

A. No. All deliberations on the project, including your analysis of how you will decide to vote on the project, must occur in the context of a posted public hearing and/or meeting.

Q. Since I am not on the subcommittee that is analyzing the DRI, do I have any limitations in speaking to the general public, town officials, or anyone else about a project?

A. Yes. As a member of the Commission, you are considered a quasi-judicial board member who will ultimately vote upon that DRI at the full Commission meeting. The policy applies equally to subcommittee members and the full Commission.

Q. Can you tell me more about what would be considered improper bias on my part as a Commission member reviewing a project?

A. Each member reviewing a project should be impartial with no preconceived conclusions about that project, in the same way a jury that hears a trial is impartial. Statements that a member makes—either before or during the DRI—that may be perceived as projecting the appearance of either a closed mind (whether it be about the project or the applicant), a conclusion on facts about that DRI that are made before the Commission hears the project, or an opinion about the facts of the project may be considered to show bias. In addition to specific statements made by you individually, bias may be shown by your membership in an interested organization that may have made statements that could possibly be imputed to you.

Q. Can I state my opinion on a pending DRI project in a letter to the editor of my local newspaper?

A. As a member of the quasi-judicial board who will ultimately vote on whether to approve or deny a project, Cape Cod Commission members should not express opinions in any forum that may be considered to show bias. For further detail, please see the *Cape Cod Commission Public Relations Policy* (approved July 9, 2007; page 5).

The Roles and Responsibilities of Cape Cod Commission Members

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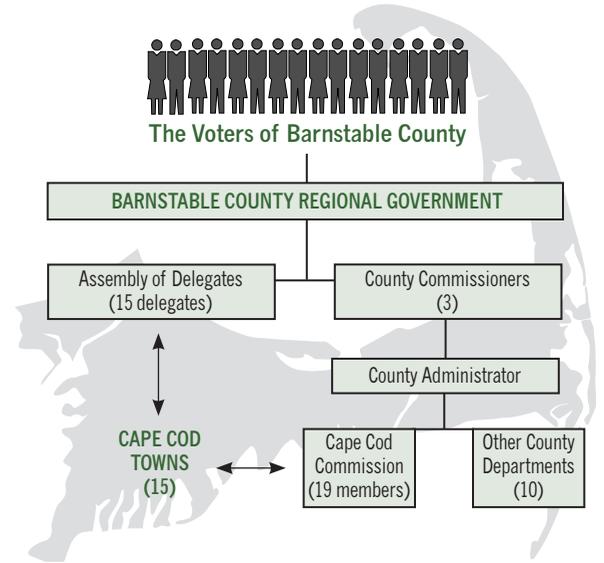
BARNSTABLE COUNTY encompasses all of Cape Cod. The regional government's basic structure is shown at right; it includes:

- the Barnstable County Assembly of Delegates, the **legislative branch**, which has one delegate from each of the 15 towns, elected to two-year terms by town voters. Each delegate's vote on the Assembly carries "weight" according to his or her town's population relative to the county's. For example, the Town of Barnstable's vote currently weighs more than 21.5 percent, while the Town of Truro's vote weighs less than 1 percent. The Assembly approves budgets for all county departments, as well as regional regulations and ordinances.

- the Barnstable County Commissioners, the **executive branch**, a three-member board, each of whom is elected to a four-year term. Along with the County Administrator, this body oversees county operations, facilities, and departments, including the Cape Cod Commission.

THE CAPE COD COMMISSION (CCC) was created in 1990 by an Act of the Massachusetts General Court (the state legislature), and it was confirmed by a majority of Barnstable County voters. The Commission is a unique department of Barnstable County, being funded by the Cape Cod Environmental Protection Fund, which is separate from the general county budget. The CCC's mission is to manage growth, to protect Cape Cod's unique environment and character, and to foster a healthy community for present and future generations.

As Barnstable County's regional land use planning and regulatory agency, the 19-member CCC consists of one member appointed to a three-year term by the Board of Selectmen from each of 14 Cape towns and by the Town Manager in the case of the Town of Barnstable; plus three members appointed annually by the Barnstable County Commissioners (one County



Commissioner, one Native American, and one Minority Representative); plus one Governor's Appointee, who is a non-voting member with a term coinciding with that of the Governor of Massachusetts. All CCC members are citizen volunteers who receive and evaluate information from the agency's professional staff, consider policies to guide the agency's activities, and make regulatory decisions about development proposals under the agency's jurisdiction.

The CCC is charged with preparing and implementing a regional land use policy for all of Barnstable County, known as the Cape Cod Regional Policy Plan (RPP). Approved as a county ordinance by the Assembly of Delegates, the RPP defines standards for development throughout Cape Cod. As mandated in the Cape Cod Commission Act, the Commission must initiate a review of the RPP at least every five years through a public process that solicits input from all citizens.

Time Commitments

Being a member of the Cape Cod Commission is a serious responsibility. The work load

is considerable, and the time commitment is substantial. The rewards of being a member are equally great. Reviewing development proposals provides a great opportunity for CCC members to learn about all 15 Cape towns and to meet interesting people and see interesting places. Development reviews allow CCC members to influence growth and help ensure that it will not detract from the qualities and resources that make Cape Cod unique and valued.

■ Meetings of the CCC Board and Standing Committees

The full 19-member Cape Cod Commission board generally meets every other Thursday afternoon in the First District Courthouse of the Barnstable County Complex (off Route 6A) in Barnstable. Meetings last about two hours.

CCC members may also be asked by the board's chair (who is elected by the members annually) to serve on a standing committee. Participation is voluntary in the Regulatory and Planning standing committees; however, the Executive Committee's composition is prescribed by administrative regulations. Standing committees generally meet in the Commission office to discuss issues every other Monday.

Additional Responsibilities

■ Regulatory Responsibilities

CCC members are also expected to serve on regulatory subcommittees to review specific Development of Regional Impact (DRI) proposals. Members rely on the technical expertise of the agency's staff—a diverse group of professionals who gather and interpret data and provide advice on the interpretation of the Regional Policy Plan's standards—to make decisions. The evaluation of data and the decision making are vested in CCC members; in this way, members serve as “quasi-judicial” officials.

DRI subcommittees review written applications, materials, and reports; conduct required public hearings; and hold public meetings to discuss issues and concerns and to formulate their recommendations about the DRI decisions to be voted on by the full CCC board.

Depending on the nature and complexity of a development proposal, regulatory subcommittee work can require a significant commitment of time. Meetings may take place during the day and in the evening. Whenever possible, the first public hearing for each DRI is held in the town in which the project is proposed; other hearings and meetings may also be held there or in Barnstable. The final public hearing is always held during a meeting of the full board, at which time the DRI decision is finalized. Preparation for and travel to meetings add to the time commitment.

■ Community Responsibilities

CCC members also serve as liaisons with their towns. Making periodic reports about CCC activities to the Board of Selectmen (or the Town Council, in the case of Barnstable) is an important duty. Within the limits defined by the state **Open Meeting Law** and the agency's own **Public Relations Policy** and the **Communications Policy for Cape Cod Commission Members** (see summary to right), members should make themselves available to answer questions, provide information to town officials and citizens, and submit annual reports about CCC activities.

■ Regional Advisory Responsibilities

CCC members are an advisory board responsible for guiding many of the agency's policies and initiatives. Members may also be appointed to represent the agency on special committees or other boards. Most importantly, CCC members help the agency fulfill its mission and uphold the Cape Cod Commission Act and ordinances adopted by Barnstable County.

■ Communication Rules ■ for CCC Members

Cape Cod Commission (CCC) members serve in several different roles:

1. They are representatives of and liaisons to the 15 Cape towns and Barnstable County residents.
2. They are regional policy makers in issue areas such as land use, transportation, and affordable housing.
3. They are quasi-judicial board members regulating development proposals.

In the first two roles, CCC members are encouraged to communicate freely and regularly with local and county officials and the general public. In the third role, however, CCC members are more limited when and how they may communicate. Members of Development of Regional Impact (DRI) subcommittees and the full Commission serve in a quasi-judicial role during the pendency of DRI review (defined as “the time from which a DRI application is filed with, referred to, or jurisdiction is asserted by the Commission until the meeting in which the full Commission votes on the final decision or the DRI is withdrawn”) and during the DRI appeal period. Each member must confine his or her review to the oral and written information received **during the public hearing process.**

The following questions and brief answers are designed to help CCC members understand the policies governing their communications. All CCC members should obtain a copy of the *Communications Policy for Cape Cod Commission Members* (approved June 12, 2008) to review the complete answers. Members should also review the *Cape Cod Commission Public Relations Policy* (approved July 9, 2007).

**For more information,
contact the Commission Counsel.**

Q ■ I am on the subcommittee for a DRI that is being reviewed by the Cape Cod Commission. Can I speak to my town officials to give them updates on the status of the DRI review?

A. Yes. You may provide your town officials information on the status of a DRI under review, such as where the DRI is in the process, provided you are doing so in a posted open meeting for which minutes will be prepared.

Q ■ My Board of Selectmen wants me to appear before them so they can let me know the town's position on the project. This way I will know what position to take on the project. Is this allowable under the communications policy?

A. No. As a quasi-judicial board member, it is essential that you avoid all appearance of prejudgment of the project and/or bias. You may appear before the Board of Selectmen to give informational updates about the DRI process, but it is necessary to the process that you have not “prejudged” the project or predetermined your vote. Any testimony about the project itself should be made in the context of a DRI hearing or public meeting so that all members of the subcommittee may receive it. You may bring written comments from the town to the next posted DRI hearing. Town officials are also always welcome to attend and present their views.

Q ■ Can I take into consideration in my vote on a DRI information that was not part of the formal DRI process?

A. No. The reason the communications policy requires members to restrict their DRI review to information received as part of the DRI hearing process is to ensure that every member of the Commission is voting based upon the same information. Each CCC member should direct anyone desiring to give him or her information either to attend a public hearing or to send written information to the Commission so that it may be made part of the DRI record.

Q ■ I am on the subcommittee. Can I discuss with my fellow subcommittee members how they will be voting on the project prior to our scheduled subcommittee meeting?