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ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1: Composition, Eligibility, Mode of Election, Term of Office
(a) **Composition** - The legislative powers of Barnstable county shall be exercised by a county council consisting of eleven members. One member of the county council shall be elected by and from the voters in each of the legislative districts established as provided in section 2-11.

(b) **Eligibility** - Any voter of the legislative district from which election is sought shall be eligible to hold the office of county councillor, who at the time of election, has been a resident of Barnstable county for a period of one year or more. A county councillor who during a term of office moves from the legislative district from which elected, shall, forthwith, be deemed to have resigned and the office shall be declared vacant by the remaining members of the county council.

(c) **Election and Term** - County councilors shall be elected for terms of two years each at the biennial state election. The term of office for county councilors shall begin on the first business day in January in the year following the year in which elected and shall continue until their successors have been chosen and qualified.

**ALTERNATE PROVISIONS** for (c)
(4 year terms?) At the first election all members elected: members from even numbered terms serve two years; members elected from odd numbered districts elected for 4 year terms. OR members elected at first election draw lots for the expiration of terms)

SECTION 2-2: Organization; Speaker; Deputy Speaker; Clerk
(a) **Organization** - The county council shall meet on the first business day in January of each odd numbered year for the purpose of organization. The members shall be called to order by the member present who is senior in years of service as a member of the county council, 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 county council 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 county council to serve as clerk of the county council. The vote to elect such officers shall require the affirmative votes of six members of the county council.

(b) **Speaker** - The speaker shall preside at all meetings of the county council, regulate the proceedings and decide all questions of order and shall have the same right to vote on any matter coming before the county council as any other member. The speaker shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.
(c) Deputy-Speaker - The deputy-speaker shall serve as speaker during the absence or disability of the speaker and shall have such other powers, duties and responsibilities as may be provided by this charter, by ordinance or by other vote of the county council.

(d) Clerk of the county council - The clerk of the county council shall give notice of all meetings of the county council to its members and to the public, keep a journal and other records of all of its proceedings and perform such other duties as may from time to time be assigned to the office by this charter, by ordinance, or by other vote of the county council. The clerk of the county council may be the county clerk.

SECTION 2-3: Compensation
The county council may, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective however unless it has been adopted during the first fifteen months of the term for which county councilors are elected and it provides that the salary is to become effective at the commencement of the term of the next county council to be elected.

SECTION 2-4: Powers and Duties, In General
Except as is otherwise provided by law, or this charter, all legislative powers of the county shall be vested in the county council which shall provide for the exercise of all powers and the performance of all duties imposed upon the county in a manner consistent with the provisions of this charter.

SECTION 2-5: Exercise of Powers; Quorum; Rules of Procedure
(a) Exercise of Powers - Except as is otherwise provided by this charter, or by law, the legislative powers of the county council may be exercised in a manner determined by it.

(b) Voting - Except on procedural matters, all votes shall be taken by a call of the roll, if requested by any member.

c) Quorum - The presence of six members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of six members shall be required to adopt any ordinance or appropriation order or to take any other official action as the county's legislative body.

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

(i) Regular meetings of the county council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the county council shall be held at the call of the board of county commissioners (as provided in section 3-8(b)), at the call of the speaker, or at the call of any three or more members, except in case of emergency, by written notice, delivered in hand, or to the
place of residence or business of each member at least seventy-two hours in advance of the time set and which notice shall include the subjects to be acted upon at such special meeting.

(iii) Except as may otherwise be authorized by law, all meetings of the county council and any committee or sub-committee thereof shall at all times be open to the public and to representatives of the communications media.

(iv) Every matter which comes before the county council shall be put to a vote, the results of which shall be recorded. When requested by any member the vote shall be by roll call and the vote of each member shall be recorded in the journal.

(v) The clerk of the county council shall keep a full, accurate and up-to-date record of the proceedings of the county council and shall make it available for inspection by the public at any reasonable time.

SECTION 2: Prohibitions
No member of the county council shall individually, or collectively, seek to influence the board of county commissioners to dismiss, to appoint, or to promote any person to any position in the executive branch of county government.

The members of the county council shall deal with county officers and employees solely through the board of county commissioners and the county administrator. All contact with county employees, all actions and communications concerning county government, administrative activity and provision of services shall be solely through the board of county commissioners and the county administrator, except as is otherwise provided in this charter.

This section shall not prohibit the county council from conducting an inquiry into any act or problem of county administration as provided in section 2-7.

No member of the county council shall, during the term of office for which elected, or, within twelve months following the expiration of such term, hold any appointed compensated office, position or employment in or under the county government. This provision shall not, however, prevent a former county officer or employee who has taken a leave of absence during service on the county council from resuming such office or employment at the expiration of the term of office for which elected.

SECTION 2-7: Inquiries and Investigations
The county council may at any time upon a request filed by any of its members request a report on any aspect of the county by making such a request, in writing, to the board of county commissioners.

The county council may require the board of county executive and the county administrator to appear before the county council sitting as a committee of the whole and to bring before the
county council such records and reports, and such officials and employees of the county as the county council shall deem necessary to insure clarification of any matter under study.

The county council may summon witnesses to attend and to testify and to produce books and papers at a hearing before it, or a special committee of the county council, in the same manner and with the same penalties as is provided for other multiple member bodies by sections eight to eleven, inclusive, of chapter two hundred and thirty-three of the General Laws.

The county council may, by a vote of six members, delegate any number of its members as an ad hoc committee to consult with the board of county commissioners or the county administrator on any matter and to report back to the full county council with the results of such meeting.

SECTION 2-8: Exercise of Powers

(a) **In General.** - The legislative powers of the county vested in the county council shall be exercised by the adoption of ordinances, except as provided in section (b), below.

(b) **Exception, Resolutions.** - 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 an 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 county council;

   (v) The establishment of the county council as a committee of the whole and the delegation of its members as an ad hoc committee; the election, appointment and removal of such, officers and employees as the county council is permitted by this charter, or otherwise;

   (vi) Approval of contracts presented by the board of county commissioners;

   (viii) Actions specified as resolutions;

   (ix) The expression of such policies or opinions as requires no formal action.

(c) **Form of Ordinances.** - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be: "Barnstable county hereby ordains:".
(d) **Acts Required to be by Ordinance** - In addition to such other acts as this charter or any other provision of law requires to be by ordinance, the following acts of the assembly of delegates are required to be by ordinance:

(i) Establish, alter or abolish any county department, office or agency;

(ii) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(iii) Make appropriations, or transfer appropriations from the account of one county agency to another;

(iv) Grant, renew or extend a franchise;

(v) Regulate the rate charged for any service provided to any other governmental unit;

(vi) Authorize the borrowing of money;

(vii) Authorize the conveyance or lease of any real estate belonging to the county;

(viii) Authorize bilateral or multilateral contracts with other governmental units within the county or contiguous to the boundaries of the county for the joint performance, or for performance by one governmental unit on behalf of another or others of any governmental function or activity;

(ix) Adopt, with or without amendment, ordinances proposed by voters in accordance with the initiative procedures as provided in Article 7;

(x) Amend or repeal any ordinance previously adopted;

(e) **Procedures** - A proposed ordinance may be introduced by any member of the county council, or by the board of county commissioners, at any regular or special meeting of the county council. The clerk of the county council shall forthwith distribute copies of the proposal to each city councilor present, to any of the county commissioners present, and to the county administrator, if present. After an ordinance has been introduced and unless it is rejected at the same meeting by the affirmative votes of 6 county councilors, the clerk of the county council shall promptly cause the proposed ordinance to be published together with a notice stating the time and place at which a public hearing will be held on consideration of the proposal.

(f) **Public Hearing** - The public hearing on any proposed ordinance shall follow the required publication by at least one week. At the public hearing copies of the proposed ordinance shall be available for distribution to interested persons and all persons present shall be given the opportunity to be heard.
(g) Action by county council. - The county council may adopt, with or without amendment, or reject, any proposed ordinance following the public hearing.

(h) Publication of Adopted Ordinances. - As soon as practicable following adoption of any ordinance it shall be printed and published.

(i) Time of Taking Effect. - Except as otherwise provided by this charter every adopted ordinance shall take effect on the thirty-first day following its adoption, unless a later date is specified in the ordinance.

(j) Published, Defined. - As used in this section the term "published" means:

   (i) That at least a brief summary of the proposed ordinance or adopted ordinance has been published, along with public notice that a public hearing is to be held, in local newspapers.

   (ii) That copies of the proposed ordinance or adopted ordinance, have been made available to representatives of the communications media.

   (iii) That copies of the proposed ordinance or adopted ordinance have been distributed to the clerks of every municipality in the county for posting on municipal bulletin boards.

   (iv) That a reasonable number of copies of the proposed ordinance have been printed for free distribution to any interested person requesting the same, or in the case of an adopted ordinance, for sale, at a cost not to exceed the actual cost thereof to persons requesting the same.

SECTION 2.9: Emergency Ordinances
The county council, in appropriate circumstances to meet a public emergency affecting life, health or property, may adopt emergency ordinances. No emergency ordinance shall be used to grant, renew or extend a franchise; to regulate the rate charged for any service; or to authorize the borrowing of any money.

Emergency ordinances shall be submitted in the same manner as other proposed ordinances, but, every emergency measure shall be plainly designated as such and shall contain a preamble, which shall be separately voted upon, which declares that an emergency exists and which describes the emergency in clear and specific terms.

The affirmative vote of eight county councilors shall be necessary to adopt any emergency ordinance.

Every emergency ordinance shall automatically stand repealed on the sixty-first day following its adoption.
SECTION 2-10: Filling of Vacancies
If a vacancy shall occur in the office of county councilor with more than six months remaining of the term for which delegates are elected, a successor shall be chosen in accordance with the following procedure:

Need a provision for a special election
ONLY in the district in which the vacancy exists
???

If a vacancy shall occur in the office of county councillor before the last six months of the term for which councilors are elected, the vacancy shall be filled, in descending order of votes received by the candidate for the office of councillor in that district at the preceding state election, who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person who was elected. The town clerk shall certify such candidate to the office of district councillor to serve for the balance of the then unexpired term.

If a vacancy shall occur in the office of county councillor during the last six months of the term for which councilors are elected, such vacancy shall be filled by the person at the biennial state election who receives the highest number of votes for the office of councillor in that district. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the office of county councillor, the vacancy shall be filled by the remaining members of the county town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as town councilors under this section shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

Section 2-11: Legislative Districts, How Established
At least once in every ten years the territory of Barnstable county shall be divided into eleven legislative districts so established as to consist of as nearly an equal number of inhabitants in each district as is possible. Each such legislative district shall be composed of voting precincts otherwise established in accordance with general laws. The division into districts shall be established by an ordinance adopted by the county council.

Temporary Ordinance
Until such time as the County Council shall, by ordinance, establish a different method for the division of Barnstable County into legislative districts the following method shall apply: the Barnstable county Democratic committee shall designate two town clerks to serve, the Barnstable county Republican committee the shall designate two town clerks to serve, and two persons shall
be designated by the League of Women Voters of Barnstable County. ( OR ) and two town clerks shall be chosen by the four persons chosen as aforesaid. The committee so chosen shall file its final report with the clerk of the county council within 90 days following its appointment and may file one or more interim reports.