

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

In the Year Two Thousand and One

Ordinance 01-15

To amend Part 2, County Departments and Offices, In Particular, Section 2, of the Barnstable County Administrative Code to reorganize the listing of departments to more closely follow the format of the Barnstable County budget document.

BARNSTABLE COUNTY hereby ordains:

To amend Section 2 of the Barnstable County Administrative Code to read as follows:

PART 2. COUNTY DEPARTMENTS AND OFFICES, IN PARTICULAR

Section 2.1 Office of County Administrator

(a) County Administrator

The Board of County Commissioners shall appoint a County Administrator in accordance with BCHRC, § 3-10. The Board of County Commissioners shall appoint a County Administrator for an indefinite term subject to an annual review of performance. The County Administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. The County Administrative need not be a resident of Barnstable County at the time of appointment to the office, but the administrator shall establish a residence in the county within a reasonable time. The commissioners may waive the residency requirement for good cause for a period not to exceed two years. If after the two-year period the administrator has not been able to establish residence in the county, the Assembly of Delegates, upon request from the commissioners, may extend the waiver for good cause. The administrator shall devote full time to the office and shall not actively be engaged in any other business, occupation or profession while serving as administrator. The County Administrator may be removed in accordance with provisions of BCHRC § 3-15.

(b) Powers, Duties and Responsibilities

The County Administrator shall have, possess and may exercise all powers, rights, and duties commonly associated with the office of chief administrative officer of a local governmental unit, as set forth in BCHRC § 3-11, and exercise general administrative supervision over all County agencies, unless otherwise provided by law, as set forth in BCHRC § 3-10 (c). The County Administrator may authorize any subordinate officer, department head or employee of the County to exercise any power, function or duty assigned by charter to the County Administrator, provided that all acts performed under such delegation shall be deemed to be the acts of the County Administrator, as set forth in the BCHRC § 3-13. The County Administrator shall identify opportunities for inter-local cooperation, regional and shared service delivery. The County Administrator shall, under the policy direction of the Board of County Commissioners, market regional service-delivery opportunities to governmental units within the County. The County Administrator shall be responsible for County personnel management including management of a merit personnel system as set forth in BCHRC § 4-2 (b) 5. The powers and duties specifically assigned to the County Administrator are set forth in BCHRC § 3-11 (a) to (1). Any administrative responsibility or function not assigned by law or this Administrative Code to a department or office, unless otherwise provided by the Barnstable County Home Rule Charter, shall be assumed by the County Administrator.

(a) Assistant County Administrator

The Board of County Commissioners shall appoint an Assistant County Administrator.

(b) Powers, Duties and Responsibilities

The Assistant County Administrator shall assist the County Administrator with the development of policy and procedure recommendations relating to all aspects of county government. The Assistant County Administrator acts as the County Administrator in the absence of the County Administrator. The Assistant County Administrator and the County Human Resources Director advises the County Administrator and the County Commissioners on personnel matters. The Assistant County Administrator has supervisory responsibility for the Office of County Commissioners, Dredge Department, Resource Development Department, Cape Light Compact, Human Services Department, and Children's Cove.

SECTION 2.2 Office of County Clerk

(a) County Clerk

The Board of County Commissioners shall appoint a County Clerk for a term of three years subject to an annual review of performance.

(b) Powers, Duties and Responsibilities

The Clerk shall be a person especially qualified by education, training and experience to perform the duties of the office. The office of the County Clerk shall coordinate and supervise all election and election related matters affecting county government with the city and town clerks, boards of registrars of voters, election commissions and other local officers performing similar duties. The Clerk may, if chosen by the Assembly of Delegates, serve as clerk of the Assembly of Delegates. The County Clerk shall have such other powers and duties as may be provided by County ordinance or this Administrative Code.

SECTION 2.3 Office of Legal Services

(a) Legal Services Generally

The Board of County Commissioners shall coordinate and administer legal services for all County departments, offices and agencies and may appoint a General Counsel for the County for a definite term of office to be established by the Board of County Commissioners. Retention of General or Special Counsel by a department head or employee is prohibited unless authorized by the Board of County Commissioners or County Administrator.

(b) General Counsel

The County Counsel shall perform such duties as may be required and directed by the Board of County Commissioners to meet the general legal service need of the County including the prosecution, defense or compromise of claims, actions and proceeding to which the County is a party. The General Counsel shall prosecute actions and proceedings by direction of the Board of County Commissioners and shall generally advise County officers and agencies. The General Counsel shall have such other powers, duties and responsibilities as may be provided by County Ordinance or this Administrative Code.

(c) Special Counsel, Coordination of Legal Services

It is understood that County departments, offices and agencies may have different and unique needs for legal services and, thus, appropriations for special legal services or special counsel are expected. Nothing in this section shall limit the authority of the Board of County Commissioners to employ special counsel. In special circumstances, the Board of County Commissioners may also authorize department heads to employ special counsel. Department heads shall provide the Board of County

Commissioners with estimated costs for legal services and with detailed summaries on a quarterly basis of the use and costs of legal services.

(d) Counsel for the Assembly of Delegates

Nothing in this section shall limit the authority of the Assembly of Delegates from utilizing the services of County Counsel or from employing separate counsel.

SECTION 2.4 Office of the County Sheriff, Jail and House of Corrections

(a) Mode of Selection, Term of Office

There shall be a County Sheriff elected as provided by law.

(b) Powers, Duties and Responsibilities

The County Sheriff shall have the general care and superintendency of all jails and houses of correction maintained by the County. The County Sheriff shall have all of the powers and duties which are given to county sheriffs by the general laws of the commonwealth and such other powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

Section 2.5 Resource Development Office

(a) Department Generally

There shall be a Department of Resource Development under the direction of the Resource Development Manager.

(b) Resource Development Manager

The Board of County Commissioners shall appoint a Resource Development Manager.

(c) Powers, Duties and Responsibilities

The goal of the office is to assist and enhance County departmental efforts in acquisition and management of resources and to coordinate regional projects on behalf of the County and the Towns. The Department of Resource Development shall have the following powers, duties and responsibilities: to improve the professional administration of County grant programs; to provide technical assistance to the towns on grants and other resource development issues; to identify and acquire grant funding for regional projects that benefit the towns and county such as AmeriCorps.

SECTION 2.6 Department of Finance

(a) Department Generally

There shall be a Department of Finance under the direction of the Director of Finance.

(b) Director of Finance

The Board of County Commissioners shall appoint a Director of Finance.

(c) Powers, Duties and Responsibilities

The Department of Finance shall have the following powers, duties and responsibilities:

- (i) Financial management of Barnstable County including coordination of all financial services and activities; auditing of all financial account; maintenance of all accounting records and other financial statements for all County departments and offices; periodic reporting on the status of accounts; advice, assistance and guidance to all County departments and officers on any matter related to financial or fiscal affairs; payment of all financial obligations on behalf of the County; receipts of all funds due to the County from any source; cash management; investment of County funds; administration of the County payroll; administration of the County group health-insurance program; monitoring throughout the fiscal year the expenditure of funds by County departments and offices, including the periodic reporting to all such departments and offices on the status of accounts with recommendations concerning fiscal and financial policies to be implemented by such departments and offices;
- (ii) assistance to the County Administrator in the preparation of the annual operating and capital budgets and in the development of schedules and procedures to be followed by all County departments and offices in executing their budgets; review, analysis and forecasting of trends of County finances and making recommendations thereon to the County Administrator and the Board of County Commissioners;
- (iii) oversight of the County's purchase of all goods, materials, supplies and services, including the establishment and maintenance of central purchasing and inventory-control systems for which there shall be a chief procurement officer within the department, as provided in chapter thirty B of the general laws, to be appointed by the Board of County Commissioners for an indefinite term of office subject to an annual review of performance, who shall carry out the functions and responsibilities of the department relative to procurement activities and services of the County; and
- (iv) information management for the County through coordination of all electronic data-processing functions and activities including development, implementation, and acquisition of data-processing equipment or services. The department shall have such other powers and duties as may be provided by County ordinance or this Administrative Code.

(d) County Treasurer

The Director of Finance shall assume all functions, duties and responsibilities of the County treasurer with respect to the retirement system and for all other purposes as described in the General Laws.

The County Treasurer shall, within the department of finance, exercise all the powers and duties given to county treasurers by the general laws, including collection and disbursement of County funds, investment of County funds, borrowing of funds, management of cash and preparation of reports on the County's financial status. In addition, the County Treasurer shall have such other powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

SECTION 2.7 Department of Facilities

(a) Department Generally

There shall be a Department of Facilities under the direction of the Director of Facilities.

(b) Director of Facilities

The Board of County Commissioners shall appoint a Director of Facilities.

(c) Powers, Duties and Responsibilities

The Department of Facilities shall maintain and repair County buildings and properties, except hospital facilities and the Jail and House of Correction, unless authorized by the County Administrator; provide custodial services; provide technical and mechanical services required for the safe and efficient operation of heating, ventilation, air conditioning, plumbing and electrical systems of County buildings; maintain grounds, parking lots, and other facilities as directed. The department shall be responsible for loss-prevention management including safety and fire prevention/protection. The department shall be responsible for the management of telephone systems and the collection and distribution of mail. The department shall exercise all other powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

SECTION 2.8 Department of Cooperative Extension Services

(a) Department Generally

There shall be a Department of Cooperative Extension Services under the direction of the Director of Cooperative Extension Services (County Agent).

(b) The Director of Cooperative Extension Services (County Agent)

The Board of County Commissioners shall appoint a Director of Cooperative Extension Services (County Agent).

(c) Powers, Duties and Responsibilities

The Department of Cooperative Extension Services shall serve as a link between the people of Barnstable County and the staff and research facilities at the College of Food and Natural Resources at the University of Massachusetts. The department shall disseminate and encourage the application of research-generated knowledge and leadership techniques to individuals, families and communities. The department shall establish educational programs which may include, but are not limited to: nutrition, diet and health; marine and freshwater resources; water quality, conservation and management; conservation, development and utilization of natural resources; agriculture, home horticulture and green industries, human resources development; family strength and economic security; and community change, planning and management. The department shall provide educational, leadership and life skills opportunities and training for County youth through the 4-H program. The department shall work in cooperation with other agencies and organizations in providing educational materials and assistance, information and guidance, and person-to-person counseling. The department shall have such other powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

SECTION 2.9 Department of Land Registration and Recording

(a) Department Generally

There shall be a Department of Land Registration and Recording under the direction of the Register of Deeds.

(b) Register of Deeds, Mode of Selection, Term of Office

There shall be an elected register of deeds as provided by law.

(c) Powers, Duties and Responsibilities

The department shall have general charge and superintendence of the Barnstable County registry of deeds and all of the books, records, deeds, and other papers belonging thereto and shall be responsible for the management and exercise of all the powers, duties and responsibilities assigned to the registers of deeds by the general laws, including chapters thirty six and one hundred and eighty-five thereof. The department shall also have responsibility for collecting deeds-excise taxes in accordance with chapter sixty-four D of the general laws and with County Ordinance 89-3. The department shall have such additional responsibilities as may be provided by County Ordinance or this Administrative Code.

SECTION 2.10 Department of Health and the Environment

(a) Department Generally

There shall be a Department of Health and the Environment under the direction of the Director of Health and the Environment.

(b) Director of Health and the Environment

The Board of County Commissioners shall appoint a Director of Health and the Environment.

(c) Powers, Duties and Responsibilities

The Department of Health and the Environment shall have the following powers, duties and responsibilities: to plan, develop and implement programs which provide for, protect, and promote the public health of County residents by providing comprehensive health services in such areas as community-health nursing, environmental health; and to maintain a water-quality testing laboratory. The department shall have such other powers, duties and responsibilities as may be provided by County Ordinance or this Administrative Code.

SECTION 2.11 Department of Dredging

(a) Department Generally

There shall be a Department of Dredging under the direction of the Dredge Superintendent.

(b) Dredge Superintendent

The Board County Commissioners shall appoint a Dredge Superintendent.

(c) Powers, Duties and Responsibilities

The Department of Dredging shall be responsible for conducting maintenance dredging on behalf of the towns. The Dredge Superintendent is responsible for ensuring the safe and efficient operation of the dredge and associated equipment. There shall be established a Dredge Advisory Committee responsible for developing the dredge schedule and recommending the dredge rate each fiscal year.

SECTION 2.12 Department of Human Services

(a) Department Generally

There shall be a Department of Human Services under the direction of the Director of Human Services.

(b) The Director of Cooperative Extension Services (County Agent).

The Board of County Commissioners shall appoint a Director of Human Services.

(c) Powers, Duties and Responsibilities

The Department of Human Services shall have the following powers, duties and responsibilities: to plan, develop and implement programs which enhance the overall delivery of human services in Barnstable County; to promote the health and social well being of County residents through regional efforts designed to improve coordination and improve efficiency of human services; to serve as the liaison to the Barnstable County Health and Human Services Advisory Council. Human services shall be construed to include health services. The department shall be responsible for the delivery of such human-service programs as the County establishes to serve the needs of County residents. The Office of County Sheriff shall continue to provide human-service programs directed at dealing with overcrowding in the Jail and House of Correction and such programs to deter criminal activity. The Director of Human Services shall be responsible for the coordination of programs provided by the department with those provided by the Office of the County Sheriff. The department shall have such other powers, duties and responsibilities as may be provided by County Ordinance or this administrative code.

Section 2.13 Children's Cove

(a) Department Generally

There shall be a Children's Cove and the Islands Advocacy Center under the direction of the Director of Children's Cove.

(b) Director of Children's Cove

The Board of County Commissioners shall appoint a Director of Children's Cove.

(c) Powers and Duties

Children's Cove: Cape Cod and the Islands Advocacy Center shall be the child advocacy center on Cape Cod. This department shall be developed and continued through a working partnership among Barnstable County, the Cape and the Islands District Attorney's Office, the Massachusetts Department of Social Services, the Massachusetts Department of Mental Health, and the Cape Cod Hospital. The Cove shall house the Sexual Abuse Investigation Network for Barnstable County and provide multidisciplinary investigation into children's sexual abuse. The Cove shall also coordinate the provision of services to victims and their families, provide education to families, fellow professionals and the public on issues concerning the prevention, intervention and investigation of child sexual and physical abuse.

(d) Children's Cove Advisory Board and Executive Committee

There shall be established a Children's Cove Advisory Board for the purpose of advising the County Commissioners on the goals, objectives, and activities of the Children's Cove: Cape Cod and the Islands Child Advocacy Center.

The Advisory Board shall consist of eighteen members to be selected as follows: the partner agencies Barnstable County, the Cape and the Islands District Attorney's Office, the Massachusetts Department of Social Services, the Massachusetts Department of Mental Health, and Cape Cod Hospital each shall have two members, who shall be standing members of the Board; the Barnstable County Commissioners shall appoint eight other representatives from other Cape Cod Community based agencies that provide services in a field related to the activities of the Children's Cove. Each of the eight individual appointees shall have a term of one year and shall be allowed to serve a maximum of three consecutive terms.

The Chair of the Advisory Board shall be a partner agency, and annually the Chair position will rotate among the five partner agencies. The Chair shall serve in this capacity for one year beginning in September of each year. The Advisory Board will meet at least quarterly of each year and shall make recommendations on the operations and funding of the Children's Cove to the Barnstable County Commissioners.

There shall be established from among the members of the Advisory Board an Executive Committee consisting of seven members to be selected as follows: one representative each from the five partner agencies, two members from the community based agencies. The Executive Committee shall meet at least bi-monthly and shall review issues of importance to the Children's Cove, and make reports and recommendations to the full Advisory Board.

SECTION 2.14 Fire Training Academy

(a) Department Generally

There shall be a Department of Fire Training under the direction of the Director of Fire Training.

(b) The Board of County Commissioners shall appoint a Director of Fire Training.

(c) Powers, Duties and Responsibilities

The Department shall be responsible for implementing the Barnstable County Fire Training Program. The Director of Fire Training is responsible for developing, marketing and overseeing training courses for fire and police training. The Director is responsible for supervising instructional services and vendors at the Academy.

SECTION 2.15 Department of Public Safety

(a) Department Generally

There shall be a Department of Public Safety under the direction of the Director of Public Safety.

(b) Director of Public Safety


The County Sheriff, elected by the voters, shall by virtue of such election also serve as the Director of Public Safety, provided, however, that if the Office of County Sheriff shall cease to be a County office or its relationship to the County government is otherwise altered by state law, the Board of County Commissioners shall relieve the County Sheriff of responsibilities as Director of Public Safety and appoint some other qualified person so to serve. In the event of the full assumption of costs by the Commonwealth of the maintenance and operation of the Barnstable County Jail and House of Correction, nothing in this Administrative Code shall be construed or considered to be a transfer of other statutorily authorized facilities and functions of the Office of County Sheriff including all books, papers, records, documents, equipment, land, interest in land, buildings, facilities and other property, both real and personal, which, immediately prior to the effective date of this Code, are in the custody of the County Sheriff and/or the Board of County Commissioners.

(c) Powers, Duties and Responsibilities

The Department of Public Safety shall have the following powers, duties and responsibilities:

- (i) to maintain a bureau of criminal investigation and a school for the training of deputy sheriffs, constables, and police officers and shall provide such instruction in the use of firearms, criminal investigation and detection, the prosecution of criminal cases in court and such other instruction as

Adopted on April 4, 2001 by the Assembly of Delegates.


Thomas Bernardo, Speaker

Approved by the Board of County Commissioners, APR 25 2001, at, 10:35 A.M
Date Time

