

*submitted 3/2/16  
by D. McCutcheon*

## **Petition for a Barnstable County Voter Referenda**

**Be it enacted by the People of Barnstable County, and by their authority:**

**Shall the people of Barnstable County accept the Amendments to the Barnstable County Home Rule Charter which would eliminate the County Commissioner positions (3) and transfer the duties and responsibilities of the County Commissioners to the Assembly of Delegates so that the business of the County would be managed day to day by the County Chief Executive Officer and the Financial Officer/County Treasurer while legislative and administrative oversight would be provided by the 15 member Assembly of Delegates?**

**A summary of the Amendments passed by the Assembly of Delegates is set forth below.**

Substantive changes in the Barnstable County Charter as Compared to Revision 3 of the Ordinance Changing the Legislative Administrative and Financial Operation of Barnstable County.

Note: The "new" provisions, in regular typeface, as the provisions from the Proposed Amendments to the Home Rule Charter. The "old" provisions, in italic typeface, are the provisions from the Home Rule Charter effective 1988.

Add a new Section 1-7: No comparable provision in old Section 1.

New: 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-partisan 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.

Change Section 2-4 to consolidate the powers and duties formerly exercised by the Commissioners into the powers and duties of the Assembly and to eliminate the non-functional "advisory board for county expenditures".

*Old Section 2-4*

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

*Except as is otherwise provided by law, or this charter, all legislative powers of the Cape Cod regional government shall be vested in the assembly of delegates 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 advisory board for county expenditures to serve in conjunction with the Cape Cod regional government shall consist of the persons elected from each town to serve as members of the regional assembly of delegates*

New 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 Add: new voting procedure for a "Super Majority":

(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.

*No comparable provision in OLD Charter.*

Expand the authority of the Assembly to look into questionable practices or inadequate documentation and explanation:

Old Charter provision

*Section 2 - 7. Inquiring and Investigation.*

*The assembly of delegates may at any time upon a request filed by any of its members request a report on any aspect of the Cape Cod regional government by making such a request, in writing, to the board of regional commissioners.*

*The assembly of delegates may require the board of regional commissioners and the administrator to appear before the assembly of delegates sitting as a committee of the whole and to bring before the assembly of delegates such records and reports, and such officials and employees of the Cape Cod regional government as the assembly of delegates shall deem necessary to insure clarification of any matter under study.*

*The assembly of delegates 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 of delegates, 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 of delegates may, by a vote representing a majority of the population of the Cape Cod regional government, delegate any number of its members as an ad hoc committee to consult with the board of regional commissioners or the administrator on any matter and to report back to the full assembly of delegates with the results of such meeting.*

New Inquiries and Investigations: (Revision 3)

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.

**NOTE:**

The remaining changes in the Proposed Revision 3 of the Charter eliminating the County Commissioners are for the most part "housekeeping provisions" that take the language referencing the County Commissioners out of the new Revision so that the New Charter will be internally consistent.