

BARNSTABLE COUNTY

In the Year Two-Thousand and Six

Ordinance 06-15

To revise and amend the Barnstable County Home Rule Charter, in accordance with Section 9-4 of the Charter.

Barnstable County hereby ordains:

Notwithstanding the provisions of any general or special law to the contrary the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If this act is accepted by the voters of Barnstable county at the state election held in the current year the county of Barnstable shall thereafter be governed by the provisions of this act: to the extent that the provisions of this act modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern. This charter shall become effective upon its passage. In the event that the amendments to the charter are not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in chapter 163 of the acts of 1988 and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990, and as amended by the voters at the November election in 2000, shall remain in full force and effect.

We do hereby ratify, approve and affirm the following amendments **shown in bold print** as the revised home rule charter of Barnstable county.

ARTICLE 2 -- LEGISLATIVE BRANCH

Section 2 - 2. Organization; Speaker; Deputy Speaker; Clerk.

(a) Organization - The assembly of delegates shall meet **no later than the 15th day in January** of each odd numbered year for the purpose of organization. They shall be called to order by the member present who is senior in years of service as a member of the assembly of delegates, who shall preside; if two or more members have equal lengths of service the member present senior in both age and years of service shall preside. The assembly of delegates shall then elect, from their own number, a speaker and a deputy speaker and it shall also elect a person not a member of the assembly of delegates to serve as clerk of the assembly of delegates. The vote to elect such officers shall require the affirmative votes of delegates representing a majority of towns of Barnstable county. **For the purpose of electing a Speaker, Deputy Speaker, and Clerk, a simple majority of Towns present constitutes a quorum.**

Section 2 - 5. Exercise of Powers; Quorum; Rules of Procedure.

(d) Rules of Procedure - The assembly of delegates may from time to time establish rules for its proceedings not inconsistent with the following:

(i) Regular meetings of the assembly of delegates shall be held at a time and place fixed by ordinance. **Except as may otherwise be authorized by law, meetings shall not occur on legal holidays.**

Section 2 - 8. Exercise of Powers.

(a) In General - The legislative powers of the Cape Cod regional government vested in the assembly of delegates shall be exercised by the adoption of ordinance, except as provided in section (b) below.

(b) Exception, Resolution - The following matters may be provided for by resolution and shall not be deemed to require an ordinance:

- (i) The establishment of an advisory council on any subject;
- (ii) The conduct of any inquiry or an investigation;
- (iii) The adoption of rules governing the conduct of its own business;
- (iv) The establishment of times and places for special meetings of the assembly of delegates;
- (v) The establishment of the assembly of delegates as a committee of the whole and the delegation of its members as an ad hoc committee;
- (vi) The election, appointment and removal of such officers and employees as the assembly of delegates is permitted by this charter, or otherwise;
- (vii) Approval of contracts presented by the board of regional commissioners; and
- (viii) Actions specified as resolutions;
- (ix) The expression of such policies or opinions as requires no formal action.

(c) Resolutions – the following matters shall be provided for by resolution:

(i) The establishment of standing and ad hoc committees of the assembly of delegates

(ii) The establishment of a standing committee on governance, comprised of three members of the Assembly, one County Commissioner, and three members that are citizens of Barnstable County but not elected or appointed officials of the county or the towns. The three members of the assembly and the three outside representatives will be assigned by the Speaker of the Assembly. The regional commissioners will assign one member to the committee. The assignments to the committee shall be for a one-year period.

The standing committee on governance's charge shall be to review enabling acts to include, but not be limited to, the Cape Cod Regional Government and the Cape Cod commission, to assure that both entities are structured in a manner that best enables county government to effectively function in addressing critical regional problems that can only be resolved through a collective regional approach. The committee shall review the charter, which will result in an ongoing presentation of ordinances, if necessary, to the assembly of delegates to modify and reconfigure any part of the regional government that is not properly structured and aligned to meet the challenges of the region. Each cycle will culminate in the consolidation and review of the approved ordinances to help facilitate the 5-year charter review.

Renumber existing subsection (c) to (d) and so forth.

New Section 2 – 12 – Special Legal Counsel

Notwithstanding that the Cape Cod Regional Government has but one legal officer/counsel who serves at the pleasure of the County Commissioners, nothing in any other section of the Charter or the Administrative Code shall prohibit, restrict, obstruct and/or in any way limit the Assembly of Delegates, as a separate but equal branch of the Cape Cod Regional Government, from engaging, hiring, utilizing and paying for separate special legal counsel for any and all Assembly of Delegates needs at any time inclusive and exclusive of Charter review.

ARTICLE 3 -- EXECUTIVE BRANCH

Section 3 - 1. Board of Regional Commissioners.

Section 3 - 6. Temporary Appointments to Cape Cod Regional Government Office.

Whenever there is any vacancy in a Cape Cod regional government office whether temporary or permanent and the needs of the Cape Cod regional government require that such office be filled, the board of regional commissioners may designate the head of some other Cape Cod regional government office or agency or a Cape Cod regional government officer or employee to perform the duties of the office on a temporary or acting basis until such time as the incumbent resume the duties of the office or the position has been filled in the manner provided by this charter, or by Cape Cod regional government ordinance. **In the event that there is a vacancy created by the county administrator or the director of finance, the board of regional commissioners shall not fill the vacancy of either position on a permanent basis with the same person. The two offices shall not be combined with one person holding the two positions.**

Section 3 - 10. Cape Cod Regional Government Administrator, Qualifications, Term of Office; Compensation.

(a) Appointment, Qualifications, Term of Office. - The chief administrative office of the Cape Cod regional government shall be an administrator, who shall be appointed by a majority vote of the board of regional commissioners to serve for an indefinite term. The administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. **The administrator need not be a resident of Barnstable county.** The administrator shall devote full time to the office and shall not be actively engaged in any other business, occupation or profession while serving as administrator.

ARTICLE 9 -- GENERAL PROVISIONS

Section 9 - 1. Charter Changes.

Section 9 - 4. Periodic Review, Charter and Ordinances.

(a) Charter/Ordinance Review - At least once in every five years, in years ending in a five or in a zero, the assembly of delegates shall **require that the standing committee on governance fulfill the statutory requirement of reviewing the then-existing charter and ordinances of the Cape Cod regional government. The standing committee on governance shall determine if any amendments or revisions may be necessary to the charter, and make a report, with recommendations, to the assembly of delegates concerning any proposed**

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amendments or revisions which said committee may deem to be necessary or desirable. Such review may be conducted in conjunction with the Cape Cod regional government legal officer, or if the assembly of delegates so directs, by special counsel retained for that purpose, as **authorized under section 2-12.**

Reports, with recommendations, should be submitted to the assembly of delegates **no later than the tenth month** following the date such committee is appointed.

ARTICLE 10 -- TRANSITIONAL PROVISIONS

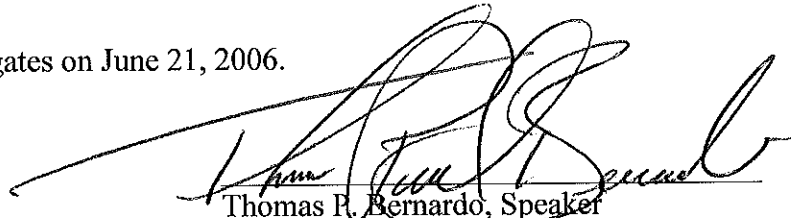
Section 10 - 1. Effect of Laws.

All general laws, rules, special laws, rules and regulations of or pertaining to Barnstable county that are in force when this charter takes effect and not specifically repealed or rescinded shall remain in effect.

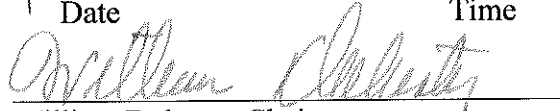
Section 10 - 7. Time of Taking Effect.


(a) This charter shall become effective upon its passage. In the event that this act is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in chapter 163 of the acts of 1988 and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 shall remain in full force and effect.

Adopted by the Assembly of Delegates on June 21, 2006.


Thomas P. Bernardo, Speaker
Assembly of Delegates

Approved by the County Commissioners on July 16, 2006 at 10:50 am
Date Time


William Doherty, Chair


Mary LeClair

Lance Lambros