

BARNSTABLE COUNTY

In the Year Two Thousand and Five

Ordinance 05-22

In partnership with the fifteen Towns of Barnstable County, to establish the **Cape Cod Water Protection Collaborative**:

Whereas Cape Cod possesses great beauty and abundant natural resources cherished by its residents and visitors;

Whereas the quality of many Cape Cod water bodies has diminished, primarily due to inadequate wastewater treatment;

Whereas the cost of providing effective wastewater infrastructure is exceedingly burdensome to Towns acting individually;

Whereas many estuaries, bays and coves, their watersheds, and lakes and ponds cross Town boundaries;

Whereas there is need for a regional framework to concentrate resources and strategies on overcoming this pervasive environmental problem;

Whereas citizens' understanding varies regarding the contribution wastewater management makes to Cape Cod's environmental and economic health:

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

Pursuant to Sections 1-6, 6-1 and 6-2 of the Barnstable County Home Rule Charter, and to focus regional attention and resources on the critical need to develop comprehensive wastewater infrastructure for Cape Cod, it is hereby proposed to establish the **Cape Cod Water Protection Collaborative** (the "Collaborative").

The Mission Statement of the **Collaborative** shall be the following: "To offer a coordinated approach to enhance the wastewater management efforts of Towns, the Regional Government and the Community for the provision of cost-effective and environmentally sound wastewater infrastructure, thereby protecting Cape Cod's shared water resources."

The Goals of the **Collaborative** shall be the following: 1) Attract state, federal and public-private revenue sources for financing assistance to the Towns for wastewater projects; 2) Maximize regional cooperation and action in managing wastewater; 3) Coordinate the development of infrastructure that is cost-effective, technologically efficient and environmentally appropriate; and 4) Educate the public concerning the contribution wastewater management makes to sustaining Cape Cod's economic and environmental health.

The organizational structure, responsibilities and functions of the **Collaborative** will be in accordance with the provisions of the following proposed Ordinance:

Cape Cod Water Protection Collaborative

Article 1. Purpose

It is essential that Towns and Barnstable County work cooperatively to fund, plan, implement and manage a comprehensive infrastructure of wastewater systems and provide related technical

services, in order to protect Cape Cod's bays, estuaries, ponds, lakes and drinking water wells. The **Collaborative** will provide complementary support and resources to Towns for acquiring this infrastructure and offering these services. The **Collaborative** will be responsive in fulfilling this mission by recognizing varying community and watershed protection needs and apportioning resources accordingly.

Article 2. Establishment

Pursuant to the provisions of Sections 1-5, 1-6, 6-1 and 6-2 of the Barnstable County Home Rule Charter, the **Cape Cod Water Protection Collaborative** is hereby established. The **Collaborative** shall operate within the Barnstable County Regional Government structure and in accordance with its administrative and budgetary procedures. Towns may choose to interact with the **Collaborative** at any of a range of levels, from provision of comprehensive facilities planning, financing, development, operation and related services, to contracting only for a specific type of financial aid or treatment/disposal service.

Article 3. Definitions

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|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Collaborative | Cape Cod Water Protection Collaborative (CCWPC); |
| Governing Board | policy-making body of the CCWPC, with membership from each participating Town and Barnstable County |
| Charter | Home Rule Charter of Barnstable County |
| Commissioners | Barnstable County Board of County Commissioners (Executive branch) |
| DEP | Department of Environmental Protection, Commonwealth of Massachusetts |
| Steering Committee | five-member body responsible for executive decision-making and management between regular Governing Board meetings |
| Executive Director | individual responsible for managing daily operations and staff, reports to the Steering Committee/Governing Board and, for departmental coordination, to the Commissioners |
| Town | any participating Town of Barnstable County |
| Assembly of Delegates | Legislative branch of Barnstable County |
| Regional Wastewater Plan | a plan envisioned by the Collaborative for planning and coordinating the implementation of wastewater infrastructure on Cape Cod that is consistent with the intentions of the participating Towns and with the Regional Policy Plan |
| Technical Advisory Committee | engineers, scientists and related experts to provide technical support and advice to Steering Committee and Governing Board (initially, the Wastewater Implementation Committee will serve as the TAC). |

Article 4. Governing Board, Steering Committee and Technical Advisory Committee

The **Collaborative** shall be managed by a Governing Board composed of multi-faceted, managerially experienced persons representing each participating Town and Barnstable County. Initially each Town joining the **Collaborative** shall appoint a representative and the Commissioners shall appoint two at-large representatives to serve nominal two-year terms as members of the Governing Board. Based on subsequent Governing Board policy, members will be appointed to staggered multi-year terms of service. If an even number of Governing Board members results from this process, the Commissioners shall appoint an additional representative, thus permitting majority vote decision-making. The Governing Board shall establish policies for fulfilling the mission, goals and objectives of the **Collaborative**, and it shall endeavor to support the provisions of a Regional Wastewater Management Plan and the Comprehensive Wastewater Management Plans of member Towns. The Governing Board shall also adopt regulations and procedures for administering the activities of the **Collaborative**, and it shall prepare and submit an operating budget annually to the Commissioners for inclusion in the omnibus Barnstable County budget.

The Steering Committee, a five-member executive management body, shall be in session as often as needed between regular meetings of the full Governing Board in order to provide timely policy direction and to take decisive management actions as needed. Three members of the Steering Committee shall be appointed by the Governing Board from within its member Towns, and the other two Steering Committee members shall be the same individuals appointed to the Governing Board by the Commissioners. The chairperson of the Governing Board shall also serve as chairperson of the Steering Committee. The hybrid appointing process for determining Steering Committee membership is designed to ensure a broad spectrum of management, finance and planning skills to best serve the varied and extensive responsibilities of the **Collaborative**, ranging from seeking revenues to planning projects.

The Governing Board and Steering Committee shall routinely consult with and receive support from a Technical Advisory Committee for research regarding wastewater technologies, and for engineering and technical assistance on wastewater system capabilities, development, operation and maintenance. The Commissioners shall appoint persons with requisite scientific and engineering credentials in wastewater systems management or related fields of experience to serve as members of the Technical Advisory Committee.

Article 5. Executive Director and Staff

The daily operations and activities of the **Collaborative** shall be managed by an Executive Director on behalf of the Governing Board and its Steering Committee. The Steering Committee shall search for and screen candidates for the position of Executive Director and recommend the most qualified one to the Commissioners via the Governing Board for appointment. The Executive Director shall be in attendance and shall report on all matters affecting the **Collaborative** to the Steering Committee and the Governing Board when these bodies are in session. At other times, the Steering Committee chairperson, acting on behalf of the Steering Committee and in concert with the policies of the Governing Board, shall provide guidance and direction as needed to the Executive Director. The Executive Director shall lead an administrative and technical staff; its size and composition shall be as recommended by the Governing Board and established by the Commissioners and Assembly of Delegates. The Executive Director and the staff shall be considered to compose a department of Barnstable County Regional Government for purposes of personnel administration, budget preparation and other similar organizational requirements.

Article 6. Responsibilities and Functions

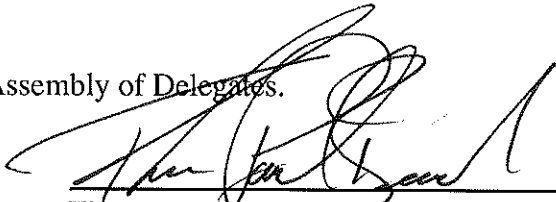
The **Collaborative** shall have authority to discharge, but not be limited to, the following responsibilities and functions, consistent with the Administrative Code of Barnstable County:

- a. Establish the Regional Wastewater Management Plan in conjunction with County staff;
- b. make grants or loans, or provide other forms of financial aid, to complement the funding resources of Towns dedicated to wastewater management;
- c. apply for, accept, administer, expend and comply with the conditions and obligations of any grant, gift or loan from regional, state or Federal government agencies or from private, corporate or public-private partnership organizations;
- d. seek legislation to access dedicated State Revolving Fund (SRF) resources for infrastructure development and services;
- e. arrange public-private funding partnerships for wastewater management;
- f. enter into inter-municipal agreements with one or more Towns or other jurisdictions as necessary, in accordance with the Charter;
- g. assist each Town in preparing and adopting its Comprehensive Wastewater Management Plan within 3 years of receipt of Total Maximum Daily Load (TMDL) data from the DEP;
- h. consult with and assist Towns with their planning and implementing of wastewater treatment and septage/sewage disposal systems;
- i. assist Towns in contracting for and providing wastewater treatment services and sewage or septage disposal services;
- j. make and enter into contracts that serve the purposes and interests of the **Collaborative**;
- k. produce and distribute informational materials in various formats, including PEG Access television programming, a **Collaborative** web site, and the sponsoring of educational workshops and conferences;
- l. consistent with the Charter and Massachusetts General Laws, conduct any functions as may be necessary for, or incident to, carrying out the goals of the **Collaborative**.

Article 7. Review of Cape Cod Water Protection Collaborative

Prior to the end of the fourth year from when the **Collaborative** is established, the County Commissioners shall notify the participating towns that a comprehensive review of the work of the Collaborative shall take place. Participating towns will be asked to nominate a person to serve on a Review Committee, whose duties shall be to examine the work of the **Collaborative**, ensuring that the mission and goals of the **Collaborative** are progressing as outlined in the ordinance. At the end of its review, the Committee shall file a written report with the County Commissioners and the Assembly of Delegates stating its findings.

Adopted on December 7, 2005 by the Assembly of Delegates.



Thomas P. Bernardo Speaker

Approved by the Board of County Commissioners, 12/14/05 at 9:30 a.m.
May Lee [Signature] [Signature]
Date Time