

**BARNSTABLE COUNTY**

**In the Year Two Thousand and Seventeen**

**Proposed Ordinance 17-08**

**This Ordinance shall replace Ordinance 05-22 in its entirety.**

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 protect Cape Cod's shared water resources by promoting and supporting the coordinated, cost-effective and environmentally sound development and implementation of local water quality initiatives, including, but not limited to watershed management plans required by section 208 of the Federal Clean Water Act."

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;

- 4) Educate the public concerning the contribution wastewater management makes to sustain Cape Cod's economic and environmental health.
- 5) Advise and Review the aspects of the Regional Water Quality Management Plan (208 Plan) and track the Towns as they implement aspects of the plan.
- 6) Advise and Review the development and implementation of a transparent and sustainable Regional Water Quality Monitoring Program to collect, format and analyze water quality information including, but not limited to, ocean, near-shore, estuary, in-stream, storm water, fresh water and drinking water data necessary to implement cost-effective and environmentally sound responses to threatened water resources.

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, to protect Cape Cod's bays, estuaries, ponds, lakes and drinking water wells.

##### 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.

##### Article 3. Definitions

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.

Town any participating Town of Barnstable County

Assembly of Delegates Legislative branch of Barnstable County

Regional Water Quality Plan developed by the Cape Cod Commission at the direction of the Commonwealth of Massachusetts in accordance with section 208 of the federal Clean Water act, this plan coordinates the implementation of wastewater infrastructure on Cape Cod requiring local plans developed by Towns designated as Waste Management Agencies (WMAs) to be consistent with its content.

Regional Water Quality Monitoring Program a central repository of water quality data and analysis at the Cape Cod Commission

Technical Advisory engineers, scientists and related experts to provide technical support and advice to Steering Committee and Governing Board.

#### 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.

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.

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, upon recommendation of the Governing Board, 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. Staff

The daily operations and activities of the Collaborative shall be managed by the Cape Cod Commission on behalf of the Governing Board and its Steering Committee. The Cape Cod Commission will appoint a person that 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, will provide administrative guidance and direction, as needed to the Cape Cod Commission staff.

The Cape Cod Commission will provide administrative and technical staff as needed.

An annual budget developed by the Cape Cod Commission with recommendations from the Cape Cod Water Protection Collaborative will be included in the Cape Cod Commission's annual budget.

#### 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 recommendations on grants or loans, or provide other forms of financial aid, to complement the funding resources of Towns dedicated to wastewater management;
- c. In accordance with the County Charter and through the County Commissioners, make recommendations on application 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. Recommend and 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. In accordance with the County Charter and through the County Commissioners, make recommendations to 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**

The CCWPC shall report annually to the Barnstable County Commissioners and the assembly of Delegates on the status, goals and objectives, and progress of the Collaborative.

**(Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates held on May 3, 2017)**