

## BARNSTABLE COUNTY

In the Year Two Thousand and Ten

### Ordinance 10-15

To revise and amend the Barnstable County Home Rule Charter in accordance with Section 9-4 of the Barnstable County Home Rule Charter **by deleting language dealing with transitional components of legislation never enacted.**

*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 the revisions and amendments are 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 ordinance: to the extent that the provisions of this ordinance modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern. The charter shall become effective upon its passage. In the event that this amendment to the charter 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, as amended by the voters at the November election in 2000, shall remain in full force and effect.

**Delete Article 10, Sections 10-2 through 10-7, language shown below.**

#### ARTICLE 10 -- TRANSITIONAL PROVISIONS

##### Section 10 - 2. Continuation of Government

(a) All powers and duties of Barnstable county described in chapter 163 of the acts of 1988 (Barnstable County Home Rule Charter) and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 (Cape Cod Commission Act) are preserved and transferred to Cape Cod Regional government known as Barnstable county. Nothing contained herein shall affect the existing county boundaries.

(b) All powers and duties of Barnstable County described in chapter 163 of the acts of 1988 (Barnstable County Home Rule Charter) and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 (Cape Cod Commission Act) are preserved, transferred to, and shall be retained by the Cape Cod regional government. Nothing shall be construed to alter the powers and duties and organization structure 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, except as may be otherwise described herein. Any and all regional planning activities or functions established for Barnstable County pursuant to the provisions of chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 shall be retained by the Cape Cod Commission. All powers and duties of Barnstable County under any existing regional service agreements or special acts or laws are hereby transferred to the Cape Cod regional government. Nothing in this charter shall be construed to create a new unit within the Barnstable county retirement system, and there shall be no break in service as a result of this transfer.

(c) The authority granted in chapter thirty-five of the General Laws to county officials to levy and collect a county tax, to borrow money in anticipation of taxes and other revenue, to pay

bills, for the supervision of county finances by the state government and for the establishment of a county personnel system shall all be applicable to the Cape Cod regional government. The Cape Cod regional government shall, for the purposes of chapter thirty-five, be deemed to be the county government and the powers authorized to be exercised by 'county' officers or agencies under said chapter thirty-five shall be exercised by the regional officer or agency performing the same or substantially similar powers and duties.

(d) The Cape Cod regional government shall for all purposes be deemed to be the lawful successor to Barnstable County with respect to the authority granted to Barnstable county by section 2 of chapter 163 of the acts of 1988, and by sections 11 and 12 of chapter 64D of the General Laws to levy and collect an additional tax upon deeds, instruments and writings and to retain said funds to meet its expenses.

(e) Notwithstanding the provisions of section thirty-one of chapter thirty-five of the General Laws, or any other general or special law to the contrary, the Cape Cod regional government may establish and maintain from year to year the following reserve accounts: statutory reserve account, workmen's compensation reserve account, receipts reserved for appropriations account, stabilization fund, and a capital improvements stabilization fund.

(f) Notwithstanding the provisions of sub-section (a) of section 28B of chapter 35 of the General Laws, or any other general or special law to the contrary, the advisory board for county expenditures to serve in conjunction with the Cape Cod regional government shall consist of the persons elected from each town to serve as members of the regional assembly of delegates.

(g) Notwithstanding any provision to the contrary, the Cape Cod regional government shall have the authority to authorize revolving funds in accordance with General Laws chapter 44, 53E and enterprise funds in accordance with General Laws chapter 44, 53F1/2.

### Section 10 – 3. Regional Government Employees

Notwithstanding the provisions of any general or special law or rule to the contrary, except as provided for in this act, county employees, excluding employees of the Sheriff's department, employed on the effective date of this act shall be transferred to the Cape Cod regional government with no impairment of employment rights held immediately before the effective date of this act, without interruption of service, without impairment of seniority, retirement or other rights of employees, and without reduction of pension benefits, compensation or salary grade. Any collective bargaining agreement in effect immediately before said effect date of the transfer shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

### Article 10 – 4. Transfer of property

The Cape Cod regional government shall for all purposes be deemed to be the lawful successor to Barnstable county. All property both real and personal held by Barnstable county at the time this act becomes effective shall become the property of the Cape Cod regional government.

### Section 10 - 5. Transfer of Records and Property

All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another county agency, shall be transferred forthwith to such Cape Cod regional government agency.

Section 10 -6. Continuation of Personnel

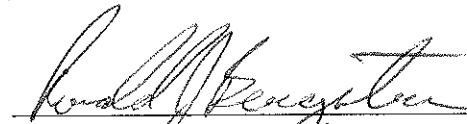
Any person holding a county office or employment under the county shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency. No person in the permanent, full-time service or employment of the county shall forfeit pay grade or time in service. Each such person shall be retained in an employment capacity as similar to their former employment capacity as is feasible.

Section 10 - 7. Time of Taking Effect

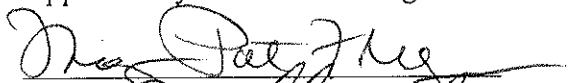
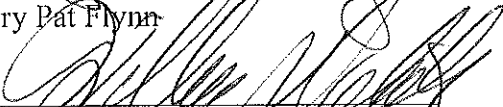
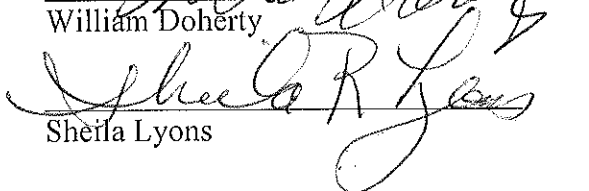
(a) This charter shall become effective upon its passage. In the event that this act is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in chapter 163 of the acts of 1988 and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 shall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

(b) The contingency components that follow require ratification by the State legislature, projected effective date July first, two thousand-one.

Adopted by the Assembly of Delegates on June 2, 2010.

  
Ronald Bergstrom, Speaker  
Assembly of Delegates

Approved by the Board of Regional Commissioners 6/9/10 at 12:00 P.M.  
Date Time

  
Mary Pat Flynn  
  
William Doherty  
  
Sheila Lyons