Massachusetts County Government: A Viable Institution?

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County government has had an impact on the lives of the people of Massachusetts since 1643, predating the American federal system by well over a century. The various services that county government provides, and has provided in the past, are essential to the residents of those counties. Despite such an extensive history, counties in Massachusetts, and New England as a whole, are distinct from other counties throughout the nation. Deviating from many states, the functions and duties typically performed by a county are performed by the state government or by cities in Massachusetts. In an era where we continually seek to “trim the fat” from all aspects of government, taking a look at what our counties do, and what others have done is an important exercise in the world of state and local government.

Originally, 14 counties existed in Massachusetts. Yet in recent years, half of those counties chose to take advantage of a provision in the Massachusetts General Laws that gives counties the ability to dissolve themselves. Those county governments that remain in existence have found they are left with less authority and fewer services to provide, as more and more county services are absorbed by state government, with some responsibilities going toward local government as well. To some, county government is a reminder of Massachusetts’ colonial past, while others argue that county government exists in the Commonwealth “just to exist.”

In 2010, Plymouth County Commissioner John Riordan called on the Plymouth County Commission to consider dissolving the county government, stating that “It is an unnecessary third layer of government that the taxpayers should not finance.” (Riordan, 2000) Feelings like this gained traction as counties lost autonomy over the years, with a major blow hitting on January 1, 2010, when a reform bill signed by Governor Deval Patrick took effect, taking control of the Sheriff’s Department away from the county and turning it over to the state. This move was so significant because law enforcement is one of the many important services that county government has historically provided. Removing this service was a significant blow to the power of Plymouth County government.

One thing to consider is what exactly Americans expect county governments to provide. According to the National Association of Counties (NACO) county government can wear many hats. Counties perform state mandated
duties, such as the assessment of properties, record keeping, the maintenance of rural roads, the administration of elections, law enforcement, and various public resources such as utilities and reservoirs. This breadth of services is considerably more diverse than what the existing Massachusetts counties offer today. Transit and planning is not something covered by county governments in Massachusetts, where those services are provided by a coordinated regionalization of resources, a move that many former counties in Massachusetts took with their services after their own dissolutions.

In 1998, using the powers granted in MGL 34B, the residents of Hampshire, Berkshire, and Essex Counties voted to dissolve their county government. They became part of a group of seven former counties in Massachusetts. But just because that layer of government was removed did not mean that a new one did not take its place. Hampshire County became a non-political geographic identifier, and the Hampshire Council of Governments took on the service-providing role.

Membership in that body was voluntary, with the cities and towns of the former Hampshire County sending representatives from their municipalities to serve on this council. In fact, some municipalities elected to not join the group. Unlike a county government, this unusual approach to governance receives no state aid, collects no taxes, cannot bond or borrow, and receives funds solely from membership dues and user fees. Despite the drastically diminished revenue, regional service, electricity services, sustainability resources, health and human services, as well as an insurance trust are all provided by this government entity. Notice a lack of law enforcement and judicial capacities, two elements that county government is typically responsible for. It is clear the emphasis of this alternative to county government puts more authority in the hands of local government, as well as gives more power to state government. Yet that is not the direction that every county has moved in.

In 2011, Plymouth County decided not to abolish county government, and instead called for the creation of a new charter. Despite a failure to pass, the idea did generate some important discussions. There was lamentation at a lack of control over the Sheriff’s Department and prison buildings, both things which brought a lot of money into the depleted coffers of county government. But this action by the County Commission did generate a different response to dealing with county government in Massachusetts. Some in Plymouth County are seeking a reform, rather than a complete abolition similar to that seen in other Massachusetts counties. Yet a call for a new charter presents an alternative to this relatively weak style of county government.

By studying the services provided by county governments in Massachusetts, as well as the necessity of county government in the delivery of those services, we can have a better idea of what the next steps should be for county governments in Massachusetts. The goal of this research is to be a resource of citizens, taxpayers, and local officials to use when concerning themselves with county affairs. It is also important to examine just what place Massachusetts county governments have, if any, in modern society—are counties a crucial layer of government, or are we witnessing the gradual demise of an institution that has spanned five centuries in our Commonwealth? Examining this question will help the citizens understand what counties do for them, as the services provided by a county are not always immediately obvious. By peeling back this layer of government, we can gain more knowledge about this arm of authority, knowledge which may be a helpful tool in discussions that are bound to take place on the future of county government in Massachusetts.

**Literature Review**

Research into the viability of Massachusetts County government is a blend of many different components. While literature on the topic itself is difficult to track down, many works that that focus on on the state of county government in the United States do exist (Menzel, 1992). Literature on American counties primarily concerns the reform of the style of government, as many U.S. counties have made the switch from the traditional commission-style form of government, to the more modern form of a government with a charter. This style of government is becoming prevalent in the U.S., with over half of the population of the United States living in chartered counties. While this conversion has its positives and negatives, we can understand that modernization is a trend that shows little signs of stopping.

Currently, there is a lack of relevant research, especially on county government in Massachusetts. As quoted by many public officials interviewed for this article, “county government works in 49 out of 50 states,” with the minority being our own Commonwealth. Yet Massachusetts may not be entirely resistant to change. The fact that Massachusetts is home to two chartered counties shows that there may be a desire among some stakeholders to join the trend. There were also attempts to charter some of the remaining counties as well. The huge potential for counties to make changes and be laboratories of innovation is available, yet it is vital to explore the various arguments for preservation as this process moves forward.

To prove viability, counties need to show their stakeholders what they are actually doing with the money that they receive. Performance measures are a good way to show and measure
what exactly a county is doing. However, performance measures are good only if they are actually used, and that their use is high. The Berman-Wang study on performance measures found that only one third of counties over 50,000 use performance measurement, and among those that use performance measurement, one third have adequate capacity (Berman & Wang, 2000). Also, one-fifth of the one-third of counties that use performance measures utilizes them to a high level (Berman and Wang, 2000). This may be a possible explanation of why counties are considered “the dark continent of American politics,” considering how only one-third of major counties measure their performance (Berman & Wang, 2000).

Since many counties do not have adequate ways to measure performance, never mind actually undertake the measurement of performance, many people may feel that county government is a mysterious body without a clear purpose. People need to be informed of the outputs of county government in order to consider them viable, as the people with the stake in government may ultimately be the ones who are charged with demonstrating the need for it.

Original Research and Analysis
Chapter 34B of the MGLs gives counties the ability to abolish or reorganize themselves. The state also reserves the ability to step in and assume control of a county. Many counties have chosen to go this route, or have been taken over by the state themselves. A wide variety of reasons, from inefficiency and out-datedness, to corruption and mismanagement contribute to the calls for the abolition of counties. Of the 14 counties in Massachusetts, only five remain in county form, while one (Nantucket), exists as a county-city style government, fulfilling both the duties of municipality and county on the small island.

County Abolition in Massachusetts
Abolishment by state control is either seen as an industrious move by the state meant to stamp out corruption and inefficiency, or perceived as a greedy takeover of county assets, depending on one’s perspective. When the state assumes control, some things, like locally elected officials, do not change, since elections and geographical boundaries remain unchanged in the face of abolition. It has also been the most prevalent action when it comes to Massachusetts County government.

The abolition movement of county government first began in in the early 20th Century, when the functions of Suffolk County’s government were absorbed by the city of Boston. This move left the Boston City Council as the de-facto County Commission, and the Treasurer for the city fulfilled the function of County Treasurer as well. In 1999, the county government was officially abolished after nearly a century of non-function, one of many counties to go during the abolition era (City of Boston).

Middlesex County was the first of the counties to go during modern times, and control was assumed by the Legislature in 1997. Health services and hospitals are something that many consider to be essential services that counties should provide, but this is not so in Massachusetts. Middlesex County had a public hospital, and mismanagement of the hospital was just cause for the state to take control. According to Joe Callanan, a former Weld administration official, “Middlesex County ran into financial problems, and the state opted to take control rather than let the county go bankrupt. Scandals were also taking place within the county to damage its credibility.” With the county in insolvency, the Legislature abolished Middlesex County as a government entity, as well as Hampshire and Worcester Counties. Interestingly enough, the commission of Franklin County took advantage of MGL 34B, and voted themselves out of existence in 1997. Upon abolishment, many things had to be done to ensure the continuity of government. This law was amended to include the abolition of Hampshire County in 1999. The Sheriff’s Office and Registry of Deeds were absorbed into their respective state counterparts, with their elected administrative heads remaining concurrent with the geographical electorate that they continued to represent. The County Commission and Office of the Treasurer were abolished as well, and the ownership of courthouses went to the state (Comm. of Mass.).

According to Dan Pallotta, Chairman of the Plymouth County Commission, “There was a tremendous amount of scandals revolving around Middlesex, Essex, and even Plymouth counties regarding pensions and fraud and the whole county system took a bad name from it.”

According to Callanan, “There was very little criticism for the abolition of the counties that were abolished.” Yet when the effort to abolish all county government in Massachusetts received pushback from some relatively successful counties, the
county system remained alive. “The remains of county government will be visible for a long time,” Callanan adds, “We still hold elections along county lines and even as those lines change, we will still see the remnants of the county system for many years to come.” He points out that “the same lines that the original Puritans in Massachusetts drew up are not contingent with the Massachusetts that we have today. Although this meant the end of many county governments, we are able to see that there is life after counties, and communities also do retain the right to form regional compacts to share services, which two other abolished counties in Massachusetts ended up doing. Both Franklin and Hampshire Counties created regional Councils of Governments, bodies that do not require mandatory membership, and communities decide themselves whether or not to join. This alternative to county government offers the benefits of regionalization without the potential downsides of county government. These regional Councils of Governments handle a wide variety of services that the counties used to provide. In the former Franklin County, administrative and financial services, a youth development program, a co-operative purchasing program, an economic development and planning department, an emergency preparedness division, a cooperative inspections program, GIS data utilization, a land use planning and zoning department, natural resources planning, regional health, town accounting, and transportation planning are all provided for. Regionalization is very helpful in Franklin County, which is sparsely populated (72,000 inhabitants in 26 communities). This alternative to county government seems to be a good match in Franklin County (Franklin Council of Governments).

Yet in the former Hampshire County, the Executive Director Todd Ford expressed disappointment in the lack of a county system there, saying that he wished the system was still in place. Unlike the former Franklin County, the Hampshire Council of Governments does not represent all of communities in the former county, as some have elected to remain independent of regional government, yet it provides many of the same services found in the Franklin Council of Governments. The politics of the entire debate are important to note as well. According to Todd Ford, the Executive Director of the Hampshire Council of Governments, “The governor was conservative, and saw the counties as an additional layer of government and a waste of taxpayer dollars. He wanted to make a statement, and he did. It was politics.

“The movement to end Massachusetts county government is not yet over,” Joe Callanan added. “In 2010 the state took over the administration of sheriff’s departments, a major blow to the county system”, he said, “and Registers of Probates have also been absorbed by the state.” Also, he adds, “the void that the abolished counties left behind was filled without major disruption of service. Increased efficiency was also a product of abolition, as many formerly independent Registries of Deeds were moved under the administration of the Secretary of the Commonwealth into one uniformed structure.”

Traditional “Commission Style” Counties in Massachusetts

The traditional style of county government found in Massachusetts may be familiar to many. This style, often referred to as the “commission style” is generally overseen by a three-member County Commission, which acts as the executive branch of county government. This is true for Bristol, Norfolk, and Plymouth Counties, the three counties which remain relatively unchanged. Although these counties range in population and demographics, one thing to notice is that they are all in the eastern half of the state, and within reasonable distance from Boston. The geography of counties is very important to note, since the western counties have been abolished, the eastern counties have remained the same, and the Cape & Island area counties (excluding Nantucket) have adopted charters.

A home-rule charter is the document that allows counties to reform. The traditional style of county government typically does not have a charter in that manner. Sure, a county may have a charter dating back to the 17th Century granting them land, but that is certainly not the same thing as a home-rule charter. A home-rule charter gives counties a lot more independence when it comes to acting independently, and in Massachusetts, there is a strong correlation between the existence of a home-rule charter, and the lack of one, in terms of the depth and scope of services provided by counties.

Services provided by counties that lack charters are still broad. These services include record keeping and Registries of deed, the administration of courthouses, financial administration services, parking ticket management (Plymouth), a common purchasing cooperative, many education services such as Norfolk Agricultural High School and a 4-H extension program in Plymouth, regional fire control and training services, regional engineering and planning, and most importantly, county-funded retirement systems. While these are certainly a broad array of services, many officials in these counties feel that there is a lot more that they could do if given the tools by the state.

Norfolk County Treasurer Bill Connolly spoke on behalf of the benefits of regionalization. He believes that state government is too big, and that counties can more easily work with localities. He also believes that counties can be doing a lot more such as taking care of seniors and libraries, and sharing employees such as dog catchers and veteran coordinators within the county, rather than having one employee for each municipality. Moves
like this save money for cities and towns, but counties do not have the tools to do these things. “People want county government,” he says, and the calls for abolition that have been present in Plymouth County have not been called for in Norfolk. He also says that counties have tremendous potential, but “counties are not given the tools to succeed, and that it the formula for failure.”

Other county officials are very quick to defend the necessity of county government. In Plymouth County, the Commission Chairman Dan Pallotta blamed the former commission for most of these conversations. An “anti-county commission,” he faults them for laying back while the state seized control of county assets. He also offers criticism of the state for its encroachment on the county system. “Unfortunately it is an archaic system of how the state can use the county to collect funds. We are nothing more than bagmen for the state of Massachusetts. We are trying to correct that, and Barnstable did by charter, we had our charter together, but it has not passed the legislature yet. They are not going to pass it, why would they pass it?” said Chairman Pallotta.

Former Commissioner John Riordan brought up the topic of abolition in 2010, and his motion ultimately failed, and he was voted out of office in the next election. Another interesting piece of Plymouth County knowledge is the efforts that they have taken to reform themselves. In 2010, the Plymouth County Charter Commission was elected to examine Plymouth County government and make recommendations, as well as draft a charter. While the charter failed to pass by voters in 2012, the Charter Commission is still active today. Plymouth County has a desire to expand its scope of services, and the current officials in the county are certainly receptive to the idea of strengthening the county.

The counties have also been facing extreme difficulties regarding the role of the state within the debate. According to Chairman Pallotta, one of the many services that the county provides is the maintenance and administration of courthouses that the county then rents to the state. However, the state is routinely late and pays insufficient amounts to county in exchange for the courthouses. Also, whenever the state absorbed a department like the Sheriff’s Office, which includes the prisons that belonged to the county, the counties were still on the hook for the pensions of retired employees, despite the fact that they were no longer under the management of the county. Luckily for the counties, there are six bills before the Legislature that seek to rectify these issues, as well as strengthen the counties, giving them the ability to expand their scope of services. According to Treasurer Connolly, “the passage of these bills is necessary for county viability.”

Plymouth County Treasurer Thomas O’Brien has also been a vocal supporter of county government. This is an example of a “government doing more with less,” he says, and according to him, the annual cost to the taxpayer is $2.73 to receive the wide range of services provided by the county. He also brings up a valid argument for the preservation of the county structure. There are many grants from the federal government that are only available to counties. If there is no county system in place, then the communities of Massachusetts lose out on the opportunity to benefit from those grants. He also asserts that regionalization is the “wave of the future,” and the regional structure is the most efficient form of government worldwide.

Reformed (Chartered) Counties in Massachusetts

As evidenced by the literature, there is a growing movement to reform counties by way of a home-rule charter. A charter gives a county the ability to act independently of the state, and retain more independence when it comes to decision making and service provision. Chartered counties may still have a commission, but the commission only serves as a check to the powerful administrator or executive, who runs the county in a streamlined, (hopefully) more efficient manner, rather than a non-unified county commission acting as an executive. Although counties that are chartered tend to spend the most money per capita, they also have the broadest range of services.

Barnstable County is often spoken of as the model of chartered counties in Massachusetts (although Dukes County is the only other one). A conversation with their county admin-
Administrator, Mark Zielinski, yielded results to back up that claim. Barnstable County itself comprises of the geographical area of Cape Cod. In an area like the Cape, regionalization certainly has its benefits. Like the dilemmas faced in the traditional-style counties of Massachusetts, the state is reluctant to perform services that are necessary for communities. Barnstable County interjects and provides services that far exceed in quantity those provided in traditional counties, though at a much higher cost-per-capita. These services include the Cape Cod Commission (a regional planning entity), a health department, emergency planning, an AmeriCorps program, the Cape Light Compact, a waste water treatment program, as well as septic inspections and loans. These services are more than necessary in the small towns along Cape Cod who only experience large populations during the summer months.

According to Administrator Zielinski, “Barnstable has rather stable finances compared to other counties, with a $27.9 million budget, which is nearing a return to a pre-recession high point. This budget must cover all of those services, but this is also due the funding system found within the charter. They use performance-based budgeting to fund their programs, which is not perfect, but it is certainly helpful. They are also on track to move to a program-based performance budgeting system.” This is certainly different than the way traditional-style counties are funded, yet these two types of counties are doing different things.

Their streamlined government also lumps in the Treasurer position as a portion of the appointed County Administrator’s position. The appointment of an administrator also increases their accountability and takes a step back to separate the administration of the county from politics. According to Administrator Zielinski, “reform is better, and having a county makes you ahead of the game.” Barnstable County recognized their desire to reform far before the abolition movement took place in Massachusetts, as they adopted their charter in 1988. They believe that their constituents are the towns and municipalities within their territory, and according to their administrator, the people recognize the need for and express desire for county government. They have not heard calls for abolition at all similar to those in Plymouth and those heard during the 1990s. The towns ask for the services that the county supplies, and even the state approaches Barnstable County to do some things.

Although Barnstable County has been able to operate with a charter to some degree of success, Dukes County has also been successful in achieving their charter’s mission. Like Barnstable County, Dukes County adopted their charter before the abolition movement, in 1992. Their charter “empowered the county to develop modern, innovative programs addressing regional needs that cannot be met easily by the individual towns” (Dukes County).

Conclusion
There is no one size fits all approach to the question of county government viability in Massachusetts. Despite the limited functions that county government fulfills in the state, Massachusetts actually has a diverse range of counties. Whether one decides to include the former counties of the western and northern portions of the state, the traditional counties of the metro Boston area, and the reform-style counties of the Cape and Islands, one can definitely come to the conclusion that these are all different regions with different needs. Assessing the value of the county system is a very challenging task, and the lack of assessment can readily support that claim. Politics are also an encumbrance on the issue of county government, with some people favoring bigger government, and some favoring smaller, limited government. Both perspectives have played major roles in the debate over the past two decades, and the debate continues to this day.

Public opinion should play a larger role in the future of Massachusetts County Government, but addressing the issue of public participation is a major hurdle to overcome. While there is tremendous value in the scholarly opinion of academics, public opinion on Massachusetts County Government has been very difficult, if not impossible to measure. A simple way to gauge the level of engagement that voters have with county government would be to look at voter turnout. However, as the Chairman of the Plymouth County Commission Daniel Pallotta mentioned, voter turnout in county elections is nearly identical to turnout in the major elections, but only because county elections are conducted on the same ballot as gubernatorial and presidential elections, elections which generate high levels of voter participation. The only relevant public opinion data out there could quite possibly be the voter-mandated abolition of several Massachusetts counties, which happened over a decade ago. The lack of data for assessing public opinion has been the biggest challenge in conducting this research, but hopefully as this issue gains more exposure, adequate polling on public opinion can be conducted.

There is no logical reasoning for dismantling county government that is as strong as it needs to be, and provides the services that need to be provided. What must be acknowledged is that county government is a way for many communities to provide services and save money. What must also be acknowledged is that not every community has the need for county government. Political debate stemming from scandals surrounding county government in the 1990s fed the anti-county movement, with
legislation filed for the abolishment of the entire county system. A state-wide abolition of counties was far too broad to work in Massachusetts. Despite the relatively small size and population of Massachusetts, it is home to a very diverse range of people and a community which has needs that must be fulfilled. In some places, the cities and towns of Massachusetts are able to provide everything that they need to thrive. Yet in other places, especially outside of Massachusetts, county government is a way of life. But many counties do function in a way that they meet their goals, and citizens happily receive the benefits associated with county government.

The geography of Massachusetts is also very important to note. Massachusetts counties, their existence, and form of county government system manifest themselves in geographic regions on maps. Western and northern counties have all been abolished, and these communities have either absorbed the former county services into a method of provision via the state or various municipalities, or through other methods of regionalization. These areas clearly did not see the need for the stronger regionalization that county government provides, as there was very little pushback from these areas when county government was abolished. Since people did not see the need for county government, they lost it, whether it was via voter initiative or the legislature. Communities close to Boston saw the need for regionalization, yet without the strong need for a reformed style of county government. Plymouth, Bristol, and Norfolk counties do not need the strong county support for infrastructure that we see in the Cape and Islands due to their geography, relying on their proximity to urban areas for their economic, transportation, and infrastructure needs. These places have cities and towns which provide several services, and the also rely on state services. Yet they also have a need for county services. Voter feedback has not been indicative of strong support for abolishment within these communities. Norfolk County has not felt the same calls for abolishment that Plymouth County has heard which were ultimately rejected. People in these communities do want county government, but not on the grand scale. As put perfectly by Plymouth County Registrar John Buckley “these counties should be doing everything that they can do until there is pushback from the cities and towns.” In the case of the Cape and Islands, one sees that this entire region falls under the reformed style of county government, which allows for the strongest model of regionalization in Massachusetts. Due to the unique needs of the cape, Dukes and Barnstable counties are able to help meet those needs with a vast array of services. The Cape and Islands do not have the infrastructure that the rest of the state has, so they rely on county government to work with communities and provide valuable services such as septic inspection and dredging, two of the many things necessary to residential needs in that area.

Recommendations for County Government:

1. Regionalization is a cost-effective way for communities to band together to save money and resources and bring a less expensive and more efficient array of services to constituents. Despite calls for the dismemberment of the county system, the county system serves as the main body for regionalization throughout the state. The counties that survived in Massachusetts have been clearly attempting to strengthen the regional ties between their communities. As in the Cape & Islands, strong regionalization makes sense, and they are able to combine the resources and strengths that each community has, and create a better region based on mutual cooperation. The benefits of regionalization is also very clear when you examine the former Hampshire and Franklin counties, whose regional Council of Governments stepped in to fill the void left by the departure of the county system.

2. The county system should continue to be preserved where it works, to do work on the regional level. The county system does not work in every part of Massachusetts, as evidenced by corruption and mismanagement in counties such as Middlesex. However, corruption and mismanagement can be fixed. Yet in counties like Barnstable, Plymouth, or Norfolk, county government is a valuable resource with much support. Dismantling the county system would deny communities the fixed vehicle for regionalization. Communities have experienced regionalization outside of the county system, in the form of Councils of Governments. These bodies provide optional regionalization services to communities without county government. However, this alternative to county government is not as broad as county government itself, and many within these communities wish to see a return to the county system.

3. There must be more research into both Massachusetts county government, as well as American county government as a whole. People remain unfamiliar when it comes to county government, and are not aware of the roles that it plays in their own daily lives. A lack of sufficient public opinion polling available certainly is an indicator of the public’s knowledge of county government, and the lack of such information has certainly been a difficult challenge to overcome. County governments can be laboratories of innovation, but only if people are interested in seizing the opportunities that lie in county government. Also, having been referred to as “the dark continent of American politics,” it is well worth the effort of further research on the topic. Even the comprehensive research found in this endeavor barely scratches the surface of the intricacies of centuries of government in the United States. Far too little
attention is paid to the importance of county government, and academics could provide a great service to the rest of the country by focusing their attention on this area of American government.

To wrap it all up, county government in Massachusetts is still viable, but only where county government is desired. People working within the political system in Massachusetts found a way to solve the problem of counties that were not viable, and they did that by abolishing most of the system. For the counties that remained, their viability was acknowledged by way of strength-enhancing home-rule charter, or by passing a vote to remain a county, which is a significant measure of viability. Also, some counties just have not heard the calls for abolishment, which is another indicator of the value some people place on county government. In sum, county government works where people want it to work, regionalization makes sense, and future conditions can change the attitudes that people have towards it.

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With Additional Interviews provided by:

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