduced energy consumption, and more, these conflicting messages realistically represent the situation. When taken by itself, each of these things we want seems above reproach. Yet when considered in light of other competing desires, each of these "wants" cannot be achieved unless other "wants" are compromised.

The Commission believes that the ability to balance competing demands and make decisions which will allow progress is very difficult to achieve under the existing structure. The Commission recommends that structural changes be made in the governance system to allow balancing among competing priorities to occur at the County level. This must be accomplished if we are to deal with the increasingly complex problems facing economic development initiatives and environmental protection goals in our County.

Specifically, the Commission recommends:

- The County should coordinate public sector economic development policy development and implementation for the region. This should include working with the private sector initiatives currently in place. Emphasis should be on creating a climate conducive to economic vitality, business success and area prosperity.

- The Greater Portland Council of Governments, acting in its role as Regional Planning Agency, currently fulfills the regional coordination role required by the state's growth management law. The county should bring the COG planning functions under the county umbrella.
- While environmental law and regulations should continue to be established at the state level, environmental review should be moved to the county level. A County Board of Environmental Review should be established by county government. The county should arrange for certified professional staff to perform staff work for these reviews. The fees charged to developers which currently go to the state should go to the county to offset the cost. Municipalities with in-house expertise should be able to perform the reviews themselves.

The intent of these recommendations is for the County to provide a structure which allows decisions to be made which balance competing interests concerning economic development, land use and environmental protection. Most Commission members believed that a balancing mechanism was the missing link in the existing structure. Since we as a society want good jobs and a clean environment, energy efficiency and the ability to get where we want to go with little hassle, we as a society cannot have all of every priority we desire. Therefore the need to balance, and a mechanism to achieve that balance, are crucial.

Transportation Planning and Implementation

Transportation planning and implementation are predominantly handled at the state and federal levels. Although most people think of automobiles and roads when they think of the transportation system, rail, air, port and mass transit facilities also play very important roles in the economy and life of the region. In light of the recent transportation policy changes at the federal and state levels, non-road transportation systems may well play a bigger role in the future. The new initiatives indicate that massive changes in thinking about transportation are taking place. The new federal policy has as two of its major goals reduction of energy consumption and sharing more costs with lower levels of government. The new state policy requires extensive citizen input and consideration of all alternatives when making transportation decisions. It also suggests that citizen input be organized on a regional level.

Although planning and implementation for transportation issues have predominantly been handled at the upper levels of government, the members of the Commission believe that transportation is a very important regional issue.

Much of the regional economy is based on the ability of local businesses to transport goods and people to and from homes and work places. Most citizens travel predominantly within the region. In light of this it is remarkable that the municipalities and county have such little ability to shape the region's transportation system. The main reason appears to be that most transportation funding is beyond the scope of local and regional government. Especially in light of the massive changes taking place in the transportation policy development process at the federal and state levels, it is imperative that the region increase its ability to impact transportation decisions.

PACTS, the Portland Area Comprehensive Transportation Study, and the Greater Portland Council of Governments, coordinate local and regional transportation planning. PACTS is the mechanism used to coordinate transportation planning for much of the region and to allocate federal transportation dollars designated for the region. PACTS acts as the designated metropolitan planning organization required by the federal government as part of the urban transportation planning process. GP COG fulfills the transportation planning role for those municipalities in the county which do not participate in PACTS.

The Commission believes that more local and regional input into transportation planning and system development are necessary, especially during the coming years of great change. Because the State's new transportation planning mechanism is in process of being developed, it is a good time for the county to get involved. The Commission recommends that the County assert its desire to play an active role in coordination of transportation planning and system development for the region. The just released guidelines on implementation of the new transportation policy should offer an excellent opportunity for the county to get involved in regional transportation planning.

Human Services

Currently, the federal and state governments fund and administer most welfare programs. General assistance is the major component of municipality's human services costs, and the state reimburses the municipalities for most of these costs. Since determinations of levels of support to be provided via general assistance are made at the state level, this funding mechanism is appropriate.

Public sector funding for non-profit human services agencies often comes from a combination of federal, state, county and local governments. This can lead to situations where agencies apply both to the county and to individual municipalities for funding. It can require human services agencies to make

multiple presentations to multiple towns seeking relatively small amounts of funding from each.

The county has established a human services advisory committee to systematically study requests from the agencies for funding. This mechanism balances the needs of the people in the county with the proposals submitted by the agencies and rationally allocates available funds. Most municipalities do not have the staff or the time to pursue a systematic evaluation of proposals when allocating human services funds.

Human services are inherently regional in nature. People receiving subsidized child care or homemaker services may live in Gorham or Freeport or Standish and receive service from an agency in Portland or Yarmouth or Westbrook. Many of the human services agencies are organized on a county or regional basis. Our society has determined that people should not live below a certain standard. We have determined that certain policies which support the work ability of certain groups of citizens, or which provide support services to other groups who would otherwise not be able to live without supervision, are important for the common good of everyone. The organizations which have developed to fulfill these goals have chosen to approach them from a regional perspective.

The Commission therefore recommends that funding for non-profit human services agencies be consolidated at the county level. Municipalities would no longer use property tax dollars to fund human services at the local level, and additional property tax dollars to fund human services at the county level. The county's human services advisory committee process can be used to allocate funds in a way which meets the human services needs of the citizens of the county.

Waste Water Management and Water Provision

Regional government should be responsible for policy development, administration, operations and funding of waste water management including the management of source point pollution. The regional government should have the authority to delegate responsibility for administration and operations as it deems appropriate.

Management of waste water is an issue which crosses local boundaries and directly impacts the well being of the region as a whole. As our understanding of the impact of polluted water on our lives and our economy has increased, the need to manage this most precious of resources has become clear. Many changes are now taking place that will impact the nature of water management in the future.

Waste water management is moving more into the political arena than was previously the case. The high and rapidly increasing costs of managing waste water, as well as controversy over appropriate fee structures, are making waste water management more controversial than in the past. Also, the impact of state and federal mandates, and the fact that they have been becoming more stringent and costly, have forever moved water management out of the "taken for granted" category. Funding for waste water projects has moved from predominantly federal, to a mixture of state, federal, and user fees, to an increasing reliance on user fee funding.

It has become abundantly clear that decisions about expanding waste water systems impact local land use decisions. As the relationship between waste water management and environmental quality becomes better understood, the technology and expertise needed to make informed decisions about waste water management has become less and less available at the local level. The bottom line is that waste water management is an issue which seriously impacts the region as a whole. A larger political entity will be better able to negotiate with the state and federal authorities who drive waste water management policy development and regulation. The county will also be better able to work with municipalities in an increasingly political arena to assure that safety considerations for the entire region receive priority.

Policy development, administration, operations and funding related to the provision of water should be the responsibility of county government. Municipalities could elect to provide their own water if they so desire. However, the county should have the authority to block any direct threat to water quality.

Like waste water management, access to safe drinking water has become costly and heavily politicized. Regulations, mostly from the federal level, will soon cause rate payers in our region to experience substantial increases. The value of the additions to the water protection system necessitated by the regulations is questioned by many.

The sharing of authority between municipalities and special districts or private water companies worked well prior to the politicization of access to water. However, the PUC will regulate water rates no matter how the water is provided. Like waste water management, access to safe drinking water is an issue which crosses local boundaries and directly impacts the well being of the region as a whole. Also, a larger political entity will be better able to negotiate with the state and federal authorities who drive access to water policy development and regulation.

Corrections

Corrections management is not a legitimate responsibility for County government. This responsibility should be transferred to the State.

The Commission believes that the laws and regulations which are the basis of the corrections system are generated at the State level. Corrections should therefore primarily be a State function. Another strong argument for State management of corrections is that a State system should provide for more equitable financing. Funding the corrections system from the more broadly based taxes available at the State level will more closely match the broad social value of the corrections system.

Municipal Cooperation

In many functional areas, the Commission believes that the county should encourage and facilitate inter municipal cooperation. Fire, rescue and dispatch, especially as concerns capital expenditures, education and library services are areas where the county can facilitate cooperation.

QUESTION 2:

Are the boundaries of Cumberland County, as they currently exist, still appropriate for regional government in this area?

ANSWER:

The functioning of county government could be improved if county boundaries were realigned to reflect rational consideration of factors such as natural boundaries, work/live patterns, economic vitality, psychological perception of "place", etc. Nevertheless, our only formal vote was to leave the boundaries as they are.

Background For This Answer

Most members of the Commission felt that little logic can be found to support existing County boundaries. As one Commission member repeatedly stated, the towns in the western part of the County feel they have little in common with the Greater Portland area. Other Commission members put the case more broadly: the existing County boundaries do not have an organizing logic such as a shared economy or watershed. Thus, many Commission members felt that County boundaries should be re-drawn. The overriding concern when the Commission discussed this issue was that to change County boundaries would impact the entire State and would require action by the State.

The Commission therefore recommends that the boundaries issue be dealt with in a statewide forum.

In the absence of state-wide action, the Commission voted to recommend to the County Commissioners that the existing County boundaries remain as they are. The issue arose a number of times during the Commission's deliberations.

QUESTION 3:

Is the current structure of Cumberland County government appropriate for regional government, both now and in the future?

ANSWER

No. The current structure of county government is not adequate to deal with the governance needs of the county, neither now nor in the future. It should be changed to make it more representative of the citizens and more supportive of leadership development.

Background For This Answer

Government re-structuring is currently a topic of interest to many in Maine. If one believes that the citizens in a democracy generally make the right decisions and have the right instincts about their government, then this interest in re-structuring must be taken very seriously. Members of the Commission To Evaluate County/Regional Government discussed on a number of occasions their concerns about the structure of government in Maine, especially as it impacts our ability to deal with regional issues.

The most far reaching change in governmental structure in Maine in the last twenty five years has been the greatly increased role of State government. This enhanced role was an outgrowth of alterations in the funding and organization of State government which occurred in the late 60's and early 70's. These changes were in response to a generally shared perspective that we were not adequately responding to evolving social, environmental, economic and other problems, and that government must be re-structured to address these problems. In response, the State of Maine set up the department structure and management system which it currently uses thereby enhancing the ability of the State to provide public goods and services.

The stronger, consolidated state departments which came out of that era of reform pursued the course mandated by decision makers. They organized themselves in a manner designed to facilitate meeting their responsibilities on a statewide basis. Often this involved establishing or strengthening regions so that policies could be implemented in a controlled and coordinated manner.

The members of the Commission noted several concerns with the outcomes realized as a result of the current structure of State government. The State departments have established, and strengthened over the years, a series of hub and spoke bureaucracies. The hub is the administrative office in Augusta which

works with the Governor and legislature to set policies. The spokes are the regional offices located around the State which implement the policies set at the State level. The regions established by the departments tend to be defined based on criteria of that particular department and often do not coincide with regions established by other departments. Also, since each department has its own legislative mandate, often made by the particular legislative committee with jurisdiction over that specific department, the ability to coordinate and balance competing priorities can be problematic. An example is the at times conflicting environmental and economic development policies which the current structure generates.

At a time when American business is decentralizing its structure and emphasizing total quality, which is based on coordination among various components of a system to improve quality and an emphasis on improving processes as a way to achieve long term results, government appears to remain centralized and controlled from the top down. Since each department's rules are self generated, coordination and balancing of competing priorities seems to receive less attention than many think necessary.

The State has certainly been a benevolent patron to both municipalities and counties. The State has developed and implemented formulas to share revenue from its broad taxing mechanisms, and has allowed lower levels of government to retain some of the funds they collect for State mandated services. In addition, the State pays the expenses for many of the services it mandates.

The concerns raised by members of the Commission centered around the question, "Is this centralized structure, even though it was an appropriate step forward when it was taken and has achieved good results in the past, still the best way to deal with our current and future governmental needs?". Implied in this question is the belief held by many that organizations and systems must continuously evolve because reality continuously changes. In business, alterations in the economy or market require a business to change to survive; governmental structures tend to move along with great inertia and resistance to change. This all fits with our experience, but does it fit our best interests?

Referring back to the principles of governance, our shared beliefs in local control and in providing governmental services at that level of government with the ability to adequately deal with those issues which is closest to the people, imply the need to re-think our current structure. Also, the fact that regional problem solving has become much more necessary because more of the governmental issues we deal with are regional in nature encourages us to re-think our current structure.

The current structure has led to the development of multiple ad hoc organizations to manage regional issues. This has removed management of these issues an additional step away from the citizens and lessened the ability of the public to participate in policy development concerning these issues. The current structure, by encouraging the proliferation of single purpose regional organizations, does not allow coordination and balancing of competing interests to achieve best possible outcomes for the citizens as a whole.

The current structure consolidates legislative and executive responsibilities in a group of three commissioners, but deprives them of full authority by giving management responsibility for specific departments to elected department heads. This structure dilutes accountability and makes effective management difficult. It also does not allow the county to benefit from the professional management common at both state and municipal levels.

The influence of the commissioners is diluted by the fact that the commissioners can generate revenue to fund the county's activities only from fees or by levying surcharges on local property taxes. The lack of a direct taxing mechanism means that in addition to being responsible to and held accountable by the electorate, the county commissioners must also appease municipal and state officials who at times second guess county priorities and decisions.

There are too few commissioners to meaningfully represent the citizens. No other level of government in Maine has one elected legislator representing in excess of 60,000 citizens. Also, having three Commissioners fulfill both the executive and legislative functions, while having only budgetary authority over a variety of other elected County officials, is not an effective governance structure. Effectiveness requires that responsibility, authority and the ability to administer be clearly and logically related. When County Commissioners have budget approval authority but cannot hire and fire the administrators who will implement policy, the question of who is responsible for performance is fuzzy at best. The Commission believes a new structure for both executive and legislative functions is necessary if County government is to meaningfully fulfill its responsibilities in an era of increased regional problem solving.

Recommended Structure of County Government

The Commission recommends that County legislative responsibilities be carried out by an elected County Council. Current State law allows up to seven County Commissioners. The Commission recommends that State law be changed so Cumberland County can establish a County legislative body consisting of twelve

members, 9 elected from districts and 3 elected at large, all with staggered three year terms.

The executive function should be carried out by a full time County executive elected at large and limited to two four-year terms. The Commission discussed whether this executive should have a "weak" or "strong" role. In the end, the Commission believed that a "strong" executive will better meet the needs of the county. This person will be fully responsible to the citizens and the legislative body for administration of county services. The sheriff and district attorney will be elected by the citizens. All other county positions except the executive and the commissioners will be appointed by the executive with confirmation by the County Council.

Several basic tenets underlie the Commission's recommendations concerning the structure of county government. Many issues are inherently regional in nature, yet are not currently managed from a regional perspective. If county government is to provide the forum required to bring a regional perspective to bear on specific problem areas, the county government structure must allow meaningful representation of the citizens in the process. Three county commissioners representing over 200,000 people does not adequately allow meaningful citizen input. Therefore, a larger legislative body makes sense.

Legislators elected to serve the county must be chosen in line with the one person, one vote principle. Also, the various sub-regions of the county may well have differing needs which should be adequately represented in a county legislature. The need for the county legislature to act in the best interests of the citizens of the county as a whole, regardless of what sub-region each legislator lives in was also discussed. Therefore the Commission believes that a mixture of at-large and district legislators makes sense.

The Commission believes strongly that the executive function should be separate from the legislative function. Our country has a solid history of success with a system of balanced power between legislative and executive functions. An elected executive allows the citizens to judge candidates based on what the candidates tell the citizens they will do if elected. This process not only assures that the citizens know what they will get if they elect a certain person, it also makes possible the kind of leadership which organizations so desperately need if they are to accomplish good results in an increasingly complex society.

Cumberland County has been notoriously ineffective in Augusta over the years. The inability of elected officials in Cumberland County to agree on measures to

benefit the county has led to poor results for many bills presented to the State legislature. One way to deal with this problem is to have an elected leader who can represent the interests of the county as a whole in Augusta.

The current structure of county government requires that in addition to electing County Commissioners, many other county positions are elected. Many of these positions are administrative in nature and, in most modern governments, are usually handled by professional staff. The exceptions to this are the sheriff and the district attorney. The Commission believes that it makes sense to elect the legislative body, the executive, the sheriff and the district attorney.

QUESTION 4:

How should regional /county government be funded? Is there a better method of funding than the property tax?

ANSWER:

County government should reduce the property tax burden on County citizens, by seeking from the state the ability to generate its own revenue from county option taxes. This method of funding would give the citizens of the county the final authority for the type and level of taxation used to fund county services. It would spread the burden of taxes somewhat in the direction of visitors and others who do not live in the County

Background For This Answer

The County budget for 1992 is approximately ten million dollars. Of that, eight million dollars is raised from the property tax and two million dollars is raised from fees for services provided by the County. When the debt service for the new jail comes on line in another year or so, the County budget will go up by more than two million dollars.

Reliance on the property tax is an inadequate means of funding county government. Reliance on increased funding from revenue sources controlled by the state is also inadequate as a means to fund county government. Both of these funding methods remove county government from direct responsibility for raising the funds which it expends. Second-hand funding also leaves county government open to second guessing by the primary revenue generator, i.e., the municipalities or the state.

The need to reduce the County's dependence on the property tax was a major point of discussion by the Commission. The need for the County to have a way to pay for its own needs without fear of the State deciding to re-allocate funding so that the State's financial needs receive priority was discussed. The need to come to grips with the fact that the only way to reduce dependence on the property tax is to have another funding source for County services was discussed. Some members of the Commission felt that this could best be achieved by demanding that the State allocate to the Counties the entire real estate transfer tax, jail operations surcharge tax, and other fees currently generated at the County and taken by the State. Most members felt that this would not happen and that another approach was needed.

The Commission recommends the county fund its service by establishing a revenue mix of fees for services provided, sales tax revenue and property tax revenue. County expenses should be funded on the following basis:

- Approximately 20% from fees for services provided to individuals or individual towns
- Approximately 40% from property tax
- Approximately 40% from the proceeds of a County option sales tax.

The Commission developed the following rationale for funding of county government.

- Fees should pay for those services which benefit individuals or individual communities rather than the County as a whole.
- Reliance on the property tax should be substantially reduced, but not eliminated because the stability of a property based tax is helpful to governments because it doesn't fluctuate with economic activity.
- Access to a broad based tax is necessary to reduce reliance on the property tax. A county option sales tax of 1/2% would allow funding for county services to be shifted from the property tax to the sales tax, and would leave funds left over for distribution to the municipalities in the county via a revenue sharing mechanism. Also, since Cumberland County sends about 20% more tax dollars to Augusta than it receives back, a county option sales tax should be preferable to increased state sales tax to citizens of the county. The funds from that one half percent (12 million dollars based on 1988 numbers) should be allocated in the following manner:
 - Whatever is needed to achieve the 40% to the County budget should be allocated to the County
 - The remainder should be distributed to the municipalities using the same revenue sharing formula the State uses. Distributing part of the sales tax revenue to the municipalities will help them meet their responsibilities.

The County option sales tax should be implemented only if passed in citizen referendum.

- The County Charter should build budgetary discipline into the system. To accomplish this, the year after implementation of these recommendations should be established as a base year. Waiting one year will allow the impact of changes such as moving human services funding from municipalities to the County to be built into the County budget. The operating expenses of the County should be allowed to increase each year after the base year only by some objective scale, such as the Consumer Price Index. This provision should be able to be overridden by referendum vote of the citizens.

QUESTION 5:

What legal changes are necessary to implement any suggestions made?

ANSWER:

Many changes will be necessary. That is why we have made the broader recommendation that the County Commissioners initiate a dialog regarding the structure of government throughout the State.

The Commission recommends that the County Commissioners seek legal advice concerning changes in state law. Current state law allows up to seven county commissioners. The Commission recommends twelve. Current law does not allow county option taxes. It also does not address an elected county executive.

WHY CONSIDER CHANGE: CRISIS VS. SYSTEMATIC CHANGE

Since societies of people have needs which require public goods and services, and since these needs evolve over time as societies change, various ways to adapt to changing needs are developed and implemented. The role of counties in the State of Maine has not evolved as needs have changed. The role of counties in Maine has changed little in the approximately 250 years they have been in existence. However, much has changed about Maine, the United States and the world in those 250 years.

Improvements in communications such as telephony, radio and TV; advances in personal transportation such as automobiles and airplanes; and advances in transportation of goods by truck, rail, ship and air have changed our concepts of what is near by and what is far away, what is accessible and what is remote. These and other factors have caused other changes in Maine, among the jobs available in the economy, the living and working patterns of people, the influence of the national and world economies on the economy and jobs in Maine, the values of the citizens in areas such as environmental management and land use, and much, much more. This larger population, more aware of the variety of factors which impact their lives and the lives of their children, more cognizant of the finite resources available in Maine and the world, and more accustomed to working within organizations to get things done has different expectations than the Mainers of 250 years ago or even 50 years ago.

As society has gotten more complex, it has become obvious that some problems are most appropriately dealt with on a regional basis. A good example is management of solid waste. In a relatively short period of time we have gone from burning trash in a barrel in the back yard, to taking trash to town dumps, to taking trash to town landfills, to taking trash to town transfer stations which take it to RWS for incineration, to recycling as much of our trash as possible. Whereas local solutions worked well when we were unaware of the environmental impact of discarding our trash locally, a regional solution became preferable when a large capital investment and expert engineering knowledge became necessary in order to deal with the problem.

Other examples of regional problem solving abound. The Greater Portland Council of Governments administers a shared purchasing program and is the regional planning agency which coordinates the state's growth management effort. PACTS, the Portland Area Comprehensive Transportation System manages a sub-regional system to prioritize transportation improvement needs and allocate federal transportation funds. Many state departments are organized into regions for purposes of service administration. Many organizations with

quasi public responsibilities, such as Threshold To Maine's Future, human services agencies and the Saco River Corridor Commission, operate on a regional basis.

Most members of the Commission believe that the movement towards regional problem solving is the natural outgrowth of factors such as those mentioned above. The question becomes are we better off with many different ad hoc organizations, each with its own definition of the region and its own self defined area of responsibility and governance structure. Or are we better off moving toward a stronger County government which can coordinate public policy for regional problems and which will more directly represent the citizens through its elected representatives.

SUMMARY OF RECOMMENDATIONS

It is a time when many are re-thinking the role of all levels of government in the State of Maine. County government should play an important role in this re-thinking process. For this to happen, the historic lack of confidence in county government felt by many leaders and decision makers in Maine must be addressed. The County Commissioners should step forward, regardless of their personal beliefs about the role of County government, and lead a structured dialog about re-forming County government.

The model of county government developed by the Commission To Evaluate County/Regional Government provides a focal point for discussions about re-forming County government. The County Commissioners should conduct workshop meetings with citizens in each County district, municipal officials, business leaders, interest group members, State legislators and administrators, Commissioners from other counties, and groups with a history of seeking improved governance in Maine such as the Maine Municipal Association, the Muskie School of Public Policy and the Maine Development Foundation. These workshops should present the model and ask for input, suggestions, concerns and ideas for improving governance, especially County government.

The goals of this effort should be:

- To present the concepts and issues identified by the Commission to the citizens and leaders of the region thereby encouraging them to think through for themselves the appropriate structure for government as a whole, and specifically county government
- To get ideas and suggestions from the citizens and leaders of the region for improvement of county government
- To encourage discussion about the role of county government so that citizens can make an informed decision when voting on the referendum to establish a county charter commission.

By facilitating discussions among the various groups mentioned above, the Cumberland County Commissioners will be fulfilling an important civic role. Presenting new ideas, seeking new and better ideas, and facilitating discussion and action concerning how to improve our governance structure is the type of leadership needed if we are to make the difficult and risky decisions necessary for meaningful change in government.

After facilitating public discussion about the role of county government, the Cumberland County Commissioners, pursuant to Title 30, §1551, subsection 1 of Maine Statutes, should order the establishment of a charter commission to develop a county charter. This order will cause the question of whether to establish a charter commission to go to the voters at a regular or special statewide election. In addition, it will allow for two people from each county district to be elected to the charter commission, should it be approved by the citizens.

CONCLUSION

The members of the Commission to Evaluate County/Regional Government wish to thank the Cumberland County Commissioners for the opportunity of participating in this effort. The work was certainly neither easy nor without discord. But it was very stimulating and meaningful in that it captured the essence of the governmental re-structuring debate currently taking place in our country.

County government does not have a history of popular support in the New England states. As we have all been aware from the beginning, proposals to alter the role of county government, especially when the recommendations will strengthen county government, will be very controversial. However, that the changes recommended will not please some is not the issue. Our country is great because we believe in change. We believe in finding a better way. We believe in envisioning a better future and trying as hard as we can to get there. In terms of the issues studied by the Commission to Evaluate County/Regional Government, we believe we are presenting a better way.

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APPENDICES

- A. MEMBERS OF THE COMMISSION TO EVALUATE COUNTY REGIONAL GOVERNMENT**
- B. QUESTIONS USED IN MODEL DEVELOPMENT**

APPENDIX A

COMMISSION TO EVALUATE COUNTY/REGIONAL GOVERNMENT

MEMBERSHIP LIST

Name	Town of Residence	Elected/Appointed
Henry Black	Baldwin	State Senator
Ed Bonney	Freeport	Town Councilor
Mike Brennan	Portland	Legislative candidate
John Bubier	Yarmouth	Executive Director, COG
Judy Carpenter	South Portland	Planning Board
Carolyn Cosby	Portland	Party Chairperson
Karin Draper	Raymond	
Kevin Glynn	South Portland	City Councilor
Bob Goettel	Cape Elizabeth	USM V.P.
Ernest Greenlaw	Standish	State Legislator
Spencer Jones	Yarmouth	Downtown Improvement District
Nick Kirby	Gorham	Town Councilor
Harold Meade	Bridgton	Planning Board
Paul Niehaus	Sebago	
Bill Nugent	Yarmouth	PUC member
Gordon Raisbeck	Portland	
William Richards	Cumberland	
John Roberts	Cape Elizabeth	
Phil Spiller	Westbrook	Former Mayor of Westbrook
Sidney (Pete) Thaxter	Portland	
Merrill Thomas	Westbrook	
Dick Wood	Gray	Town Councilor

APPENDIX B

QUESTIONS FOR GOVERNANCE MODELS

PREFACE

Our work process calls for giving all members of the Commission, either individually or in self-selected groups, an opportunity to present models of how to accomplish the functions of government in our region, whether through regional governance¹ or not. Then the Committee will compare and contrast the models as a first step toward deciding what structure would be most effective.

It will be much easier to compare the various models if they are organized on some consistent basis. The way to assure consistent organization, we propose, is to build all models around the answers to a set of questions. These questions will cover the whole range of issues in the charge from the Commissioners, while stimulating thought and creativity. The question structure will also act as an outline for each model. The intent of the questions is to make sure each model at least considers all the relevant issues in regional governance, without suggesting or requiring any particular way to resolve those issues. Our aim in constructing the questions has been to avoid slanting the final decision by what is included or left out of the questions. We have tried to make sure every point of view is capable of being presented in answer to these questions.

The answer to each question should include a statement of the reasons for the answer, the advantages and disadvantages of the proposal, etc. In this way we hope to allow members to test both their own assumptions and logic and the assumptions and logic of other models.

Models should represent optimum solutions, without regard to assumed political constraints. In other words, people should describe what they really want, without worrying about whether it would be acceptable to State legislators, municipal officials, et al. Later in the process, after we have agreed upon a model, we will decide what has to be modified in the model to make it acceptable to the citizens of this region. We will also decide later on the actions needed to implement our recommendations.

¹The exact meaning of "regional" will be defined later in this document.

The term "regional governance" is used here to any form of organization, formal or informal, that extends beyond municipal lines. It is distinct from "regional government", which is a body defined in law that is able to pass laws, impose taxes, etc. As the pages which follow will demonstrate, "regional governance" may or may not include "regional government".

INTRODUCTION/INSTRUCTIONS

This set of questions rests on this principle: governance should exist for well-defined purposes, or else it should not exist at all. In other words, governance is based on the need to accomplish some functions and/or deliver some services that cannot be better accomplished in some other way. We do not have governance for its own sake, or the sake of tradition.

For that reason, the fundamental questions for any model are: What functions and services are best provided by government? And at what level of government is each function or service best provided? All other issues and choices flow from the answers to these questions.

Thus, the first section of **QUESTIONS FOR GOVERNANCE MODELS** is a table that asks you to consider the major categories of functions and services and where they should be assigned. You will complete some or all of the remaining sections, depending on how you answered the first section. For information, we will provide a similar table that shows where each function and service is currently assigned. You are not in any way bound by the current assignments, however.

Please keep in mind that model-building should not be limited by concerns about how to implement what they contain. Implementation is a separate issue, one which will receive its fair share of attention. As the Preface said, models should represent what people think is ideal.

Start your model by completing **SECTION I: SERVICES AND FUNCTIONS TABLE**, together with the **EXPLANATIONS** that supports the **TABLE**. Then select from the remaining **SECTIONS** only the ones that support what you chose in **SECTION I**. Answer all the questions in these **SECTIONS**, using whatever format works best for you. You may go beyond just the answering the questions, of course, to include whatever ideas and comments are appropriate to express your model to the fullest.

SECTION I: SERVICES AND FUNCTIONS TABLE

The table on the next page lists several services and functions which are or could be provided by governmental organizations of some kind. (Definitions of the various items in the table are found on the page following the table.) For each service or function, please check at least one column to indicate the level of governance at which the service or function would be most effectively provided. (You may assign a service or function to more than one level, but be sure to discuss on the EXPLANATIONS page why and how it would be split.) Make your choice(s) about each service or function after considering all the factors below, bearing in mind that most of your choices may require trade-offs among these factors:

- a. **ACCOUNTABILITY:** What level will permit the most appropriate level of broad-based citizen understanding and influence over decisions and actions regarding the service/function? What level will provide the best forum for identify issues related to the service or function?
- b. **LOCAL CONTROL:** What is the lowest level at which the service or function can be carried out with the optimum balance of effectiveness and accessibility by citizens?
- c. **EQUITY:** What level will produce the greatest equity among those who benefit from the service or function and those who pay for it?
- d. **POLICY DEVELOPMENT AND COORDINATION:** At what level will policy about the service or function best be developed and coordinated?
- e. **SERVICE DELIVERY:** At what level would the service or function best be delivered or administered?
- f. **EFFECTIVENESS/EFFICIENCY:** At what level is it most likely that decisions and actions related to the service or function will favor the long-term interests of the majority of citizens rather than special interest/advocacy groups? At what level will the most positive combination of (1) quantity or quality of results and (2) lowest unit cost or total cost be attained? At what level will the greatest economies of scale be achieved?
- g. **RESPONSIVENESS:** At what level will the most appropriate degree of responsiveness to citizens' legitimate needs regarding this service or function be achieved?
- h. **CONSISTENCY:** How much consistency in policy and/or service delivery is needed across jurisdictions or geographical territory with regard to this service or function? Which level will product that consistency?
- i. **FLEXIBILITY:** With regard to this service or function, how much flexibility is needed to adapt policy and/or service delivery to differing conditions? What level is most likely to permit the appropriate flexibility?
- j. **CITIZEN PARTICIPATION AND LEADERSHIP:** Which level is most likely to encourage citizen participation in civic life with regard to this service or function?

SERVICES AND FUNCTIONS MATRIX

The table below lists a number of services and functions that may be provided by one or more levels of government.¹ You may add as many services and functions as you like to the list; use blank paper, if there is not enough room in the table. Then use the **EXPLANATION** page to describe why you assigned each service or function where you did. As you describe your rationale, refer to the ten factors listed on page 3, above.

SERVICES AND FUNCTIONS <i>(Entries in italics are additions to original list)</i>	LEVEL OF GOVERNMENT TO WHICH THE SERVICE OR FUNCTION SHOULD BE ASSIGNED						
	COL 2	COL 3	COL 4	COL 5	COL 6	COL 7	
	CITIES/ TOWNS	VOLUNTARY COMPACT	REGIONAL FUNCTIONAL ORGANI- ZATION	EXISTING LIMITED PURPOSE COUNTY GOV'T.	REGIONAL GOV'T	STATE	GOV'T SHOULD NOT PROVIDE
ADMINISTRATION:							
• Maintain deeds and other official records							
• Serve legal process documents							
• Provide joint purchasing of supplies and equipment for local governments							
• Operate civil court system							
• Operate criminal courts and prosecutor system							
• <i>Management and Fiscal Control of Regional Government</i>							
• <i>Licensing & Certification</i>							

¹For purposes of these models we are not including the Federal government.

TOPIC	CITIES	VOL. COMP.	REG FUNC OR	EXIST CTY	REG GOVT	STATE	GOVT NO
ECONOMIC DEVELOPMENT:							
• Economic Development Strategy							
• Convention and Visitor Promotion							
• Attraction of New Businesses							
• Support for Entrepreneurial Activities							
• Manage sharing among towns of tax revenue derived from developments having regional impact							
• Employment/Labor modeling projections							
• Unemployment Compensation/Job Service							
ENVIRONMENTAL PROTECTION:							
• Site Review							
• Protection of Open Space							
• Air Quality Enhancement							
• Water Quality Enhancement							
• Solid Waste Management							
• Waste Water Treatment -- General							
• Protection from Hazardous Materials							
• Waste Water Treatment -- Site Specific							
HUMAN DEVELOPMENT							
• Primary/Secondary Education Policy							
• Primary/Secondary Education Administration and Execution							
• Learning Resource Systems, including libraries							
• Health and Human Care Policy							
• Health and Human Care Services							
• Health and Human Care Funding							
• General Assistance							

TOPIC	CITIES	VOL. COMP.	REG FUNC OR	EXIST CTY	REG GOV'T	STATE	GOV'T NO
INFRASTRUCTURE:							
• Construct and/or Manage Civic Center and other entertainment facilities							
• Construct and/or Manage Convention Center and other business facilities							
• Transportation Planning							
• Transportation Management, including some or all of bus service, airport management, railroad development, and road building and maintenance							
• Provision of Water Supply							
LAND USE MANAGEMENT:							
• Land Use/Comprehensive Planning							
• Transfer of Development Rights Program							
• Zoning							
PUBLIC SAFETY:							
• Civil Emergency Planning							
• Civil Emergency Management							
• Police/Law Enforcement Policy							
• Emergency Medical/Rescue Service							
• Fire Protection							
• Administration of Corrections System/Facilities							
• Emergency Dispatch Service							
OTHER:							

DEFINITIONS

1. **"CITIES/TOWNS"** means all municipalities in the region.
2. **"VOLUNTARY COMPACT"** means an organization which is formed on the initiative of two or more municipalities for some specific purpose. Current examples include the Council of Governments and fire department mutual support agreements.
3. **"REGIONAL FUNCTIONAL ORGANIZATION"** means a body that exists for a narrow set of purposes or tasks. Current examples include School Administrative Districts, the Portland Water District and the Regional Waste System. A regional functional organization may be voluntary, like RWS, or it could be compulsory, like PWD, with power to pass regulations and raise revenue within the scope of its purposes.
4. **"EXISTING LIMITED PURPOSE COUNTY GOVERNMENT"** is the existing Cumberland County government, with any modifications you make later in your model.
5. **"REGIONAL GOVERNMENT"** means a new, more comprehensive body with the power to make laws and levy revenues in some form. It generally includes both legislative and executive functions.
6. **"STATE"** means the State of Maine.

EXPLANATIONS.

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SECTION II: VOLUNTARY COMPACTS

Complete this section only if you have selected **VOLUNTARY COMPACTS (COLUMN 3)** for one or more services or functions.

1. How many Voluntary Compacts should there be? List each one and describe its purposes, functions, or services.

Answer the following questions for each voluntary compact you have proposed:

2. What should be the qualifications or requirements for membership?
3. What should the boundaries be? (You may assume the boundaries may differ from one organization to another.)
4. Is any governing structure needed? If not, why not?

If so, how would the organization be governed?

- a. By an elected body?
- b. By a body appointed by the municipal members?

In either case, how would "ownership" and/ or voting rights be apportioned among the towns?

5. What authority, if any, should the voluntary compact have over municipalities or any regional government?
6. What should its funding source(s) be?
 - a. Member dues
 - b. Service fees -- identify which one(s)
 - c. Voluntary contributions

SECTION III: REGIONAL FUNCTIONAL ORGANIZATIONS

Complete this section only if you have selected **REGIONAL FUNCTIONAL ORGANIZATION (COLUMN 4)** for one or more services or functions.

1. How many regional functional organizations should there be? List each one and describe its purposes, functions, or services.
 - a. Which of these functional organizations, if any, should be voluntary for towns in the region?
 - b. Which of them, if any, should be compulsory for towns in the region?

Answer the following questions for each functional organization you have proposed:

2. What should be the qualifications or requirements for membership?
3. What should the boundaries be? (You may assume the boundaries may differ from one organization to another.)
4. How would the organization be governed?
 - a. By an elected body?
 - b. By a body appointed by the municipal members?

In either case, how would "ownership" and/ or voting rights be apportioned among member towns?
5. What authority, if any, should each functional organization have over municipalities or any regional government? Conversely, what authority should municipalities have over the functional organization?
6. What relationship, if any, should each functional organization have with any form of regional government, if one exists in your model?
7. What should its funding source(s) be?
 - a. Real Property taxes
 - b. Land Value taxes
 - c. Personal Property tax
 - d. Sales tax
 - e. Personal Income tax
 - f. Corporate Income Tax
 - g. Service fees -- identify which one(s)
 - h. Voluntary contributions
 - i. Other

SECTION IV: EXISTING COUNTY GOVERNMENT

Complete this section *only* if you have selected **EXISTING COUNTY GOVERNMENT (COLUMN 5)** for one or more services or functions.

1. What responsibilities/authority does Cumberland County require in order to provide the services and/or functions you have assigned? What changes from the current responsibilities/authority, if any, does your model represent?
2. What should be the structure of elected government -- for example, number of Commissioners, their powers, etc.? What changes from the current structure, if any, does your model structure represent?
3. What should be the executive/administrative structure of County Government? What changes from the current structure, if any, does your model structure represent?
4. How should officers such as Sheriff, Registrar of Deeds, et al., be selected? What changes from the current structure, if any, does your model structure represent?
5. How should Cumberland County government be funded? What changes from the current funding mechanisms, if any, does your model structure represent?

SECTION V: REGIONAL GOVERNMENT

Complete this section *only* if you have selected **REGIONAL GOVERNMENT** (COLUMN 6) for one or more services or functions.

1. What should be the responsibilities and authority of the regional government?
 - a. What limits should be placed on the responsibilities and authority?
 - b. Should the powers and authority of the regional government come directly from the citizens of the region or from the municipalities which make up the region as defined?
 - c. What authority, if any, should the regional government have over municipalities, municipal compacts, and/or regional functional organizations?
2. What should be the boundaries of the regional government?
 - a. Bigger? Smaller?
 - b. What is the rationale for the boundaries?
 - c. If the boundaries you propose are different from the existing Cumberland County boundaries, what should happen to towns currently in Cumberland County which do not fall within the new boundaries you propose?
 - d. A related question, but one which need not be answered: For the State as a whole, should it be necessary for every town to be included in a regional/county government, or could regional governments around the State leave out some towns?
3. How should the legislative function be structured? That is:
 - a. How many elected representatives should there be?
 - b. Should representatives be elected by (choose one or propose an alternative):
 - (1) City and Town Councils
 - (2) Citizens voting within their municipalities as districts
 - (3) Citizens voting in districts of approximately equal population, without regard to municipal lines?
 - c. What should the powers of the legislative body be?
 - d. What limits/constraints should be placed on the powers of the legislative body?
 - e. What should the representatives be titled?
4. How should the executive function be structured? That is:
 - a. How should the executive be derived (choose one or propose an alternative):
 - (1) An Executive elected in the same way as the representatives (see #3b, above)
 - (2) An Executive appointed by the elected representatives (similar to a Town Manager)
 - (3) An elected Executive who appoints a professional administrator

- b. What should be the powers of the Executive?
 - (1) What limits/constraints should be place on the powers and authority of the Executive?
 - (2) What should the person in charge be titled?
5. What other regional offices, if any, should be elected by the citizens? (E.g., sheriff, Register of Deeds)
6. What role(s) should regional government play in delivery of services (choose one or propose an alternative):
 - a. It should provide direct service delivery to citizens only through its own administration.
 - b. It should not provide any services directly; instead, it should contract with public and/or private organizations to deliver services.
 - c. It should provide a mix of direct and contracted services, with the choice depending on cost, quality, and similar factors.
7. To what extent, if any, should the regional government encourage development of regional functional organizations and/or voluntary compacts, perhaps with boundaries different from those of the regional government?
8. What should its funding goals and source(s) be? Select any or all of the items below, and/or add others. For each one you select, outline how the tax would work, including coverage, rates, exemptions, etc. If possible, identify how much would be raised by each of your choices if it were to exist in 1991.
 - a. Real Property taxes
 - b. Land Value taxes
 - c. Personal Property tax
 - d. Sales tax
 - e. Personal Income tax
 - f. Corporate Income Tax
 - g. Service fees -- identify which one(s)
 - h. Voluntary contributions
 - i. Other
9. What should the budget process be like? To what extent, if any, should any forms of expenses be subject to citizen approval?

SECTION VI: GENERAL QUESTIONS

1. If you believe the existing County government should be abolished and not replaced with any new forms of regional governance, what should be done with the existing functions of County government?
 - a. Which should be taken over by the State? Why?
 - b. Which should be taken over by municipalities? Why?
 - c. Which should be passed to private enterprise, with oversight by the State of municipalities? Why?
 - d. Which should be abolished altogether? Why?
2. If you selected any form of regional governance:
 - a. What values or fundamental beliefs should underlie regional governance?
 - b. What are the purposes of regional governance?
 - c. What limits, if any, should be placed on regional governance? In other words, what should it not be allowed to do, regardless of the form it takes?
3. If you assigned any services or functions to a regional government: could or should the existing Cumberland County government continue to exist while a new regional government with different powers, boundaries, and structures also operates? Or are the two incompatible?

LD 952

October 26, 1992

The Hon. Gary Plummer,
County Commissioner Chairman

The Hon. Richard Hewes
The Hon. Joseph Mazziotti
142 Federal Street
Portland, Maine 04101-4196

Dear Honorable Commissioners:

Attached please find the minority report of the Cumberland County Commissioner's Commission to evaluate County Regional Government.

It took from the the foundation of Cumberland County Government to the year 1985 for the county budget to rise to an expenditure level of \$5.5 million. At this point the county Commissioners were given budget autonomy by Maine State Legislature. Following this bench mark, the county budget has nearly tripled to the current expenditure proposal of \$13.8 million for 1993.

It is painfully obvious from our two-year study that the problem with Cumberland County Government is not its structure, but is instead the priorities and decisions of our County Commissioners. As an example, there was a \$625,000 surplus in the 1990 budget, of which only \$200,000 was returned to the paying municipalities. This, combined with the recent \$238,000 deficit at the civic center and the sending out of the \$25 million bond to build a county jail when a site location was undetermined, have continued to undermine the public's confidence.

Out of the 24 active in this commission to evaluate County/Regional Government, 13 were participants in the VISION 2000 planning group. This VISION 2000 majority report raises grave concerns that municipalities in Cumberland County and adjacent York County will be districted into mere neighborhood place names within a restructured, "regionalized", county planning corporation. We are concerned that Greater Portland Council of Governments will pursue its policy initiatives by subjecting local small businesses to policy-based operational regulations, and other forms of collective oversight and control.

Support for this commission's work is nearly non-existent. Frequently meetings were only discussions because there was no quorum. The public seldom attended or spoke at any of our hearings. Quite possibly many commission members lost interest as it became clear that the VISION 2000 goals included a price tag that sets new levels of spending and taxation.

After many hours and two years of service, we have come to the realization that this commission was hand-selected with a pre-determined goal of endorsing the VISION 2000 recommendations of expansive county government and more taxes for all.

At a time when taxes are crippling the country, and threatening homeowners, it is unthinkable that we would recommend an expanded form of government that would balloon taxes and the role of County Government.

We do not have a revenue-generating problem in County Government. We do not have a County Government that is failing to meet the necessary service levels expected by municipalities and the voters. Conversely, we have three County Commissioners that wish to see County Government take on private sector functions, local government functions, and state government functions, that the taxpayers of Cumberland County neither want nor can afford. This commission's majority recommendation to implement VISION 2000 in the form of a County Charter is much like the charter defeated by the voters in the early 1980's.

We have served our county with the hope that the filing this minority report would show the people of Cumberland County a better way.

We believe that the citizens of Cumberland County will be better served by a more responsive, less expensive, unobtrusive county government. We strongly disagree with the findings of the majority report which recommends yet another costly layer of government.

In short, expansion of Cumberland County's government is not the solution. It has been the problem.

Respectfully submitted,

Carolyn H.T. Cosby, Portland

Judy M. Carpenter, South Portland

Honorable Councilor Kevin J. Glynn, South Portland

Honorable Representative Ernest C. Greenlaw, Standish

Paul A. Niehaus, Standish