

Meeting reference from Atty. Tray
as handout to A of D
2-3-16

consult with the board of regional commissioners or the administrator on any matter and to report back to the full assembly of delegates with the results of such meeting.

Section 2 - 8. Exercise of Powers.

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

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

- (i) The establishment of an advisory council on any subject;
- (ii) The conduct of any inquiry or an investigation;
- (iii) The adoption of rules governing the conduct of its own business;
- (iv) The establishment of times and places for special meetings of the assembly of

delegates;

(v) The establishment of the assembly of delegates as a committee of the whole and the delegation of its members as an ad hoc committee;

(vi) The election, appointment and removal of such officers and employees as the assembly of delegates is permitted by this charter, or otherwise;

(vii) Approval of contracts presented by the board of regional commissioners; and

(viii) Actions specified as resolutions;

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

(c) Form of Ordinance - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be: "The Cape Cod regional government, known as 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) Establishment, alter or abolish any 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 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 Cape Cod regional government;

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

(ix) Amend or repeal any ordinance previously adopted.

(e) Procedures - A proposed ordinance may be introduced by any member of the assembly of delegates, or by the board of regional commissioners, at any regular or special meeting of the assembly of delegates. The clerk of the assembly of delegates shall forthwith distribute copies of the proposal to each delegate present, to any of the regional commissioners present, and to the administrator, if present. After an ordinance has been introduced and unless it is rejected at the same meeting by the affirmative votes of delegates representing not less than three-fourths of the population of Barnstable county, the clerk of the assembly of delegates 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.

The board of regional commissioners shall exercise a general supervision and direction over all agencies of the Cape Cod regional government, unless otherwise provided by law. Each agency shall furnish to the board of regional commissioners, forthwith when so requested, any information, materials or otherwise as the board of regional commissioners may request and as the needs of that office and the interest of the Cape Cod regional government may require.

Section 3 - 3. Powers and Duties.

The board of regional commissioners shall have, possess and may exercise all the powers, rights and duties commonly associated with the office of chief executive of a local government unit. The powers and duties of the board of regional commissioners shall include, but are not limited to, the following:

- (a) Prepare and submit to the assembly of delegates an annual operating budget, and a capital outlay budget, as provided in Article 5.
- (b) Supervise the care and custody of all Cape Cod regional government property, institutions and agencies.
- (c) Supervise the collection of all Cape Cod regional government revenues and the disbursement of all funds.
- (d) Supervise the selection of the depositories for all Cape Cod regional government funds.
- (e) Keep the assembly of delegates and the public fully informed as to the financial and administrative condition of the Cape Cod regional government by filing oral or written reports with the assembly of delegates, at least semi-annually, summarizing such condition.
- (f) To make at any time such recommendations to the assembly of delegates for action required to be taken by it as the board of regional commissioners deems necessary for the improvement of the Cape Cod regional government and the welfare of its residents.
- (g) Sign all deeds, contracts, bonds or other instruments requiring the consent of the Cape Cod regional government.
- (h) At any time to inquire into the conduct of office or performance of duty of any Cape Cod regional government officer, department head or employer.
 - (i) The identification of emergency situations.
 - (j) The declaration of emergencies.
- (k) Designation of newspaper to be used to give notice of Cape Cod regional government matters to the public.

Section 3 - 4. Delegation by Regional Commissioners.

The board of regional commissioners may authorize the administrator or any subordinate officer or employee of the Cape Cod regional government to exercise any power, function or duty assigned by this charter to the board of regional commissioners provided, however, that all acts which are performed under any such designation shall be deemed to be the acts of the board of regional commissioners.

Section 3 - 5. Appointments by Board of Regional Commissioners.

The board of regional commissioners shall appoint and in appropriate circumstances may remove, subject to the provision of any collective bargaining agreements as may be applicable, all Cape Cod regional government officers, department heads, members of multiple member bodies and all Cape Cod regional government employees for which no other method of selection is provided by this charter.

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

Whenever any vacancy in a Cape Cod regional government office whether temporary or permanent and the needs of the Cape Cod regional government require that such office be filled,

Except as is expressly provided in this charter, all elections for Cape Cod regional government offices shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

Section 8 - 3. Nominations.

The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of regional commissioner the nomination papers shall be signed in the aggregate by at least five hundred voters of the county.

Candidates for the office of assembly of delegates shall be by nomination papers signed in the aggregate by at least twenty voters of the municipality from which election is sought. Elections for the office of assembly of delegates shall be non partisan and the names of candidates shall not appear on the ballot at the state primary election. All persons who have filed nomination papers having in the aggregate the names of twenty or more registered voters shall be entitled to have their names appear on the ballot at the general election.

The office of the secretary of the commonwealth shall supply candidates for regional office with nomination papers and shall issue certification of nomination to candidates through the office of the regional clerk.

Every nomination paper for a candidate for assembly delegate shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian on the twenty-eighth day preceding the day on which it must be filed with the regional clerk. Nomination papers shall be filed by the candidate with the regional clerk on or before the eleventh Tuesday preceding the day of election. The regional clerk shall certify a correct list of candidates to the secretary of the commonwealth on or before the tenth Tuesday preceding the day of the election. If the secretary of the commonwealth shall fail to receive said certified list of candidates on or before said date, the names of candidates shall not be printed on the ballot. The regional clerk shall receive the election results from the municipal clerks, shall tabulate the results and shall certify those elected.

If the secretary of the commonwealth cannot accommodate the names of all candidates for Cape Cod regional government office on the ballot in any particular community such officer may, in such cases, prepare a separate ballot for candidates for Cape Cod regional government office.

ARTICLE 9 -- GENERAL PROVISIONS

Section 9 - 1. Charter Changes.

This charter may be replaced, revised or amended in accordance with the procedure made available under chapter eight hundred and one of the acts of nineteen hundred and eighty-five and it may also be amended in accordance with the following procedures.

The assembly of delegates may, by a two-thirds vote of its full membership, provide for the submission of any proposed amendments to this charter to the voters except any amendment which related in any way to the composition, mode of election or term of office of the legislative body or of the mode of election, or appointment, or term of office of the chief executive or administrative officer of the Cape Cod regional government. Amendments proposed by the assembly of delegates shall become effective if approved by a majority of the voters voting thereon at the next regular biennial state election held more than one hundred and fifty days following the date of the vote of the assembly of delegates.

Amendments to this charter which relate in any way to the composition, mode of election, or term of office of the legislative body, or the election or appointment or term of office of the chief executive or administrative officer of the Cape Cod regional government shall be proposed to the voters only after the enactment by the state legislature of a special law approving of a petition filed by the assembly of delegates with the approval of the board of regional commissioners.

The assembly of delegates may, by a vote of its members representing a majority of the population of Barnstable county, file a petition for a special law relating to the organization or operation of the Cape Cod regional government with the clerk of either branch of the general court at any time. Such petitions shall, upon receipt be referred by such clerk to an appropriate legislative committee.

Whenever, pursuant to the provisions of this section relating to charter amendments, the assembly of delegates intends that a question is to appear on the state election ballot, the county clerk shall at the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

Section 9 - 2. Specific Provisions to Prevail.

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

Section 9 - 3. Rules and Regulations.

A copy of all rules and regulations adopted by Cape Cod regional government agencies shall be placed on file in the office of the regional commissioners and made available for review by any person who shall request such information. No rule or regulation adopted by any Cape Cod regional government agency shall become effective until ten days following the day it is so certified by the regional clerk and filed in the office of the regional commissioners.

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

(a) Charter/Ordinance Review - At least once in every five years, in years ending in a five or in a zero, the assembly of delegates shall provide for a special committee to be established which shall be charged with the responsibility of reviewing the then-existing charter and ordinances of the county for the purpose of determining if any amendments or revisions may be necessary or desirable, and to make a report, with recommendations, to the assembly of delegates concerning any proposed amendments or revisions which said committee may deem to be necessary or desirable. Such review may be conducted in conjunction with the Cape Cod regional government legal officer, or if the assembly of delegates so directs, by special counsel retained for that purpose. The committee shall include representation of municipal officials of the municipalities which comprise the county.

Reports, with recommendations, should be submitted to the assembly of delegates not more than ten months following the date such committee is appointed.

(b) Copies of Charter and Ordinances - Copies of the charter and ordinances of the Cape Cod regional government, as most recently amended or revised shall be kept available for distribution to any person who may request the same at the office of the county clerk. A fee may be charged, not to exceed the actual cost of reproduction of the said material. In any interval between publication of the charter or ordinances, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or ordinances since last publication in consolidation form.