

ADMINISTRATIVE CODE OF BARNSTABLE COUNTY

June 26, 2019

PURPOSE AND SCOPE OF CODE

The Administrative Code herein set forth has the broad purpose of providing for the organization and administration of the executive branch of Barnstable County government. It is the intention and purpose of this Code to provide a reasonable, practical and cost-effective plan of organization which allows for effective delivery of County services and accountability of all County agencies. No provision of this Administrative Code shall be interpreted to compromise the confidentiality required of any County agency in carrying out its functions.

PART 1. COUNTY DEPARTMENTS AND OFFICES, IN GENERAL

SECTION 1.1 County Department and Offices Identified ^{1, 2, 3}

There shall be continued or established the following County departments and offices as more specifically provided for in Part 2 of this Administrative Code:

- (i) Office of County Administrator (County Commissioners);
- (ii) Office of County Clerk (County Commissioners);
- (iii) Office of Legal Services (Shared Costs and Debt);
- (iv) Office of County Sheriff, Jail and House of Correction;
- (v) Resource Development Office;
- (vi) Department of Finance;
- (vii) Department of Facilities;
- (viii) Department of Cooperative Extension Services;
- (ix) Department of Land Registration and Recording;
- (x) Department of Health and the Environment;
- (xi) Department of Dredging;
- (xii) Department of Human Services;
- (xiii) Department of Children's Cove;
- (xiv) Fire Training Academy;
- (xv) Department of Public Safety;
- (xvi) Department of Planning and Development.

¹ Ordinance 93-2: To amend Section 1.1 to change "(ix) Department of Health, Human Services and Environment" to "(ix) Department of Health and the Environment". To add to Section 1.1 a new Department of Human Services which will immediately follow and re-number all departments thereafter.

² Ordinance 95-10: To amend Section 1.1 to change "(iv) Department of Buildings and Grounds" to "(iv) Department of Facilities".

³ Ordinance 01-02: To amend Section 1.1 of the Barnstable County Administrative Code to add and amend language for County departments and offices.

SECTION 1.2 Department Heads and Office Supervisors; Appointment and Removal ⁴

Each County department or office shall be under the general charge and direction of an elected official or a department head or office supervisor appointed by the Board of County Commissioners pursuant to BCHRC § 3-5. Every department head and office supervisor appointed by the Board of County Commissioners shall be a person especially fitted by education, training and experience to perform the duties of the department or office to which appointed and shall be appointed for an indefinite term of office subject to an annual review of performance. With the consent of the Assembly of Delegates, the Board of County Commissioners may appoint a department head or office supervisor to supervise and direct the operations of more than one department or office.

The Board of County Commissioners may remove an appointed department head or office supervisor for proper cause in accordance with Section 1.4 of this Code and shall report such action to the Assembly of Delegates.

SECTION 1.3 Responsibilities of Department Heads and Office Supervisors

Each County department head or supervisor of an office is subject to the administrative direction of the County Administrator and to general supervision and direction of the Board of County Commissioners, in accordance with the Barnstable County Home Rule Charter.

It is recognized that certain department heads, both elected and appointed, have statutory authority and responsibilities apart from or in addition to those which derive from the Barnstable County Home Rule Charter. Nothing in this Code shall derogate from their responsibility and authority under those statutes. Department heads and office supervisors shall:

- (i) organize the operations and the work of their respective departments or offices;
- (ii) direct, supervise and coordinate the work of the department or office in order to meet the mission of the department or office;
- (iii) coordinate work activities, assignments and projects with other County departments and offices in order to maximize resources;
- (iv) insure that policies of the department or office are consistent with those of the County;
- (v) circulate all grant applications to the Board of County Commissioners prior to the submission of such applications;
- (vi) follow all personnel, purchasing and other administrative procedures of the County;
- (vii) manage budgeted resources in manner consistent with appropriations and County policies;
- (viii) keep the County Administrator and the Board of County Commissioners informed concerning departmental or office activities;
- (ix) make periodic reports to the County Administrator and special reports as necessary;

⁴ Ordinance 01-03: To amend Section 1.2 and 1.4 of the Barnstable County Administrative Code to add and amend language for Department Heads and Office Supervisors; Appointment and Removal.

- (x) identify and report opportunities for inter-local cooperation and regional and shared service delivery to the County Administrator and the Board of County Commissioners; and
- (xi) notify the Board of County Commissioners of any legal proceeding brought or expected to be brought against the County or any officer of the County as soon as possible after having knowledge of any such legal proceeding.

SECTION 1.4 Personnel Policies ⁵

Pursuant to Section 3-2 of the BCHRC, the executive powers of the County are vested in the Board of County Commissioners. The County Commissioners establish a system of personnel administration governing the terms and conditions of employment within the County of Barnstable through the Barnstable County Personnel Policies and Procedures Manual. The policies and procedures are adopted pursuant to Massachusetts General Law and the BCHRC.

PART 2. COUNTY DEPARTMENTS AND OFFICES, IN PARTICULAR

SECTION 2.1 Office of County Administrator ^{6,7}

(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 Administrator 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 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

⁵ Ordinance 01-03: To amend Section 1.2 and 1.4 of the Barnstable County Administrative Code to add and amend language for Department Heads and Office Supervisors; Appointment and Removal.

⁶ Ordinance 01-15: To amend the Barnstable County Administrative Code to reorganize the listing of the Departments to more closely reflect the structure in the County budget.

⁷ Ordinance 01-04: To amend Part 2, Section 2 of the Barnstable County Administrative Code to add and amend language for Office of County Administrator.

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 (l). 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.

(c) Assistant County Administrator

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

(d) 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 acts as the County Human Resources Director and advises the County Administrator and the County Commissioners on personnel matters. The Assistant County Administrator has supervisory responsibility for the Office of the County Commissioners, Dredge Department, Resource Development Department, Cape Light Compact, Human Services Department, and Children's Cove.

SECTION 2.2 Office of County Clerk⁸

(a) County Clerk

The Board of County Commissioners shall appoint a County Clerk for a one-year term 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

⁸ Ordinance 01-05: To amend Part 2, Section 2.2 of the Barnstable County Administrative Code to add and amend language for the County Clerk.

all election and election related matters affecting County government with 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 the Administrative Code.

SECTION 2.3 Office of Legal Services⁹

(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.

⁹ Ordinance 97-9: To change Section 2.4 (c) "Special Counsel, Coordination of Legal Services" of the Barnstable County Administrative Code by adding "(d) Counsel for the Assembly of Delegates".

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 ¹⁰

(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

¹⁰ Ordinance 01-11: To add to the Barnstable County Administrative Code language to establish the Resource Development Office as a department of the County.

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 ¹¹

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

¹¹ Ordinance 01-07: To amend the Barnstable County Administrative Code to add language to more closely reflect the current duties and responsibilities of the County treasurer.

The County Treasurer shall, within the Department of Finance, exercise all the powers and duties given to county treasurers by the general laws, including the 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 powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

SECTION 2.7 Department of Facilities¹²

(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).

¹² Ordinance 95-9: To amend Section 2.6 of the Barnstable County Administrative Code to rename "Department of Buildings and Grounds" to "Department of Facilities".

(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 Office¹³

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.

¹³ Ordinance 01-06: To amend language of the Barnstable County Administrative Code to reflect that the Register of Deeds shall be an elected official, as provided for in special legislation.

SECTION 2.10 Department of Health and the Environment ¹⁴

(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 ¹⁵

(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.

¹⁴ Ordinance 93-3: To amend Section 2.9 of the Barnstable County Administrative Code to remove the powers, duties and responsibilities of Human Services from the Department of Health, Human Services and Environment and rename such department the “Department of Health and the Environment.”

¹⁵ Proposed Ordinance 01-10: To amend Part 2, Section 2, of the Barnstable County Administrative Code to add and amend language for the Department of Dredging.

SECTION 2.12 Department of Human Services ¹⁶

(a) Department Generally

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

(b) The Director of Human Services

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 ¹⁷

(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

¹⁶ Ordinance 93-4: To add Section 2.10 to the Barnstable County Administrative Code language for the Department of Human Services.

¹⁷ Ordinance 19-12: To repeal Ordinance 98-24 and substitute the following language in the Administrative Code of Barnstable County Section 2.13 Children's Cove. Adopted by the Assembly of Delegates June 19, 2019; approved by the Board of County Commissioners June 26, 2019.

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 up to 26 members to be selected as follows: the partner agencies Barnstable County, the Cape and Islands District Attorney's Office, the Massachusetts Department of Social Services, the Massachusetts Department of Mental Health, and Cape Cod Hospital each shall have up to two members, who shall be standing members of the Board; the Barnstable County Commissioners shall appoint up to sixteen 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 appointees shall have a term of one year and may be appointed to serve successive 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.

(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. Children's Cove area of service is the Cape and Islands District

Attorney's Office jurisdictional boundaries: Barnstable, Dukes, and Nantucket counties within the Commonwealth of Massachusetts.

(b) Director of Children's Cove

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

(c) Children's Cove Services

Children's Cove: The Cape Cod and the Islands Advocacy Center shall be the Child Advocacy Center located 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 Children and Families, the Massachusetts Department of Mental Health, and Cape Cod Healthcare. Children's Cove shall house the Sexual Abuse Investigation Network (SAIN) for Barnstable County and provide multidisciplinary investigation into children's sexual abuse. Children's Cove shall also coordinate the provision of services to victims and their families, provide education to families and the community, fellow professionals and the public on issues concerning the prevention, intervention and investigation of child sexual abuse, physical abuse, witness to domestic violence and child exploitation and trafficking.

To insure confidentiality to those citizens served, special and ongoing investigations, treatment and client history where applicable, Children's Cove, its employees, and advisory board members shall be prohibited, in the interest of public safety, from making unauthorized public communications regarding past and ongoing matters under review by Children's Cove.

(d) Powers and Responsibilities of the Director of Children's Cove

The Director is responsible for and has the power to:

- Plan, organize and manage the Cove
- Direct the operations of the facility
- Supervise and train staff and volunteers
- Manage all financial matters of the Cove including department budget, grants, fundraising and required reports
- Ensure compliance with policies and procedures of all program areas and with county policies
- Appoint individuals to an Advisory Board to advise and make recommendations on matters that are within the decision-making power and responsibilities of the Director

The Director of the Children's Cove is authorized to appoint individuals to an Advisory Board for the purpose of advising the Director on decisions that are within the powers and responsibilities of the Director.

(e) Barnstable County

Notwithstanding the revised role and responsibilities of the Director and the Board, Children's Cove shall remain a department of Barnstable County Government in all aspects and shall operate in accordance with Barnstable County's administrative and budgetary procedures as devised under its Charter and the Administrative Code including all personnel policy and procedures as approved by the Board of Regional Commissioners. The Director of Children's Cove shall report to the County Administrator and the Director shall update the Board of Regional Commissioners as necessary.

SECTION 2.14 Fire Training Academy¹⁸

(a) Department Generally

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

(b) Director of Fire Training

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 Safety¹⁹

(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

¹⁸ Ordinance 01-14: To amend the Barnstable County Administrative Code to add language so that the existing Fire Training Academy is a department of the County.

¹⁹ Ordinance 01-08: To amend the Barnstable County Administrative Code to insert the words "and Department of Public Safety" in paragraph (b).

the full assumption of costs by the Commonwealth of the maintenance and operation of the Barnstable County Jail and House of Correction and Department of Public Safety, 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 may be necessary for thorough training of persons in the prevention, detection and prosecution of crime; and to provide technical assistance to deputy sheriffs, constables and police officers in criminal investigations and for assisting the County Sheriff in criminal matters;
- (ii) to maintain a school for the training of fire fighters and shall provide instruction in fire fighting, fire prevention and such other instruction as may be considered necessary;
- (iii) to maintain a radio broadcasting system for use in police work and for the promotion of public safety;
- (iv) to maintain a drug-abuse information bureau which may collect, receive and disseminate to appropriate law-enforcement agencies information relative to illegal traffic in narcotic drugs, identify persons engaged in such traffic and any information relative thereto as will aid in the enforcement of laws relative to the sale, possession or use of narcotic drugs;
- (v) to establish and maintain such programs, activities and administrative support services to render police, fire-protection, emergency or civil-defense services to municipal governments within the County as may be required in accordance with any contract with one or more such municipalities; and
- (vi) to coordinate activities with the Office of the County Sheriff. The department shall have such other powers, duties and responsibilities as may be provided by County ordinance of this Administrative Code.

SECTION 2.16 Regional Planning Agency/Cape Cod Commission ²⁰

(a) Department Generally

There shall be a Regional Planning Agency/Cape Cod Commission under the direction of the Cape Cod Commission.

²⁰ Ordinance 01-09: To amend the Barnstable County Administrative Code to revise language from the Department of Planning and Development to Regional Planning Agency/Cape Cod Commission.

(b) Director of Cape Cod Commission

The Board of County Commissioners shall appoint a Director of Planning and Development who may also serve as Executive Director of the Cape Cod Commission.

(c) Powers, Duties and Responsibilities

The Cape Cod Commission shall be responsible for the conduct of research and the development of programs related to industrial, business, economic, land use, water use, coastal management, transportation, waste management, conservation, recreation and other environmental conditions of the County. The department shall have the responsibilities for any regional planning function or activity for the County established by special law or the laws of the Commonwealth. The department shall assume all responsibilities, duties, and powers in accordance with chapter seven hundred and sixteen of the acts of nineteen hundred and eighty-nine, including, but not limited to, the preparation of a proposed regional policy plan and proposed amendments thereto, assistance to municipalities in their completion of local comprehensive plans, and the development of guidelines and regulations for districts of critical planning concern. The department shall also supervise the process of reviewing developments of regional impact. The department shall have such other powers, duties and responsibilities as may be provided by County ordinance or this Administrative Code.

PART 3. MULTIPLE MEMBER BODIES, IN GENERAL

SECTION 3.1 Establishment of Multiple Member Bodies

(a) Multiple Member Bodies Established by County Ordinance ²¹

In accordance with provisions of BCHRC § 3-5, the Board of County Commissioners shall appoint multiple member bodies established by County ordinance or this Administrative Code. The terms of office and the number of members appointed shall be in the manner provided by any such ordinance or by this Administrative Code and, unless otherwise provided, shall be consistent with Section 3.2 of this Code. Multiple member bodies may require staff. If a multiple member body has staffing requirements, the staff and the organization of such staff shall be included in ordinances submitted to the Assembly of Delegates.

(b) Multiple Member Bodies Established by the Board of County Commissioners

The Board of County Commissioners may by vote from time to time appoint multiple member bodies to assist and advise on the conduct of County business. In a manner consistent with Sections 3.2 and 3.3 of this Code, the vote establishing a multiple member body shall state the

²¹ Ordinance 98-22: To amend Section 3.1, Multiple Member Bodies, In General, of the Barnstable County Administrative Code by adding language dealing with staff for multiple member bodies.

number of members of such body, their terms of office and the functions, purposes and responsibilities of such body.

(c) Multiple Member Bodies Established by Departments

Upon notification to the Board of County Commissioners, County departments may from time to time appoint multiple member bodies to assist and advise on the conduct of departmental business. The number of members, terms of office and purpose and functions of such multiple member bodies shall be established in a manner consistent with Sections 3.2 and 3.3 of this Code and shall be forwarded to the Board of County Commissioners for approval.

(d) Personnel²²

The Board of County Commissioners may appoint staff for multiple member bodies. The hiring and conduct of staff shall be consistent with County personnel policies and Section 1.2, 1.3 and 1.4 of the Code.

SECTION 3.2 Standards for the Appointment of Members to Multiple Bodies

The Board of County Commissioners, when making appointments to multiple member bodies, shall consider the following general standards:

- (i) such members shall be residents of the County;
- (ii) such members shall be selected in a manner to represent a reasonable geographic distribution of membership; and
- (iii) such members shall be selected based on knowledge, subject-matter expertise and prior experience.

SECTION 3.3 Procedures for Multiple Member Bodies

Multiple Member Bodies shall provide in writing to the Board of County Commissioners for approval the purpose and function of the body, the number of members, the terms of their appointment and the appointing authority. Each multiple member body shall keep minutes and accurate records.

PART 4. MULTIPLE MEMBER BODIES, IN PARTICULAR

*This Part is organized in accordance with Ordinance 01-12.*²³

²² Ordinance 01-13: To amend the Barnstable County Administrative Code to add reference to newly established Section 1.4 of this Code.

²³ Ordinance 01-12: To amend the Barnstable County Administrative Code to remove reference to multiple member bodies which are no longer in existence and renumber the Administrative Code accordingly.

SECTION 4.2 Barnstable County Health and Human Services Advisory Council ²⁴²⁵

(a) Composition, Eligibility

Membership in the Barnstable County Health and Human Services Advisory Council shall be open to individuals representing public and private institutions and organizations with an interest in health and human service needs of Barnstable County, and the representatives of consumers of health and human services. The Board of County Commissioners shall encourage participation from organizations representing consumers, ethnic and minority groups, varied professional areas and all geographic regions of the County.

The members of the Barnstable County Health and Human Services Advisory Council shall be selected to represent as broad and varied a base as possible in relation to geographic regions, age groups, socioeconomic backgrounds, ethnic populations and professional disciplines. At least one member of the Barnstable County Health and Human Services Advisory Council shall be a person not representing an agency, whether public or private, in the service delivery system.

In order to achieve this broad representation, a member and alternate will be solicited for appointment from Countywide associations and collaborative networks, working groups, and task forces, in the areas of healthcare services and human services. Nominations for appointment should be solicited from a wide range of such Countywide associations, collaborative networks, working groups, and task forces, including but not limited to:

- Barnstable County Task Force on Youth
- Cape and Islands Community Health Network
- Lighthouse Health Access Alliance
- The Human Condition Steering Committee
- Cape and Islands Partnership on Older Adults
- Regional Domestic Violence Council
- Cape Cod Community Health Center Network
- Coordinating Council for the Homeless
- Cape Cod Healthcare Community Benefits Advisory Council
- Cape Cod Council of Churches
- National Association for the Mentally Ill, Cape Cod
- Tri-County AIDS Consortium
- Regional collaborations and consortia: Cape Cod Neighborhood Support Coalition (Upper Cape), Lower/Outer Cape Community Coalition (Lower/Outer Cape) and the Cape Cod Multicultural Committee (Together We Can - Mid-Cape)

²⁴ Ordinance 07-02: To amend Section 2.13 of the Barnstable County Administrative Code to add and amend language for the Children's Cove Advisory Board and Executive Committee.

²⁵ To amend Section 4.2, Barnstable County Health and Human Services Advisory Council of the Barnstable County Administrative Code to provide for changes to the Barnstable County Health and Human Services Advisory Council.

- A representative of the town health departments from each of the four regions of Barnstable County
- At least one consumer of healthcare and/or human services
- A representative of the Substance Abuse Treatment community
- Any additional At-Large members appointed by the Barnstable County Commissioners

The Board of County Commissioners shall establish a schedule for application deadlines and appointments. Each of the entities given above, and others as selected by the County Commissioners, shall nominate to the County Commissioners for their consideration an individual to represent their group's particular Human Service area.

(b) Powers, Duties and Responsibilities

The Barnstable County Health and Human Services Advisory Council, in conjunction with the Barnstable County Department of Human Services, shall be responsible for providing advice concerning the human service needs of Barnstable County. Human Services shall be construed to include health services. The Barnstable County Health and Human Services Advisory Council shall make rules, regulations and by-laws governing the conduct of the Council's business and deliberations. The general responsibilities of the Barnstable County Health and Human Services Advisory Council in conjunction with the Barnstable County Department of Human Services shall include the following:

- (i) To identify human service needs, programs and resources
- (ii) To establish priorities for human services;
- (iii) To provide information to appropriate agencies regarding the allocation of funds for human services;
- (iv) To assist in the mobilization of new resources and funding for the purpose of filling service gaps, and coordinating human services within the County;
- (v) To assist in developing procedures for reviewing, monitoring and evaluating services;
- (vi) To provide relevant information on human services to the state, the County and local communities to promote public support and utilization of services;
- (vii) To encourage citizen participation in the process of planning human services; and
- (viii) To produce an annual report that will be included in the Barnstable County Annual Fiscal Year Report.

A major and specific responsibility of the Barnstable County Health and Human Services Advisory Council is to assist the Barnstable County Department of Health and Human Services in the development of a Barnstable County Health and Human Services Plan to prioritize issues for action by the County government. Such action may include, but is not limited to, financial assistance; investment in the development of new, expanded, or modified services and programs; advocacy; public awareness; request for federal or state funding; and the purchase of services for the County's residents.

In order to carry out these responsibilities, the Barnstable County Health and Human Services Advisory Council shall meet no fewer than three times per year, although subcommittees, task forces and/or working groups may be formed to conduct specific works as needed.

The work of the Barnstable County Health and Human Services Advisory Council shall be coordinated and chaired by the Department of Human Services, which department shall have the responsibility to call and coordinate Council meetings; originate, research, develop and disseminate such needs assessments, studies, health status indicators, and other demographic information and data as are necessary to the Council's work; and serve as liaison between the Council and the Barnstable County Commissioners, Assembly of Delegates, and the public.

(c) Appointment and Term ²⁶

Advisory Council Members shall be appointed by the Barnstable County Commissioners. In 2009, appointment terms shall be as follows: one-third of the membership shall be appointed for a one (1) year term, one-third of the membership shall be appointed for a two (2) year term, and one-third of the membership shall be appointed for a three (3) year term. Thereafter, each subsequent appointment to the Council shall be for a term of three years. Nominations of new members, nominations of existing members for additional three year terms, and nominations to fill vacancies will be submitted to the Barnstable County Commissioners through the Barnstable County Department of Human Services by the group, association, or task force to which the vacancy applies.

SECTION 4.6 Cape Cod Commission

There shall be a Cape Cod Commission as provided in paragraphs (b) through (e) of section three of chapter seven hundred and sixteen of the acts of nineteen hundred and eighty-nine.

SECTION 4.7 Barnstable County HOME Consortium ²⁷

(a) Composition, Term of Office

There shall be a Barnstable County HOME Consortium Advisory Council consisting of seventeen members appointed by the Board of County Commissioners for a term of three years. The council shall include a representative from each of the fifteen towns and two at large members. The County Commissioners will seek and consider nominations from the Board of Selectmen or Town Manager. At least two members of the council shall be minorities. Membership in the council shall be open to individuals and those representing public and private institutions and organizations with interest in the affordable housing needs of Barnstable County. The County Commissioners shall encourage participation from organizations representing consumers,

²⁶ Ordinance 94-1: To change Section 4.8, Section 2, Cape Cod Economic Development Council.

²⁷ Ordinance 92-3: To amend the Barnstable County Administrative Code to add Section 4.7, Barnstable County HOME Consortium.

minority groups, and varied professional areas. The Cape Cod Commission's Affordable Housing Specialist shall serve as an ex officio member.

(b) Powers, Duties, and Responsibilities

The Barnstable County HOME Consortium Advisory Council shall advise and make recommendations to the County Commissioners regarding the administration and funding of activities to be undertaken by the Barnstable County HOME Consortium. The responsibilities of the council shall include, but not be limited to the following:

- (i) develop program description of the Barnstable County HOME Program;
- (ii) draft ordinance containing procedures for administration of Barnstable County HOME Program for County Commissioners to submit to the Assembly of Delegates;
- (iii) draft the Barnstable County HOME Consortium's Comprehensive Housing Affordability Strategy as required by the Cranston-Gonzalez National Affordable Housing Act of 1990;
- (iv) establish sub-committees to examine issues and submit reports to council; and
- (v) report regularly to, or at the request of, the County Commissioners.

The Barnstable County HOME Consortium Advisory Council shall have such responsibilities, powers, and duties as may be provided by County ordinance or this Administrative Code.

SECTION 4.8 Barnstable County Economic Development Council (BCEDC) ²⁸

(a) Establishment

There shall be a Barnstable County Economic Development Council (BCEDC) established as a part of Barnstable County government and subject to the rules, regulations, and administrative and budgetary policies and procedures of the County. All activities of the BCEDC shall be consistent with the Massachusetts Open Meeting and other relevant State Laws, Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, the Cape Cod Commission Act, and the Regional Policy Plan (RPP).

(b) BCEDC Mission

The BCEDC is an advisory board to Barnstable County established to guide economic development policy in a manner that will improve the quality of life for all, foster a healthy economy offering a range of employment opportunities at livable wages for year-round residents, and protect the region's natural and built assets today and in the future.

²⁸ Ordinance 17-13: To replace Section 4.8 of the Administrative Code of Barnstable County as created and amended previously through Ordinances 04-17, 98-23, 98-19, 98-3, 98-13 and 92-5, and any other ordinances pertaining to the previously named Cape Cod Economic Development Council, and to establish the Barnstable County Economic Development Council. Adopted by the Assembly of Delegates December 20, 2017; approved by the Board of County Commissioners January 2, 2018.

(c) BCEDC Functions

Consistent with the Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, and the Cape Cod Commission Act, the BCEDC shall:

- a. Advise in the development of the economic development goals for Barnstable County codified in the Regional Policy Plan.
- b. Act as the Cape Cod Comprehensive Economic Development Strategy (CEDS) Strategy Committee and Economic Development District (EDD) governing board on behalf of the Cape Cod Commission and Barnstable County and as required by the US Economic Development Administration (EDA).
 - i. Advise in the planning, content and implementation of the CEDS.
 - ii. Approve the 5-year CEDS document for delivery to and certification by EDA.
 - iii. Approve the annual report to EDA on the implementation of the CEDS 5-Year plan.
- c. Advise the Barnstable County Commissioners, upon allocation of funds to award economic development grants/contracts, on the merits of proposals.
 - i. Participate, through a three-member BCEDC subcommittee selected by the Barnstable County Commissioners. The BCEDC Board may nominate by majority vote, to the County Commissioners, the three members to serve on the grant/contract subcommittee.
 - ii. Report on and provide performance summaries on the grants/contracts awarded by the Barnstable County Commissioners on a quarterly basis.
- d. Advise the County Commissioners on the funding of grants and contracts related to the functions outlined in this ordinance including, but not limited to, advertising and website development.
- e. Report on BCEDC activities and achievements relative to its mission annually to the Barnstable County Commissioners on or before June 30th; the report will be included in the Barnstable County Annual Fiscal Year Report.
- f. The BCEDC Chair, or in absence the Vice-Chair, shall assign subcommittees of BCEDC members deemed appropriate to carry out its responsibilities under this ordinance.
- g. Develop by-laws for the conduct of business to be approved by the County Commissioners.

(d) BCEDC Membership

The BCEDC shall be constituted as follows:

- a. There shall be eleven (11) voting members with three (3) additional ex-officio members.
- b. Members shall represent the main economic interests of the Region, including the private sector, public officials, community leaders, private individuals, representatives of workforce development boards, institutions of higher education, minority and labor groups, and others who can contribute to and benefit from improved economic

development in the Region as per the US Economic Development Administration (EDA) regulations to maintain CEDS certification and the Economic Development District designation from the EDA.

- c. Ex-officio members include representatives of the Barnstable County Commissioners, the Barnstable County Assembly of Delegates, and the Cape Cod Commission, nominated by respective bodies.
- d. Members shall have an understanding of the regional economy and the challenges facing long-term economic sustainability.
- e. Member nominations shall be solicited through a process approved by the Barnstable County Commissioners, from organizations in Barnstable County focused on the constituencies outlined in Section (d)(b) of this ordinance so all required constituencies be represented on the BCEDC.
- f. Members/Ex-officio members are appointed by the Barnstable County Commissioners with consideration of the non-binding recommendations of Candidates/Nominees as identified herein (d)(b)(c)(e).
- g. Members shall have staggered three-year terms so as no more than four member's terms expire each year. Members may serve three terms or a total of nine years on the BCEDC.
- h. A majority of the members shall constitute a quorum.
- i. At the first meeting of each calendar year, BCEDC members shall nominate and elect, by a simple majority of the quorum present, a Chairman and Vice-Chairman who shall be voting or ex-officio members of the BCEDC.

(e) BCEDC Staffing

The Cape Cod Commission will provide technical expertise and administrative support to BCEDC as needed to fulfill the responsibilities outlined in this ordinance. Cape Cod Commission technical staff shall attend all BCEDC meetings and report to the BCEDC on activities related to the development of the CEDS and its implementation, and provide guidance to the Council in the execution of its duties.

(f) BCEDC Funding

An annual budget to staff the BCEDC will be developed by the Cape Cod Commission to be included in the Cape Cod Commission's annual budget. Prior to the annual county budget process, the County Commissioners shall meet with the Executive Director of the Cape Cod Commission to determine the division of Cape and Islands license plate revenue funds for the upcoming fiscal year. The BCEDC may submit a recommendation as to the division of funds for consideration by the County Commissioners.

SECTION 4.9 Cape Cod Centralized Medical Emergency Dispatch Board of Trustees²⁹

(a) Composition, Term of Office

There shall be a Cape Cod Centralized Medical Emergency Dispatch Board of Trustees consisting of a County Commissioner or his designee, a representative nominated by Cape Cod Healthcare, Inc. and a Fire Chief from a town located in Barnstable County and nominated by the Fire Chiefs' Association of the Cape and Islands. All nominees shall be appointed by the Barnstable County Commissioners to terms not to exceed three years. Board members may serve more than one term.

(b) Powers, Duties, and Responsibilities

The Cape Cod Centralized Medical Emergency Dispatch Board of Trustees shall have the following powers, duties, and responsibilities related to CMED services for and within Barnstable County:

- (i) develop inter-agency agreements for the procurement of medical dispatch services;
- (ii) analyze and approve all costs;
- (iii) develop annual budgets;
- (iv) negotiate and sign contracts;
- (v) collect and maintain funds; and
- (vi) provide an annual report to Commissioners and the community.

(c) Treasury Services

Barnstable County shall provide treasury services to the CMED Board of Trustees without additional compensation.

PART 5. GENERAL PROVISIONS

SECTION 5.1 Severability

The provisions of this Administrative Code are severable. If any provision of this Administrative Code is held to be invalid, its remaining provisions shall not be affected thereby. If the application of this Administrative Code, or any of its provisions, to any person or circumstance is held to be invalid, the application of said Administrative Code and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 5.2 Rules of Interpretation

The following rules shall apply when interpreting this Administrative Code.

²⁹ Ordinance 10-17: to add Section 4.9 to the Barnstable County Administrative Code establishing the Cape Cod Centralized Medical Emergency Dispatch (CMED) Board of Trustees to provide for the oversight and fiscal administration of the CMED system in Barnstable County.

(a) Specific Provisions to Prevail

To the extent that any specific provision of the Administrative Code shall conflict with any provision expressed in general terms, the specific provision shall prevail.

(b) Number and Gender

Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; words imparting the masculine gender shall include the feminine gender.

(c) References to Laws

All references to the general laws or other acts of the Commonwealth contained in this Administrative Code are intended to include any amendments thereto and any revisions to chapters and sections or to the corresponding chapters and sections of any rearrangement of such laws or acts enacted subsequent to the enactment of this Administrative Code.

SECTION 5.3 Definitions

Unless another meaning is clearly apparent from the manner in which any of the following is used, the following as used in this Administrative Code shall have the following meanings:

County — The word “County” shall mean the County of Barnstable.

BCHRC — The acronym “BCHRC” shall mean Barnstable County Home Rule Charter.

Multiple member body — The term “Multiple member body” shall mean any official County body consisting of two or more persons.

SECTION 5.4 Amendments and Revisions

This Administrative Code may be amended, repealed or revised in accordance with the procedures provided in BCHRC §§ 2-8 and 3-8.

SECTION 5.5 County Seal

The County shall have a seal in the form shown below. Books, papers and other documents issued by any County agency may be attested by the use of the County seal which shall be kept in the custody of the County Clerk.

Established by Ordinance 90-16, November 28, 1990

Amended by Ordinance 92-3, April 8, 1992

Amended by Ordinance 92-5, May 27, 1992

Amended by Ordinance 93-2, May 19, 1993

Amended by Ordinance 93-3, May 19, 1998

Amended by Ordinance 93-4, May 19, 1993

Amended by Ordinance 94-1, March 2, 1994

Amended by Ordinance 95-9, July 26, 1995

Amended by Ordinance 95-10, July 26, 1995

Amended by Ordinance 97-9, October 8, 1997
Amended by Ordinance 97-13, November 5, 1997
Amended by Ordinance 98-3, February 25, 1998
Amended by Ordinance 98-13, June 10, 1998
Amended by Ordinance 98-19, September 16, 1998
Amended by Ordinance 98-22, November 25, 1998
Amended by Ordinance 98-23, November 25, 1998
Amended by Ordinance 98-24, November 25, 1998
Amended by Ordinance 01-02 through 01-15, April 4, 2001
Amended by Ordinance 01-12, April 25, 2001
Amended by Ordinance 01-24, January 2, 2002
Amended by Ordinance 03-19, November 12, 2003
Amended by Ordinance 04-17, June 2, 2004
Amended by Ordinance 07-02, January 24, 2007
Amended by Ordinance 09-04, May 20, 2009
Amended by Ordinance 10-17, July 7, 2010
Amended by Ordinance 17-13, January 2, 2018
Amended by Ordinance 19-12, June 26, 2019

A TRUE COPY

ATTEST:

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Owen G. Fletcher
Clerk of the Assembly of Delegates