

expiration of thirty days following the issuance of notice by the clerk of the assembly of delegates that a vacancy from that municipality exists, no certificate has been received, the assembly of delegates may vote to fill such vacancy by electing any registered voter resident of the affected municipality for one year or more to fill such vacancy. The clerk of the assembly of delegates shall administer the oath of office to the person thus chosen who shall serve for the balance of the unexpired term.

#### Section 2 - 11 - Excessive Absence

In the event a delegate of the assembly fails to attend regular meetings of the assembly, committee meetings, and fails to represent the town within which the delegate was elected for a significant period of time, (to be established by ordinance), without filing a reasonable excuse with the clerk of the assembly, the assembly of delegates shall notify the board of selectmen in the town that the delegate represents, or in the case of Barnstable, its town council. The board of selectmen, upon majority vote, may declare the seat vacant. Upon the declaration that the seat is vacant, the procedures of section 2 - 10 shall be followed.

### ARTICLE 3 -- EXECUTIVE BRANCH

#### Section 3 - 1. Board of Regional Commissioners.

(a) Composition, Term of Office - The executive powers of the Cape Cod regional government shall be exercised by a board of regional commissioners consisting of three members. Regional commissioners shall be elected for terms of four years each, so arranged that nearly an equal number of such terms as is possible shall be elected at each biennial state election. The provisions of section one hundred fifty-eight of chapter fifty-four of the General Laws shall apply to such elections. The regional commissioners shall have all of the same powers and duties conferred or imposed by law to county commissioners.

(b) Compensation - The assembly of delegates shall by ordinance, establish an annual salary for the members of the board of regional commissioners. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered for any member during a term of office. No ordinance changing the salary for members of the board of regional commissioners shall be effective unless it has been adopted during the first fifteen months of the term for which commissioners are elected and it provides the new rate of compensation is to be effective upon the reorganization of the board of regional commissioners following an election for that office.

(c) Organization - The board of regional commissioners shall meet to organize on the first business day of January and shall choose a chairperson and a vice-chairperson to serve for a term of one year.

(d) Exercise of Powers - The board of regional commissioners shall conduct all of their official business with at least two members of the board present, provided proper notice has been given to the absent member. A vote of two members of the board of regional commissioners shall be sufficient to exercise any power residing in the board of regional commissioners.

#### Section 3 - 2. Executive Powers.

The executive powers of the Cape Cod regional government shall be vested solely in the board of regional commissioners and may be exercised whether directly by such board, or through the several regional agencies under its direction and supervision. The board of regional commissioners shall cause this charter, the laws and the ordinances and orders for the governmental and administration of the Cape Cod regional government to be enforced.

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

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 county 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 the tenth month 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.

#### Section 9 - 5. Loss of Office, Excessive Absence.

If any person appointed to serve as a member of a multiple member body shall fail to attend three or more consecutive meetings, or more than one-half of all meetings held during one calendar year, the remaining members of the multiple member body may by vote of a majority of

the remaining members of the multiple member body declare the office of such person vacant, provided that prior to the vote on such question, written notice of an intention so to do shall be given in hand, or mailed to the last known address of such person.

#### Section 9 - 6. Procedures Governing Multiple Member Bodies.

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the county as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairperson, or by one-third of the members thereof, by written notice indicating the subject to be acted upon to each member at least seventy-two hours in advance of the time set, except in the case of emergency. A copy of the same notice shall be posted on the Cape Cod regional government bulletin board. Regular meetings of all multiple member bodies shall be held in public buildings in Barnstable county.

(b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter, by ordinance or by law. Each multiple member body shall also provide for the keeping of minutes of its own proceedings.

(c) Voting - If requested any member, any vote of a multiple member body shall be taken by roll call and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the full membership of a multiple member body shall constitute a quorum, but a lesser number may meet and adjourn from time to time. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority vote.

(e) Filling a Vacancy - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such notice said appointing authority has not appointed some person to fill the vacancy, the Cape Cod regional government administrator shall fill such vacancy for the remainder of the unexpired term.

#### Section 9 - 7. Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meaning:

(a) Charter - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.

(b) County - The word "county" shall mean the county of Barnstable.

(c) Cape Cod regional government Agency - The words "Cape Cod regional government agency" shall mean any board, commission, committee or other multiple member body, and any department, division, or office of the Cape Cod regional government.

(d) Cape Cod regional government Bulletin Boards - The words "Cape Cod regional government bulletin boards" shall mean the bulletin board in the Barnstable county court house building on which official notices are posted, and those at such other locations within the county which may, from time to time, be established by vote of the assembly of delegates.

(e) Cape Cod regional government Officer - The words "Cape Cod regional government officers" when used without further qualification or description, shall mean a person elected to a Cape Cod regional government office or a person having charge of an office or department of the Cape Cod regional government, who in the exercise of the powers or duties of the office exercises some portion of the sovereign power of the Cape Cod regional government.

(f) Days - the word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when to time set is seven days or more, every day shall be counted.