



COUNTY OF DUKES COUNTY
MARTHA'S VINEYARD & ELIZABETH ISLANDS

November 17, 2023

Select Boards of Towns in Dukes County

RE: Proposed Special Legislation to Change the Position of Dukes County Treasurer from Elected to Appointed and to Lift the Requirement of the Treasurer to Reside in Dukes County

Dear Members of the Select Board,

The Dukes County Commissioners met with the County Advisory Board (CAB) and approached the subject of proposed legislation affecting the Dukes County Treasurer's Office. To summarize, there are two proposals on the table: 1.) to change the position of County Treasurer from elected to appointed and 2.) to remove the requirement that the Treasurer is a resident of Dukes County.

The CAB was in favor of these efforts and recommended that we engage all Select Boards in Dukes County to gain the support of the individual towns. Please let us know when you will be able to place this important matter on your agenda. I will arrange for a County Commissioner to be at your meeting to address any concerns you may have.

It is meaningful to note that the majority of Towns in the Commonwealth and every town in Dukes County have a treasurer that is appointed. As you will see from the attached, these changes are necessary for the County to function effectively and manage its financial matters. Please know that we are available to answer any questions you may have.

Thank you.

Sincerely,

Christine Todd, Chair
Dukes County Commissioners

Martina Thornton
Dukes County Manager



COUNTY OF DUKES COUNTY
MARTHA'S VINEYARD & ELIZABETH ISLANDS

April 14, 2023

Via email to: municipalitiescommittee@gmail.com

Senate Chair Sen. Jacob Oliveira
House Chair Rep. Carole Fiola
Municipalities Committee

RE: S.1288 - An Act Authorizing the County Commissioners of Dukes County to appoint a treasurer who may not be a resident of the county filed by Sen. Julian Cyr

Dear Chair Oliveira and Chair Fiola,

On behalf of the Dukes County Commissioners, please accept this testimony relative to Senate bill 1288 titled: "An Act Authorizing the County Commissioners of the County of Dukes County to appoint a Treasurer who may not be a resident of the County". The Dukes County Commissioners unanimously approved filing of the attached legislation at their meeting on November 9, 2022.

The main reason for this legislation was an urgency to appoint a professional qualified Dukes County Treasurer for the remaining term until the next state elections. The county treasurer elected in the 2020 state elections resigned in July 2022. The Assistant Treasurer has been hired in June of 2022 (only weeks before the Treasurer resigned). The new employee was not qualified to step into the County Treasurer's role just weeks after she was hired as Assistant Treasurer. After some weeks of uncertainty, we were able to find an interim county treasurer who was willing to work part time with hopes to be released from his duties as soon as we find his replacement but no later than at the end of December 2022.

The County has been advertising for this position in local papers since July and has been announcing the need to fill the position at every meeting of the County Commissioners. It has also been reported in several newspaper articles that the County is in need of a new treasurer and still looking for candidates. The salary of \$100,000 per year was commensurate with other municipal treasury positions in Dukes County. All that said, we have not received any applications from qualified candidates residing on Martha's Vineyard or Elizabeth Islands. It was not until mid-March 2023 that we were able to attract a qualified candidate after some negotiations and persuasion. Having only a part-time treasurer for 7 months of the year put an enormous pressure on the rest of the county staff and is an unsustainable long-term solution which we would like to avoid should the current Treasurer resign.

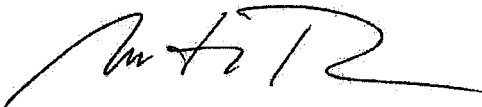
By opening the appointed position to candidates residing outside of Dukes County we would be able to seek qualified candidates for this vital county position outside of Dukes County (island of Martha's Vineyard) and assure continuity of operations and professional level of fulfillment of all the county treasury duties.

Please feel free to reach out if you need anything further in this matter.

Sincerely,

Christine Todd

Christine Todd, Chair of County Commissioners



Martina Thornton, County manager

Summary for proposed legislation

Special Legislation changing Dukes County Treasurer from elected to appointed

The purpose of this legislation is to change the position of Dukes County Treasurer from an elected position to an appointed position, with the elected Dukes County Commissioners (the "Commissioners") holding the power of appointment. We would be asking the State Legislature to authorize the enactment of this legislation, provided a majority of the voters in Dukes County voting at the November 5, 2024, state election vote "yes" on this question.

The Commissioners decided to seek approval of this change from the state legislature after many discussions and lengthy consideration at public meetings over the past year. The primary reasons the Commissioners decided to seek authority to change the Treasurer's position to an appointed one are as follows.

In 2010, Division of Local Services of the Massachusetts Department of Revenue ("DOR") conducted a Financial Management Review of the County of Dukes County (the "County") to evaluate whether the County was up to date in meeting its financial planning needs. DOR produced an advisory report to assist the County and the Commissioners. DOR recommended (recommendation number 18) that the County establish the treasurer as an appointed position. The report stated: "This recommendation is not a reflection on the performance of the current treasurer, who we feel is a valuable asset to the county. However, at an opportune time in the future (e.g. upon retirement), we recommend that the county file special legislation to convert the elected treasurer to one appointed by the county manager. As an appointed position, the county can establish minimum job qualifications, conduct an extensive interview process and complete a background check of potential candidates. With access to a broader pool of candidates, the county can attract a person with the strongest credentials and /or most relevant professional experience."

Consistent with DOR's recommendation, the Commissioners and the County Manager have come to the conclusion, after much discussion and reflection, that the demands of the Treasurer's position, at this juncture, require a unique skillset and a certain level of education or professional experience and training which cannot necessarily be obtained by merely opening the position up for election. The Commissioners and the County Manager recognized the value of the DOR recommendation and concur that having the flexibility to seek, interview, select and appoint the Treasurer would provide the best opportunity to hire a candidate with the qualifications necessary to meet the demands of the job in this date and age, and to manage the ever increasing complexity of the County's finances. The Commissioners believe that having the flexibility to appoint a Treasurer will best serve the needs of the citizens of this County.

Draft – October 25, 2022

**PROPOSED SPECIAL LEGISLATION TO CHANGE THE POSITION OF
TREASURER IN THE COUNTY OF DUKES COUNTY TO AN APPOINTED
POSITION AND TO LIFT THE REQUIREMENT OF THE TREASURER TO RESIDE IN
DUKES COUNTY**

SECTION 1. Notwithstanding section 1 of chapter 35 of the General Laws, section 160 of chapter 54 of the General Laws, or any other general or special law, rule or regulation to the contrary, the treasurer for the county of Dukes County shall be appointed and may be removed, for cause, after the opportunity for a hearing, by the commissioners for the county of Dukes County. The treasurer may not need to reside in the county. The treasurer shall have all the powers, perform the duties, and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on county treasurers. The commissioners may establish an employment contract with the treasurer for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act, the elected office of county treasurer of the county of Dukes County shall be abolished. The current appointed treasurer shall continue in that position, and perform the duties thereof, until the expiration of the term for which she was appointed, after which the commissioners shall appoint a county treasurer under section 1.

SECTION 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of county treasurer and the appointed treasurer shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected county treasurer shall be assigned to the office of the appointed county treasurer.

SECTION 4. This act shall not take effect until upon its passage and approval by the Dukes County voters at the 2024 state election. ~~If there is a duly elected County Treasurer at the 2020 state election, this act shall not take effect until such treasurer is done serving his or her term.~~