

J B G & H
M E M O R A N D U M

TO: Peter Creighton
FROM: Ken Cole
RE: Charter Commission Membership
DATE: March 26, 2003

You have asked me for a general description of what membership on the County Charter Commission would entail. I was the Chairman of the last such Commission, more than 20 years ago, and from a review of my notes basically the membership obligation is principally to attend meetings. The meetings of the Commission were twice a month, similar to a Town Council, and pretty much continued at that rate throughout with slightly greater intensity at both the beginning and the end when public hearings were held, initially pursuant to the statute which requires that the Commission obtain public input on the process as a whole and finally for a public reaction to the draft charter.

Meetings, which are public, typically ran from 7:00 to 10:00 P.M. and most were held at Payson Smith Hall at the University of Maine where we were able to obtain a convenient seminar room. As you know, the statute provides for up to a two year process although it can be truncated down to roughly nine months. My experience would appear to indicate that a full two years might be required although based on the fact that there has been more work in the area of County Home Rule in the past 20 years, it is entirely possible that this Commission could finish its work within a period of time that would allow the proposed charter to be placed on the November 2004 ballot, which certainly would draw a much greater turnout than in November 2005. Since the statute states that the election must be at least 60 days after submission of the final report, the Commission would need to be very diligent to meet the various statutory requirements and have a Charter election in November 2004.

The other responsibility is to participate in a public education campaign. Again, 20 years ago we spoke to numerous civic groups and every Town Council and Board of Selectmen in the County. There were even broadcast debates, and meetings with newspaper editorial boards. As you know, that proposed Charter was narrowly defeated because one of the County Commissioners worked against us. Hopefully, given the unanimous support of the current Commissioners, that will not be a problem.

The only other emphasis, other than attending meetings and public education, would be literally reading numerous other County charters and educating oneself in that regard, to be better able to participate in the draft of a charter for Cumberland County. I am sure that your office would be able to provide additional staff support which is something that did not exist 20 years ago and which would make the process much less cumbersome than it was at the time when the Commission basically, with the help of the County Clerk, Elvira Ridlon, had to act as its own staff.

A recent review of existing county charters has indicated that each is like a human fingerprint - i.e. unique. Beyond common provisions (e.g. those that establish the form of government and set the terms of office for county officials), each charter reflects the special interests and priorities of the community. Environmental protection predominates several charters in the Northwest while more urban and suburban regulate land use and development. Many clearly reflect unique philosophies of county residents toward the management of the public's interest. Therefore the first question to be asked is "what is this document intended to do."

Charter government powers typically fall into three operational dimensions; structural, functional and fiscal. There are counties whose charters reflect even broader powers within their framework dealing with political, accountability, style and format

Let us review what has been obtained from various charter content:

STRUCTURAL; governing body, size, administrative, executives, appointed/elected officials

FUNCTIONAL; service delivery, intergovernmental agreements, oversight, planning, zoning, public safety, communications

FISCAL; Taxing and budget authority, debt limits, bond issues, surplus accounts audits,

POLITICAL; Partisan or non-partisan elections term limits, procedure for initiative and recall, redistricting

STYLE & FORMAT; community needs and goals, charter revision, preamble, language,

ACCOUNTABILITY; ethics review board, campaign finances, public accessibility, discrimination and nepotism, personal financial gain,

Counties having charters have proven to be most effective, efficient and responsive to the public than counties operating under general law especially in areas of structural reform. Provisions for fiscal and operational reform have been limited by state statute. Charter adoption has never been easy. Some possible disincentives to charter adoption have included state fiscal constraints, constitutional officer opposition to shortening the ballot and redistricting to name but a few.