submitted 3-2-16
by D McCutcheon

BARNSTABLE COUNTY

In the Year Two Thousand and Sixteen

Proposed Ordinance 16-06

Ordinance Changing the Legislative, Administrative and Financial Operation of Barnstable County so as to Eliminate the Barnstable County Board of County Commissioners

Barnstable County hereby ordains:

That the Charter identified as "Revision 3" attached hereto and by this reference incorporated herein be adopted in place of the currently existing Home Rule Charter of Barnstable County.

(Attached is Revision 3 commencing with Table of Contents.)

BARNSTABLE COUNTY HOME RULE CHARTER

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(Remainder of this Page deliberately left blank)

Section 1. Notwithstanding the provisions of any general or special law to the contrary the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If this act is accepted by the voters of Barnstable county at the state election held in the current year the county of Barnstable shall thereafter be governed by the provisions of this act: to the extent that the provisions of this act modify or are otherwise inconsistent with any special or general law the provisions of this act shall govern. This charter shall become effective upon its passage. In the event that this charter is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in chapter 163 of the acts of 1988 and chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990 shall remain in full force and effect. For the revisions to the charter, and the transitional and contingency components, that require ratification by the State legislature, if so approved by the legislature, the projected effective date is **July first, two thousand-seventeen.**

Barnstable County Home Rule Charter
PREAMBLE

We the people of Barnstable county, in order to gain for ourselves and for our communities, all of the rights, powers, privileges, duties and obligations which may now or in the future be derived from a regional government providing extensive services to its region known as Barnstable County and being fiscally sound, do reestablish for ourselves and for our communities the means and the structure to deal with regional issues which transcend the existing boundaries of municipal governments. This revised home rule charter for Barnstable county places the power and responsibility to deal with the unique problems of Barnstable county in a regional government directly responsible to the people of Barnstable county. We do hereby ratify, approve and affirm the following as the revised home rule charter of Barnstable county.

ARTICLE 1 -- INCORPORATION AND POWERS

Section 1 - 1. Incorporation.

Barnstable county, within the corporate limits established by law, shall be known as the Cape Cod regional government, known as Barnstable county. The Cape Cod regional government shall continue to be a body politic and corporate for the purposes of suit, of buying and holding, for regional uses, personal estate and land lying therein, and of contracting and doing other necessary acts relative to its property and affairs. Cape Cod regional government, known as Barnstable county, shall retain all of the powers granted to Barnstable county.

Section 1 - 2. Short Title.

This instrument shall be known and may be cited as the Barnstable county home rule charter.

Section 1 - 3. Powers of the Cape Cod regional government, known as Barnstable county.

Subject only to express limitations on the powers which may be exercised by a county government in the constitution or laws of the commonwealth, it is the intention and the purpose of the voters of Barnstable county in approving this charter to obtain for the regional government all of the powers it is possible for a county and/or regional government to have, to hold and to exercise under the constitution and laws of the commonwealth as fully and as completely as if each such power were specifically and individually enumerated in this charter.

It is the intent of this charter to encourage a continuing review to be made of the functions being performed by the Cape Cod regional government and to enable the regional government of Cape Cod to cause any duty that has been mandated to it, by law or otherwise, to be performed in the most efficient and expeditious manner possible, and without regard to the organization structural or personnel provisions contained in any prior law or laws.

Section 1 - 4. Construction.

The grant of powers under this charter is to be construed as broadly as is consistent with the constitution and the laws of the commonwealth relating to local government. Based upon the need to develop effective services to meet problems which cross municipal boundaries, to provide sophisticated services which might be beyond the ability of a single community to support and a desire to obtain the efficiencies and economies of scale, this charter shall be construed as intended to give to the Cape Cod regional government the power and the authority to establish programs and to perform any service, activity or undertaking for, or on behalf of, any governmental unit which said governmental unit has the legal authority to perform for itself, as such said governmental unit has the legal authority to perform for itself, as such governmental unit may itself determine is in its own best interest to cause the Cape Cod regional government to perform for it, with it, or in its behalf, on a contractual basis, or otherwise.

Nothing in this charter shall be construed to impair, diminish or infringe upon the powers or duties of cities and towns under the General Laws. It is the intent of this charter to permit, enable or otherwise authorize cities and towns to employ services and facilities of or under the Cape Cod regional government when said cities and towns deem it desirable so to do for more effective, efficient or adequate provision of services. Cities and towns are and shall remain the broad repository of local police power in terms of the right and power to legislate for the general health, safety and welfare of their inhabitants.

Section 1 - 5. Intergovernmental Relations.

The Cape Cod regional government may enter into agreements with any other governmental unit, or group of such units, within or without the county, without regard to whether a governmental unit is a city, a town, a regional authority or a special district, to perform for it, with it, or in behalf of such governmental unit any service, activity or undertaking which such governmental unit is authorized to perform for itself. The Cape Cod regional government may become the agent for any other unit or units of government including the United States and

the commonwealth, in the performance of any and all functions, services, activities and undertaking for which the contracting unit determines to employ the county as its agent.

The Cape Cod regional government shall not perform any service for a governmental unit outside of its political boundaries unless authorized to do so by the governing body of the county within which such governmental unit is located.

Nothing in this section shall be construed to prohibit the Cape Cod regional government from performing services jointly with, or for, or in cooperation with another county, by contract or otherwise.

Section 1 - 6. Cape Cod Regional Government Powers, Generally.

Without intending to limit the generality of powers of the Cape Cod regional government as stated in section 1 - 3 of this charter, the following specific powers shall be available to the Cape Cod regional government:

(a) Through the adoption, amendment or repeal of ordinances, or the provisions of an Administrative Code, to organize and regulate its internal affairs; create, alter and abolish agencies, offices, positions and employments and define the powers, duties, responsibilities and function thereof; establish qualification for persons holding offices, positions and employment provide for the manner of appointment and removal and the salary or other compensation to be paid.

(b) Adopt, amend, enforce and repeal ordinances and resolutions as provided in Article 2 and subject to the provisions for initiative and referendum as contained in Article 7.

(c) Construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose subject to such restrictions and limitations as are otherwise provided by law.

(d) Exercise powers of eminent domain, borrowing and taxation to the extent authorized by this charter and by law.

(e) Exercise all powers of a regional government in such manner as the regional governing body shall determine, subject to rights of initiative and referendum, contained in Article 7.

(f) Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend funds for county purposes.

(g) Contract with or sign agreements with other governmental units for the provision of a joint, coordinated or cooperative service or function.

Section 1 - 7. Governance Organization : Assembly of Delegates, Chief Executive Officer and Chief Financial Officer

The Cape Cod Regional Government shall consist of a non-partisian representative body, the Assembly of Delegates which acts, by ordinance and resolution, to enforce this charter and to exercise the powers and duties of the County, acting by and through two administrators, both of

whom are appointed by the Assembly, a Chief Executive Officer (CEO) and a Chief Financial Officer (CFO). The CEO shall have supervisory responsibility for all County departments, agencies and employees, as the term is defined herein. The Chief Executive Officer shall exercise independent authority and shall be responsible for the financial activities of the County. Both administrators shall be directly responsible only to the Assembly, by resolution and ordinance, acting collectively by and through its Speaker, Deputy Speaker and Clerk. The Chief Financial Officer shall also be the County Treasurer with such duties as are imposed by statute or regulation.

ARTICLE 2 -- ASSEMBLY OF DELEGATES

Section 2 - 1. Composition, Mode of Election, Term of Office.

(a) Composition - The governance, including legislative, administrative and executive powers of the Cape Cod regional government shall be exercised by an Assembly consisting of fifteen members. One member of the Assembly shall be elected on a non-partisan basis by and from the voters in each of the municipalities of Barnstable county.

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

(c) Election and Term - Delegates shall be elected for terms of two years each at the biennial state election. The term of office for delegates 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.

Section 2 - 2. Organization; Speaker; Deputy Speaker; Clerk.

(a) Organization – In the month of January following an election cycle, the Assembly shall meet to organize no later than the 15th of the month. They shall be called to order by the member present who is senior in years of service as a member of the Assembly, 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 Assembly 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 Assembly to serve as clerk of the Assembly. The vote to elect such officers shall require the affirmative votes of delegates representing a majority of towns of Barnstable county. For the purpose of electing a Speaker, Deputy Speaker, and a Clerk, a simple majority of Towns present constitutes a quorum.

(b) Speaker - The Speaker shall preside at all meetings of the Assembly, regulate the proceedings and decide all questions of order and shall have the same right to vote on any matter coming before the Assembly 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 Assembly.

(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 Assembly.

(d) Clerk of the Assembly - The clerk of the Assembly shall give notice of all meetings of the Assembly 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 Assembly. The clerk of the Assembly may be the county clerk. The clerk of the assembly shall be deemed a Cape Cod regional government employee and shall not be considered an elected official.

Section 2- 3. Compensation.

The Assembly may, by ordinance, establish an annual salary for its members. No ordinance changing such salary shall be effective however unless it has been adopted during the first fifteen months of the term for which delegates are elected and it provides that the salary is to become effective at the commencement of the term of the next Assembly to be elected.

Section 2 - 4. Powers and Duties, In General.

Except as is otherwise provided by law, or this charter, all oversight and governance powers of the Cape Cod regional government shall be vested in the Assembly 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. The Assembly shall also be responsible for county finances and expenditures. The Assembly shall cause this charter, the laws and the ordinances and orders for the governance and administration of the Cape Cod regional government to be enforced. The Assembly 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 Assembly, forthwith when so requested, any information, materials or otherwise as the Assembly may request and as the needs of that office and the interest of the Cape Cod regional government may require.

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 Assembly may be exercised in a manner determined by it.

(b) Voting - Except on procedural matters, all votes shall be taken by a call of roll if requested by a member. The vote of each delegate shall be weighed in the same proportion as the population of the municipality such delegate represents bears to the whole population of Barnstable County as determined by the most recent federal or decennial census. Except where a "super majority" is required, the affirmative votes of delegates representing a majority of the population of Barnstable county shall be necessary to adopt any ordinance, resolution,

appropriation order, or to take any other official action. (Referred to herein as a "majority vote") Where a "super majority" is specifically required, in addition to the affirmative votes of delegates representing a majority of the population of Barnstable county, the delegates casting such affirmative votes must represent at least eight (8) of the municipalities of Barnstable County for the official action requiring such vote to be adopted. (Referred to herein as a "super majority vote").

A "super majority" shall be required to adopt the following:

(1) The annual budget
(2) An increase or decrease in taxes payable to the County
(3) to hire or fire the County's Chief Executive Officer or the Chief Financial Officer or the Assembly Clerk
(4) such other matters where a Super Majority is required by this Charter, or by resolution or by ordinance.

(c) Quorum - A number of members of the Assembly representing in the aggregate a majority of the population of Barnstable county shall constitute a quorum, provided at least eight delegates are present. The Speaker is authorized to determine that a scheduled meeting is canceled upon ascertaining that there will not be a quorum of Delegates present. Should Assembly business be deemed as necessitating an interim meeting, a special meeting may be scheduled.

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

(i) Regular meetings of the Assembly shall be held at a time and place fixed by ordinance. Except as may otherwise be authorized by law, meetings shall not occur on legal holidays.

(ii) Special meetings of the Assembly shall be held at the call of the speaker, or at the call of any three or more members. Except in case of emergency, such meetings shall be called 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; such 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 Assembly and any committee or sub-committee thereof shall at all times be open to the public and to representative of the communications media.

(iv) Every matter which comes before the Assembly 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) Delegates shall be provided the Manual of Governance and Administrative Code at the beginning of each session. (Such documents shall be reviewed at least bi-annually so as to ensure institutional continuity and up to date administrative practices.

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

Section 2 - 6. Prohibition.

(delete first paragraph - see prohibition of nepotism art 9-10)

No member of the Assembly shall, during the term of office for which elected, or, within twelve months following the expiration of such term, hold any office, position or employment in or under the Cape Cod regional government.

Section 2 - 7. Inquiries and Investigations.

The Assembly has a duty of general superintendence within the Cape Cod Regional Government which includes, but is not limited to, ensuring that governmental activities of the County and its affiliated organizations or entities are transparent in goals and operations and, most important, in fiscal operations. In furtherance of that general duty, this Charter is intended to vest the Assembly and its members with broad rights of access to information concerning the operations of organizations affiliated with the County (where those operations are contractual, every contract between the County and another entity shall reference this duty and authority.)

Any member of the Assembly may at any time request a report on any aspect of the Cape Cod regional government by making such a request, in writing, to the Chief Executive Officer with a copy provided to the Clerk of the Assembly.

The Assembly may require the Chief Executive Officer and/or the Chief Financial Officer to appear before the Assembly sitting as a committee of the whole and to bring before the Assembly such records and reports, and such officials and employees of the Cape Cod regional government as the Assembly shall deem necessary to insure clarification of any matter under study.

The Assembly 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 Assembly, 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 Assembly may, by a majority vote , designate any number of its members as an ad hoc committee to inquire of the Chief Executive Officer and/or the Chief Financial Officer on any matter and to report back to the full Assembly with the results of such inquiry. .

Section 2 - 8. Exercise of Powers.

(a) In General - The powers of the Cape Cod regional government vested in the Assembly shall be exercised by the adoption of resolution or ordinance, as provided below.

(b) 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 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 is permitted by this charter, or otherwise;
(vii) Approval of contracts presented by the Chief Executive Officer and/or Chief Financial Officer; and
(viii) Actions specified as resolutions;
(ix) The expression of such policies or opinions as requires no formal action.

(c) 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 are required to be by ordinance:

(i) To establish, alter or abolish any department, office or agency;
(ii) To 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 at any regular or special meeting of the Assembly. The clerk of the assembly shall forthwith distribute copies of the proposal to each delegate present, to the CEO, and to the CFO, if present. After an ordinance has been introduced (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 and at least 8 of the municipalities within the County), the clerk of the Assembly 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 Assembly - The Assembly may adopt, with or without amendment, or reject, any proposed ordinance following the public hearing.

(h) Publication of Adopted Ordinance - 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 Assembly, in appropriate circumstance 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; or to regulate the rate charged for any service.

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.

A "super majority" 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 Assembly 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:

The clerk of the Assembly shall cause a notice of vacancy to be sent to the clerk of the municipality in which the vacancy exists. The clerk of said municipality shall, forthwith, cause such notice to be posted on the municipal bulletin boards. Any voter, a resident of Barnstable county for at lease one year, desiring to be considered to fill such vacancy shall, in writing, so advise the board of selectmen, town council in the town of Barnstable, or the officer or agency performing similar duties in such municipality. The board of selectmen or town council shall make provision for the interview, in public sessions, of all persons who have indicated such interest. Not more than twenty-one days following the date of the notice sent by the clerk of the Assembly, the board of selectmen or town council shall, by a majority vote, choose one person from the municipality to fill such vacancy and shall issue a certificate of such selection to the clerk of the Assembly. Upon receipt of the said certificate the clerk of the Assembly shall administer the oath of office to such person and shall enter such person name on the official list of Assembly. If, at the expiration of thirty days following the issuance of notice by the clerk of the Assembly that a vacancy from that municipality exists, no certificate has been received, the Assembly 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 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 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 THREE: SUPERVISION AND ADMINISTRATION OF COUNTY BUSINESS CEO and CFO

Section 3 - 01. Delegation by Assembly .

The Assembly may authorize the Chief Executive Officer or the Chief Financial Officer 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 Assembly provided, however, that all acts which are performed under any such designation shall be deemed to be the acts of the Assembly.

Section 3 - 02. Chief Executive Officer , Qualifications, Term of Office; Compensation.

(a) Appointment, Qualifications, Term of Office. - The chief Executive Officer (CEO) , who shall be appointed by a Super majority vote of the Assembly to serve for an term not to exceed three years with up to two three year renewals. At the expiration of such appointment, said CEO may be again offered such a contract, following a selection process which specifically includes solicitation of other applicatants. The CEO shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. The CEO shall devote full time to the office and shall not be actively engaged in any other business, occupation or profession while serving as CEO.

(b) Compensation - The Assembly shall fix the compensation of the CEO within the sum appropriate for that purpose, annually. The salary shall be reasonable and commensurate with the duties of the office and may not be lowered during the tenure of an incumbent.

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

Section 3 - 03. Chief Executive Officer , Powers and Duties.

The CEO shall have, possess and may exercise all the powers, rights and duties commonly associated with the office of chief administrative officer of a local governmental unit. The powers and duties of the CEO shall include, but are not limited to, the following:

(a) To prepare and submit to the Assembly for its consideration and further action an annual operating budget, and a capital outlay budget, as provided in article 5.

(b) To establish the schedules and procedures to be followed by all Cape Cod regional government departments, offices and agencies in connection with their budget and supervise and administer all phases of the budgetary process following adoption of the budget by the Assembly and throughout the fiscal year.

(c) To be responsible for the conduct of all negotiations with Cape Cod regional government employees concerning wages, hours and other conditions of employment and the negotiation of all other contracts proposed to be entered into by the county.

(d) To develop, install and maintain centralized procedures applicable to all Cape Cod regional government agencies, including, but not limited to purchasing, budgeting and personnel administration.

(e) To be responsible for recommending personnel actions to the Assembly

(f) To keep the Assembly, and the public fully informed as to the financial and administrative condition of the Cape Cod regional government by filing reports with the Assembly , at least quarterly, summarizing such condition.

(g) To make at any time such recommendations to the Assembly for actions required to be taken by it as the CEO deems necessary for the improvement of the Cape Cod regional government and for the welfare of its residents.

(h) To review and make recommendations to the Assembly concerning all contracts, bonds or other instruments requiring the consent of the Cape Cod regional government. All contracts having a value of $50,000 or more (in the aggregate or other combination) require majority vote of the Assembly to approve.

(h) To review, analyze and forecast trends of Cape Cod regional government services, programs and finances and make such recommendations to the Assembly, department heads and other personnel affected as the CEO shall deem necessary, desirable or expedient.

(i) To inquire at any time into the conduct of office or performance of duty of any Cape Cod regional government officer, department head or employee.

(j) To require any Cape Cod regional government agency to prepare and to submit such reports, records and summaries of operations and activities as may be necessary to assist in the proper administration of the county.

(k) To perform any other duties as may be required to be performed by the CEO by this charter, by Cape Cod regional government ordinance or by other vote of the Assembly.

Section 3 - 04. Delegation of Authority.

The Chief Executive Officer may authorize any subordinate officer, department head or employee of the Cape Cod regional government to exercise any power, function or duty assigned by this charter to the CEO provided, however, that all acts which are performed under any such delegation shall be deemed to be the acts of the CEO.

Section 3 -05 CHIEF FINANCIAL OFFICER

Chief Financial Officer . There shall be a department of finance which shall be headed by a Chief Financial Office who shall be a person especially fitted by education, training and experience to perform the duties of the office. The department of finance shall be responsible for overseeing all of the financial affairs of the Cape Cod regional government and shall include the office of treasurer. The treasurer shall be a person especially fitted by education, training and experience to perform the duties of the office. The department of finance shall have all of the powers and duties which are given to county treasurers by general law, and such additional powers and duties as may be provided by Cape Cod regional government ordinance or Administrative Code which relate to financial matters and affairs. Notwithstanding the provisions of any general or special law to the contrary, the Chief Financial Officer shall assume

all functions, duties and responsibilities of the County treasurer with respect to the retirement system and for all other purposes as described in the General Laws.

Section 3 - 06 Chief Financial Officer : Duties and responsibilities shall include

a) Supervise the care and custody of all Cape Cod regional government property, institutions and agencies.

b) Supervise the collection of all Cape Cod regional government revenues and the disbursement of all funds.

c) Supervise the selection of the depositories for all Cape Cod regional government funds.

d) Keep the Assembly 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, at least semi-annually, summarizing such condition.

e) To make at any time such recommendations to the Assembly for action required to be taken by it as the Assembly deems necessary for the improvement of the Cape Cod regional government and the welfare of its residents.

f) Work under supervision and direction of County Chief Executive Officer, including duties and responsibilities as assigned and delegated by said CEO.

Section 3 - 7. Appointments by Assembly.

Upon recommendation by the Chief Executive Officer, the Assembly 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 - 8. 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, the Assembly may designate the head of some other Cape Cod regional government office or agency or a Cape Cod regional government officer or employee to perform the duties of the office on a temporary or acting basis until such time as the incumbent resume the duties of the office or the position has been filled in the manner provided by this charter, or by Cape Cod regional government ordinance.

Section 3 - 9. Communications: Special Meetings.

(a) Communication to Assembly - Annually, at the first regular business meeting of the Assembly held in each calendar year the Chief Executive Officer shall in person, or in writing, submit to the Assembly a report on the state of the Cape Cod regional government including an indication of such plans and proposals for changes in Cape Cod regional government programs and services as the CEO intends to propose during the ensuing year. The CEO shall, from time to time throughout the year, in person, or in writing, submit to the assembly specific proposals to be considered by the Assembly as the Assembly deems to be necessary or desirable.

(b) Special Meetings of the Assembly - The CEO may may at any time and for any purpose request that a special meeting of the assembly be held by written request to the Speaker, the Deputy Speaker or any three members of the Assembly. Approval of said request shall not be unreasonably denied.

Section 3 - 10 Acting Chief Executive Officer/ Removal of CEO during contract term

(a) Vacancy - Any vacancy in the office of administrator shall be filled as soon as possible but pending such appointment the Assembly shall designate a qualified Cape Cod regional government officer, department head or employee to perform the duties of the administrator on an acting basis, or, it may appoint a qualified retired officer, department head or employee to serve as acting administrator. The appointment of an acting administrator shall be for a term not to exceed three months, provided however, one renewal thereof, not to exceed an additional three months, may be made.

(b) Powers and Duties - The powers of a temporary or acting administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations, to Cape Cod regional government office or employment, but no appointments or designations of a permanent nature shall be made.

Section 3 - 11. Removal and Suspension.

The Assembly may, by a super majority vote, terminate and remove, or suspend, the CEO from office in accordance with the following procedure:

(a) The Assembly shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the CEO for a period not to exceed ninety days.. A copy of the resolution shall be delivered to the CEO forthwith.

(b) Within five days after receipt of the preliminary resolution the CEO may request a public hearing by filing a written request for such hearing with the regional clerk. This hearing shall be held at a meeting of the Assembly not later than thirty nor earlier than twenty days after the request is filed. The CEO may file a written statement responding to the reasons stated in the resolution of removal with the Assembly provided the same is received at the office of the clerk at least forty-eight hours in advance of the public hearing.

(c) The Assembly may adopt a final resolution of removal, which may be made effective immediately, by a super majority vote, not less than twenty nor more than thirty days following the date of delivery of a copy of the preliminary resolution to the CEO, if the CEO has not requested a public hearing; or, within ten (10) days following the close of the public hearing if the CEO has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal, and the CEO shall, at the expiration of said time, forthwith resume the duties of the office.

The CEO shall continue to receive a salary until the effective date of a final resolution of removal. All authority and responsibility for such suspension or removal shall be in the Assembly .

ARTICLE 4 -- ADMINISTRATIVE ORGANIZATION

Section 4 - 1. Elected Officers.

(a) In General - Notwithstanding direct election by the voters, the officers named in this section shall be subject to the call of the Assembly at all reasonable times for consultation, discussion and for the coordination of the business of the Cape Cod regional government.

(b) Vacancies - In the event a vacancy shall occur in any office filed by the voters under this section, the Assembly, subject to the approval of the Assembly, shall appoint a suitable person to serve until the next biennial state election at which time the office shall be filled by the voters for the regular term of years.

(c) Sheriff - There shall be a sheriff elected as provided by law. The sheriff shall have the general care and superintendence of all jails and house of correction. The sheriff shall have all of the powers and duties which are given to sheriffs by General Laws and such additional powers and duties as may be provided by Cape Cod regional government ordinance or Administrative Code.

(d) Registry of Deeds. There shall be a register of deeds elected as provided by law. The register of deeds 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. The register of deeds shall have all of the powers and duties that are given to registers of deeds by the General Laws and such other powers and duties as may be provided for by the Cape Cod regional government ordinance or Administrative Code.

Section 4 - 2. Appointed Officers.

(a) In General - The activities under the direction and supervision of the Assembly shall be distributed among such departments, offices and agencies as are established by this charter, or as may be established by ordinance, or by Administrative Code not inconsistent with this charter.

Every department, office and agency of the Cape Cod regional government shall be headed by an officer appointed by and subject to the direction and supervision of the CEO, with the approval of a majority of the Assembly. . With the consent of the Assembly, the CEO may

appoint the same person to serve as the head of two or more departments, offices or agencies of the Cape Cod regional government.

The Assembly may appoint, from time to time, one or more qualified citizens to serve as advisors to the Assembly or to any department, office or agency of the Cape Cod regional government.

(b) Charter Departments and Agencies

1. There shall be a Department of Finance headed by a director who shall be the Chief Financial Officer of the County. See Article 3, Section 3 - 01, et seq., supra.

2. Office of the Regional Clerk. The Office of Regional Clerk shall be combined with that of Assembly Clerk and the following additional duties shall be the responsibility of said Clerk: The office of the regional clerk shall coordinate and supervise all election and election related matters affecting the Cape Cod regional government with the city and town clerks, boards of **(SIC!!!!!)**

3. Regional Planning Agency. Any regional planning activity or function established pursuant to the provisions of chapter four hundred and fifty-three of the acts of nineteen hundred and sixty-five shall for all purposes be considered to be an agency under the charter and subject to all of the provisions of this charter. The Cape Cod Commission shall be deemed to be an agency within the structure of the Cape Cod regional government subject to all of the administrative, budgetary and other provisions of this charter. The Assembly and the Cape Cod Commission shall have and may exercise all authority for regional planning and environmental controls and management as may be authorized by state law and shall be responsible for the establishment of policies to guide all regional planning and development activities.

4. Personnel System. There shall be established a personnel system which shall be administered by the CEO or another appropriate Cape Cod regional government officer to be determined by ordinance which shall include provision of all personnel matters not covered by or in conflict with a collective bargaining agreement, including, but not limited to such matters as classification of positions, recruitment, promotion, transfer, training, grievance procedures, evaluation and affirmative action.

(c) Administrative Organization

1. Organization of Cape Cod regional government agencies. The organization of the Cape Cod regional government into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

(i) Ordinances - Subject only to an express prohibition in a general law or this charter, the Assembly may, by ordinance, recognize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection or, if a multiple member body, the number of members of any Cape Cod regional government agency, in whole or in part, establish new Cape Cod

regional government agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

(ii) Executive Reorganizations - The CEO, after consultation with any department, office or agency affected, may, from time to time, prepare and submit to the Assembly plans of organization or reorganization for Cape Cod regional government administration. The CEO shall invite representatives of the department, office or agency affected to attend one or more public hearings on such proposal, which the Assembly shall hold after giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The CEO shall, following such hearing, provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to the Assembly. Said plan may be amended, expended, or rejected by the Assembly by majority vote.

2. Table of Organization. The Assembly shall prepare, maintain and keep current an organization chart which includes the personnel staffing as authorized for each Cape Cod regional government department, office and agency.

3. Publication of Administrative Code and Table of Organization. Whenever any change is made in the administrative structure of the Cape Cod regional government, a table of organization shall be published as an appendix to the ordinances of the Cape Cod regional government.

ARTICLE 5 -- FISCAL PROCEDURES

Section 5 - 1. Fiscal Year.

The fiscal year of the Cape Cod regional government shall begin on the first day of July and shall end on the thirtieth day of June, unless provision is made by general law.

Section 5 - 2. Submission of Proposed Budget.

Every Cape Cod regional government agency or department shall submit to the CFO its requested annual budget on or before the date designated by the Assembly. The chief financial , operating within guidelines and instructions issued by the Assembly, shall prepare a proposed operating budget for the ensuing fiscal year and shall submit the same to the CEO for review. The CEO may alter or amend any part of said Budget, upon consultation with the CFO, who may present an alternative to the Assembly at hearing if he or she so wishes. In any event, within a time fixed by ordinance, the CEO and CFO shall jointly submit to the Assembly their proposed operating budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. The CEO and CFO shall jointly provide a general summary of the proposed budget to be made available to representatives of the communications media and shall cause a legal notice to be published in a local newspaper indicating the times and places at which

complete copies of the proposed budget and accompanying materials are available for inspection by the public.

Section 5 - 3. Budget Message.

The budget message submitted by the CEO and CFO shall explain the proposed budget for all Cape Cod regional government agencies, both in fiscal terms and in terms of work programs. The budget message shall outline proposed financial policies of the Cape Cod regional government for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the Cape Cod regional government's debt position; and include such additional information as the CEO and CFO deem desirable.

Section 5 – 4. The Proposed Budget.

The proposed operating budget shall provide a complete financial plan of all Cape Cod regional government funds and activities. In the presentation of the proposed budget the CEO and CFO shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show actual and estimated income and expenditures for the previous, current, and ensuing fiscal year and shall indicate, in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Cape Cod regional government agency, function and work programs, and the proposed methods of financing such expenditures.

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by Cape Cod regional government agency, and the proposed methods of financing such expenditures.

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5 – 5. Action on the Proposed Budget

(a) Notification of receipt of budget – The Assembly shall notify each board of selectmen (or its equivalent) in every town in Barnstable county of its receipt of the Assembly proposed budget. Copies of the budget shall be submitted to each town upon request.

(b) Review – The Assembly, through its standing committee on finance, shall cause review by standing committees of the Assembly, in open public meetings, of the detailed expenditures proposed for each Cape Cod regional government department or agency. The clerk of the Assembly shall notify each board of selectmen and town council in Barnstable of the dates, times and places of such meetings. The standing committees may confer with any Cape Cod regional government department or agency in connection with its review and consideration. The standing committee on finance, or other designated standing committees, may require the CEO, the CFO,

or any other Cape Cod regional government department or agency through the CEO, to furnish it with such additional information as it may deem necessary to assist in its review of the proposed budget.

(c) Report – The standing committee on finance shall receive information from other standing committees reviewing the budget, and shall file a report with the Assembly containing its recommendations with respect to each item contained in the proposed budget. The report shall contain its reason or reasons for each recommendation that differs from the recommendation of the CEO and CFO, or either of them..

(d) Action by the Assembly - The Assembly shall adopt a budget for the ensuing fiscal year no later than the first day of June in the preceding fiscal year. If the Assembly has not taken final action with respect to any amount recommended in the proposed budget by said first day of June such amount shall not be deemed adopted but shall become part of the appropriations for the ensuing fiscal year in the same amount and upon the same terms and conditions as that of the prior year.

Section 5 – 6. Capital Improvement Program.

The CEO and CFO shall submit a capital improvement program to the Assembly at least thirty days prior to the date fixed by ordinance for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

(a) A clear, concise, general summary of its contents.

(b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.

(c) Cost estimates, methods of financing and recommended time schedules.

(d) The estimated annual cost of operating and maintaining any new facility or place of major equipment involved.

The information is to be annually with regard to all items still pending, or in the process of being acquired, improved or constructed.

Section 5 – 7. Annual Audits.

An independent audit of the Cape Cod regional government's finances shall be performed annually, by a certified public accounting firm with experience in municipal and other public agency audits, chosen by the Assembly for a term of three years. The summary table and the management letter as submitted with the annual audit shall, within thirty days following receipt, be published together with a statement of the Assembly which indicates the steps it intends to take in response to each matter as set out in the management letter.

ARTICLE 5A – REVENUES

Section 5A - 1. Regional Assessment

Notwithstanding any special or general law to the contrary, the Cape Cod regional government may impose a regional assessment up to one hundred and two and one-half percent of the amount of the county tax assessed under the provisions of chapter thirty-five of the General Laws for the fiscal year beginning July first, two thousand. An assessment in excess of said one hundred and two and one-half percent may be imposed in any year with the concurrence of a majority of the voters voting in an annual or special election of the towns located within the geographical confines of Barnstable county. The commonwealth shall not assess the towns of Barnstable county for the transfer of former county functions either directly, through a reduction in local aid, or by any other means. The regional assessment may be reduced or increased pursuant to the action of the Assembly subject to the same formula and limits of the former county tax.

Section 5A – 2. Deeds Excise Tax

Notwithstanding any special or general law to the contrary, the deeds excise tax allocated in accordance with chapter 193, acts of 1989, sections 2, 3 and 11 of the act, for the fiscal year beginning July first, two thousand-one, and all subsequent fiscal years, shall be appropriated to the Cape Cod regional government. Chapter 193, Acts of 1989, section 2, 3 and 11 of the act, provides that in Barnstable county, in addition to the excise imposed on deeds, instruments and writings pursuant to the provisions of section twenty-three of chapter sixty-four D of the General Laws and chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the Assembly may adopt an additional excise on such deeds, instruments and writings filed with the register of deeds of said county at a rate up to but not exceeding the rate imposed by the commonwealth under such statutes. The revenue provided by this additional excise shall be retained by Cape Cod regional government. Provided, however, that the provisions of section four of chapter sixty-two F of the General Laws shall not apply to this section.

Section 5A – 3. Cape Cod Commission Tax

Notwithstanding any special or general law to the contrary, pursuant to this act the Cape Cod Commission shall be funded in accordance with the procedures established by chapter 163 of the acts of 1988 and section 18 of chapter 716 of the acts of 1989 and chapter 2 of the acts of 1990.

ARTICLE 6 -- JOINT PERFORMANCE OF FUNCTIONS

Section 6 - 1. Purpose.

Units of local government shall be encouraged to make the most effective and efficient use of their powers and their resources and may cooperate with one another, through the Cape Cod regional government, to provide services and facilities in a manner that will best serve geographic, economic, population, and other factors and without regard for any existing political boundaries.

The term local service function as used in this article is intended to mean any government service, or group of closely allied governmental services performed by a unit of local government for its inhabitants and for which, under constitutional and statutory provisions and judicial interpretation, units of local government, as distinguished from the state government, have the primary responsibility to provide and to finance. For the purpose of illustration only, and without in any way intending to limit the foregoing, the following are current examples of some local service functions:

1) public works, including street and road layout, construction and maintenance; dredging of channels and harbors;

2) refuse and garbage removal, collection and disposal;

3) public health services;

4) building inspection, including, wire, gas and plumbing inspections;

5) water supply, treatment and distribution;

6) sewage collection, treatment and disposal;

7) police, fire and other public safety services;

8) parks, playgrounds and other recreation related facilities and programs;

9) assessment of real and personal property;

10) planning and zoning; and

11) transportation

This section shall include all possible local government units whether listed or not and is intended to be interpreted in a manner to allow the Assembly the widest latitude possible in entering into agreements for joint performance of functions.

Section 6 - 2. Inter local Contracts.

(a) Scope - Any unit of local government may contract with the Cape Cod regional government to provide for any local service function which the unit of local government is authorized to perform, provided that such contract shall first be ratified or approved by the legislative body of such unit of local government.

(b) Contents of Agreement - Every contract entered into by the Cape Cod regional government for the provision of services to units of local government shall contain at least the following provisions:

1) its duration or other term;

2) the precise organization, composition, and nature of any administrative entity established for the purpose of overseeing the delivery of any such service function;

3) the exact nature of the service, activity, undertaking or function which is to be provided;

4) the manner of financing, establishing and maintaining a budget and of accounting and other record keeping requirements;

5) the method by which amendments to the agreement are to be proposed and adopted, including provision for complete or partial recission or termination of the agreement;

6) the manner by which any materials, supplies or other property acquired during the period of the agreement are to be distributed in the event of a termination;

7) a specific provision requiring an annual audit of the books and records of the activities conducted pursuant to the contract including examination of transactions and activities for internal consistency and appropriateness, and may contain any other necessary or proper matters to such an agreement.

(c) Appropriations, etc. - Any unit of local government entering into an agreement pursuant to this section may appropriate funds and may sell, lease give, or otherwise supply or make available to the administrative entity charged with oversight of the service function, personnel, services, materials, supplies including real or personal property, as may be mutually agreeable to the parties.

Section 6 - 3. Transfer of Functions.

Whenever two or more units of local government in Barnstable county shall determine, by the adoption of substantially similar resolutions of their legislative bodies, that the operations, procedures or functions of such units can more effectively and efficiently be exercised or provided as a consolidated activity performed by a single office or agency, such units of local government are hereby authorized to petition the Cape Cod regional government to provide for the establishment of a single office or agency in which to consolidate any or all of the operations, procedures, functions performed or carried out by such individual offices or agencies.

The Assembly shall review all such petitions that are received requesting the establishment of a single office or agency to provide a local service function and shall, in conjunction with designated representatives of the units of local government concerned, act to develop such single office or agency as in each particular circumstance best meets the needs of the units concerned.

Except when otherwise specifically provided in the resolutions adopted by the respective legislative bodies in the transfer of a power or function from a unit of local government to a consolidated agency or office, such consolidated office or agency shall be the successor in every way to the powers, duties, functions and obligations now or hereafter granted to or imposed by law upon the offices and agencies this consolidated.

The ordinance establishing a consolidated office or agency for any two or more units of local government shall be substantially in conformity with the provisions of section 6 - 2(b).

Before any such consolidation shall become effective, the ordinance as finally adopted by the Assembly shall be presented to the legislative bodies of the affected units of local government for acceptance.

Section 6 - 4. Subordinate Service Areas.

(a) Creation by Assembly - The Assembly may establish a subordinate service area in any portion of the county by adoption of an appropriate ordinance on its own initiative or as a response to a request made for the provision of services to any two or more units of local government either by contract or by consolidation.

The ordinance shall specify the service or services to be provided, the territorial boundaries and the manner in which such service area is to be governed or administered.

(b) Creation by Petition - A petition signed by one percent of the voters as of the date of the most recent state election in each of two or more units of local government in the county may be presented to the Assembly requesting the establishment of a subordinate service area comprised of the said units of local government for the provision of a particular service or services.

Upon receipt of a petition on which the signatures of voters have been verified by the board of registrars of voters in the units concerned, the Assembly shall hold a public hearing on the question of whether or not such subordinate service area shall be established.

Within thirty days following the adjournment of the public hearing the Assembly shall approve or disapprove the establishment of the requested subordinate service area. An ordinance providing for such subordinate service area may differ from the petition as originally presented, but no ordinance establishing such a subordinate service area shall become effective until it shall have been approved by the legislative bodies in the communities concerned.

ARTICLE 7 -- MUNICIPAL PETITIONS, CITIZEN INITIATIVES, REFERENDUM

Section 7 - 1. Municipal Petitions.

The Assembly shall hold a public hearing and act finally on every petition which is submitted to it which has been approved or otherwise endorsed by the legislative body of any governmental unit in the county. The public hearing shall be held within six weeks following the date the petition is submitted to the regional clerk and the final vote on the petition shall be taken within six weeks following the adjournment of the public hearing. Hearings on two or more

petitions filed under this section may be held at the same time and place. In addition to notice by publication as otherwise required, the regional clerk shall give at least fourteen days notice of the public hearing to the clerk of the governmental unit having filed the same.

Section 7 - 2. Citizens Initiative Measures.

(a) Commencement - Initiative procedures may be commenced by the filing of an initiative petition with the regional clerk. The petition shall be addressed to the Assembly and shall contain a request for the passage of a particular ordinance which shall be set out in said petition or by attachment to the said petition. The petition shall be signed by not less than three percent of the total number of voters of the county as of the date of the most recent state election, provided, however, not more than twenty-five percent of the signatures shall be from any municipality. Signatures to the said petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the regional clerk. When presented to the regional clerk the petition shall have been certified by the board of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of voters in their respective municipality.

(b) Referral to Cape Cod regional government Legal Officer - If the regional clerk shall have verified the initiative petition has been filed by a sufficient number of voters a copy of particular ordinance contained in the said petition shall forthwith be directed to the Cape Cod regional government legal officer. Within ten days following receipt of the copy of the said ordinance the Cape Cod regional government legal officer shall, in writing, advise the Assembly whether the ordinance as proposed may validly be proposed by the initiative process and whether such ordinance may lawfully be adopted by the Assembly. If the opinion of the Cape Cod regional government legal officer is that the ordinance does not qualify for the initiative procedure, or that the ordinance may not lawfully be adopted by the Assembly the reasons for such opinion shall be stated in full and a copy of the said opinion shall be furnished to the committee designated on said petition as having filed the same.

(c) Action on Petition - Within thirty days following the date a petition has been returned to the Assembly by the Cape Cod regional government legal officer having been found by such officer to be conformable to law, the Assembly shall act with respect to such petition by adopting the same or by adopting a ordinance which is stated to be in lieu thereof, or by rejecting it. The passage of an ordinance which is stated to be in lieu thereof shall be deemed a rejection. If the Assembly has failed to act on such ordinance within the said thirty days, it shall be deemed to have been rejected on the said thirtieth day. If an initiative ordinance is rejected, the regional clerk shall forthwith give notice of such fact in writing to the committee designated as having filed the same.

(d) Supplementary Petitions - Within forty-five days following the date of the notice of rejection given by the regional clerk to the petitioners' committee, a supplementary initiative petition may be submitted to the Assembly. The supplementary initiative petition shall be signed by a number of additional voters which is equal to at least one percent of the most recent state

election, provided, however, not more than twenty-five percent of signatures shall be from any one municipality. Signatures to the said supplementary petition need not all be on one paper but shall be fastened together and shall be filed as one instrument with the regional clerk. *When presented to the regional clerk the petitions shall have been certified by the boards of registrars of voters in each municipality in which such petition forms filed4 shall, within seven days following their submission, certify the signatures which the names of voters in their respective municipality5.* **(SIC!!!!!!!)** If the number of signatures is deemed to be sufficient, the Assembly shall make provision for the submission of the question to the voters at the next biennial state election occurring ninety or more days following the date of the certificate that the petitions do contain the names of at least one percent of the voters of the county and that a valid supplementary petition has been filed.

(e) Publication - The full text of the proposed ordinance shall be printed and distributed by the Assembly to each residence in the county known to contain one or more registered voter not less than two weeks prior to the date of the election at which the question will be voted upon.

(f) Form of Ballot Question - The ballots used when voting on a ordinance proposed by voters shall contain a question in substantially the following form: "Shall the following ordinance which was proposed by an initiative petition of voters take effect?" (Insert here the text of the proposed ordinance, or, a fair, concise summary of the proposed ordinance prepared by the county legal officer).

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative the ordinance shall be deemed to be effective immediately, unless a later date is specified in the ordinance.

Section 7 - 3. Citizen Referendum Procedures.

(a) Referendum Petition, Effect on Final Approval - Within twenty-one days following the date on which the Assembly has given final approval to any ordinance, a petition signed by a number of voters equal to not less than one percent of the total number of persons registered to vote in the county as of the date of the most recent state election may be filed with the regional clerk protesting against such ordinance or any part thereof from taking effect. The Assembly shall forthwith following receipt of such a petition reconsidered such ordinance or part thereof, and if such ordinance or part thereof is not then rescinded, the taking effect of such ordinance shall be suspended pending the submission of the same to the voters. The Assembly shall provide for the submission of the question to the voters at the next regular state election.

(b) Certain Initiative Procedures to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable the procedures described in section 7 - 2 shall apply in respect thereto except that the words "ordinance or part thereof" shall be understood to replace the words "proposed Ordinance" in said section and the word "referendum" shall be deemed to replace the word "initiative" where it may occur.

Section 7 - 4. **Excluded Matters.6 (SIC!!!)**

The following matters shall not be deemed to be within the scope of the provisions for citizen initiative and referendum: (1) proceedings relating to the internal organization or operation of the Assembly; (2) an ordinance passed in conformity with section 2 - 9; (3) the Cape Cod regional government budget as a whole; (4) a revenue loan order; or, (5) any appropriation for the payment of any Cape Cod regional government debt or other obligation.

Section 7 - 5. Submission of Other Ordinances to Voters.

The Assembly may, on its own motion, submit to the voters of the county for adoption or rejection at any election any proposed ordinance, or a proposition for the repeal of amendment of any ordinance, in the same manner and with the same force and effect as is provided in this article for submission by petition.

Section 7 - 6. Notice to Secretary of the Commonwealth.

Whenever, pursuant to the provisions of this article relating to initiative and referendum, the Assembly intends that a question is to appear on the state election ballot the regional 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.

ARTICLE 8 -- ELECTION RELATED MATTERS

Section 8 - 1. Elections.

The regular elections for Cape Cod regional government offices shall be held in conjunction with the biennial state election.

Section 8 - 2. Application of State Election Laws.

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.

Candidates for the office of Assembly 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 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 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 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.

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.

The Assembly 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 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 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 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 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 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.

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 by 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 Assembly shall fill such vacancy for the remainder of the unexpired term.

Section 9 - 9. 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.

(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) When the time fixed for performance of any act is seven days or less, Saturday, Sunday and holidays shall not be counted, if the time fixed for performance of any act is more than seven days, then every day shall be counted.

(g) Emergency - the word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(h) Employee - Unless the context otherwise requires, the term "employee" as used herein shall include every individual affiliated as employee, contractor, consultant, or otherwise who receives any benefit from the County, such as right to participate in group insurance, public retirement system, or who is provided with offices or support by the County or any department or agency thereof , except members of the Assembly, Clerk of the Assembly, the Chief Financial Officer, the Chief Executive Officer, and such other individual who may be specifically exempted in this Charter.

(i) General laws - The words "general laws" (all lower case letters) shall mean laws which apply alike to all counties.

(j) General Laws - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts.

(k) Local Newspapers - The words "local newspapers" shall mean at least one daily newspaper of general circulation in one or more parts of the county.

(l) Majority Vote - The words "majority vote" shall, except when used in connection with the Assembly, mean a majority of the members of a multiple member body present and voting, provided a quorum is present when to vote is taken, unless a higher number is required by law of by its own rules. When used in connection with the Assembly the words "majority vote" shall mean a vote of delegates representing a majority of the population of Barnstable county.

(m) Multiple Member Body - The words "multiple member body" shall mean any Cape Cod regional government body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not the Assembly.

(n) Municipal Bulletin Boards - The words "municipal bulletin boards" shall mean the bulletin board, or boards, in each of the municipalities of the county on which official municipal notices are posted.

(o) Voters - The word "voters" shall mean persons who are registered to vote in any municipality comprising the county of Barnstable.

Section 9 - 10. Nepotism Forbidden.

Every elected and appointed Cape Cod regional government official is prohibited from participating in any particular matter in which any member of their immediate family has a financial interest.

ARTICLE 10 -- TRANSITIONAL PROVISIONS

Section 10 - 1. Effect of Laws.

All general laws, rules, special laws, rules and regulations of or pertaining to Barnstable county that are in force when this charter takes effect and not specifically repealed or rescinded shall remain in effect.