

BARNSTABLE COUNTY

In the Year Two Thousand and Ten

Ordinance 10-16

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 contingency 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 11, Section 11-1, language shown below.

ARTICLE 11 – CONTINGENCY COMPONENTS

Section 11 – 1. Transfer the Jail, House of Corrections to the Commonwealth

(a) Notwithstanding the provisions of any general or special law to the contrary, as of July 1 2001, all functions, duties and responsibilities for the operation and management of the jail and house of correction, and existing public safety functions, will be transferred to the Commonwealth of Massachusetts.

(b) Notwithstanding any general or special law to the contrary, as of July 1, 2001, the sheriff of Barnstable county in office June thirtieth, two thousand-one, shall become an employee of the commonwealth. The sheriff shall remain an elected official under the general direction of the person and/or agency as provided for in the statutes of Massachusetts. The sheriff shall have such additional powers and duties as may be provided by Cape Cod regional government ordinance or Administrative Code.

(c) Notwithstanding any general or special law to the contrary, as of July first, two thousand-one, the commonwealth shall assume all financial control and responsibility over the Barnstable county jail and house of corrections and existing public safety functions. The Cape Cod regional government shall no longer be responsible for maintenance of effort.

(d) All revenues collected from the operation of the functions cited in section (a) above shall become revenues of the commonwealth as of July first, two thousand-one, subject to the provisions of this act.

(e) Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, as of July first, two thousand-one, the Barnstable county sheriff, all deputies, jailers, superintendents, keepers, officers, assistants and other employees of the sheriff, employed on

June thirtieth, two thousand-one, in the discharge of their responsibilities set forth in section twenty-four of chapter thirty-seven and in section sixteen of chapter one hundred and twenty-six of the General Laws, shall be transferred with no impairment of employment rights held immediately before the transfer without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction compensation or salary grade and without change in union representation.

(f) Any collective bargaining agreement in effect immediately before said effective 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 subsection shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction in salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date.

(g) All demands, notices, citations, writs, precepts, and all other notices given by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants or other employees of the sheriff, as the case may be, before the effective date of the transfer shall be valid and effective for all purposes unless otherwise revoked, suspended, rescinded, canceled or terminated in accordance with law.

(h) Any enforcement activity imposed by the sheriff, any deputies, jailers, superintendents, keepers, officers, assistants or other employees of the sheriff, before the effective date of the transfer shall be valid, effective and continuing in force according to the terms thereof for all purposes, unless superseded, revised, rescinded or canceled in accordance with law.

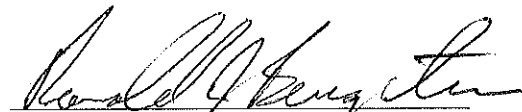
(i) All petitions, hearings, appeals, suits and other proceedings duly brought against, and all petitions, hearings, appeals, suits, prosecutions and other legal proceedings begun by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants or other employees of the sheriff, as the case may be, which are pending immediately before the effective date of the transfer, shall continue unabated and remain in force notwithstanding the effective date of the transfer.

(j) All records maintained by the sheriff, deputies, jailers, superintendents, keepers, officers, assistants and other employees of the sheriff before the effective date of the transfer shall continue to enjoy the same status in any court or administrative proceeding, whether pending on the effective date of the transfer or commenced thereafter, as they would have enjoyed in the absence of the transfer.

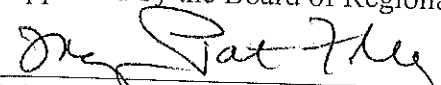
(k) In the case of employees of the Barnstable county jail or house of correction in the custody and control of the sheriff of Barnstable county, the employer, as defined in section one of chapter one hundred and fifty E of the General Laws, shall mean the sheriff of Barnstable county or any individual who is designate to represent the sheriff and act in his interest in dealing with employees.

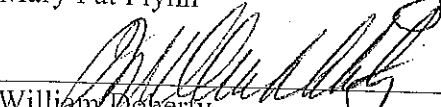
(l) The Barnstable county fire training academy is not a public safety function under the governance of the Sheriff and shall not be transferred to the state.

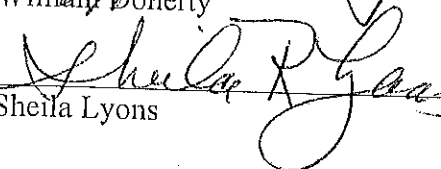
Adopted by the Assembly of Delegates on June 2, 2010.


Ronald Bergstrom, Speaker
Assembly of Delegates

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


Mary Pat Flynn


William Doherty


Sheila Lyons