

# Memo

TO: JANICE O'CONNELL, CLERK, ASSEMBLY OF DELEGATES

FROM: ROBERT S. TROY, COUNTY COUNSEL

DATE: JULY 27, 2020

RE: OPTIONS THE ASSEMBLY OF DELEGATES MAY UTILIZE TO ADOPT A RECALL PROVISION FOR A MEMBER OF THE BOARD OF REGIONAL COMMISSIONERS

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This Opinion addresses the options that the Assembly of Delegates may utilize to adopt a Recall Provision for a Member of the Board of Regional Commissioners. The Assembly of Delegates, at its Meeting of July 15, 2020, decided to consider whether it would move forward in pursuing the adoption of a Proposed Charter Amendment during this session of the Assembly at its August 5, 2020 Meeting. At that time, the Assembly has two options available to it under Section 9-1 of the Charter, titled "Charter Changes."

Those options are as follows:

- 1) Paragraph three of Section 9-1 permits the Assembly of Delegates to propose "Amendments to this charter which relate in any way to the ... election of the chief executive ... of the Cape Cod regional government..." by a petition filed with the General Court. The petition must be approved by a vote of the

Assembly of Delegates with the approval of the Board of Regional Commissioners.

- 2) Paragraph four of Section 9-1 permits the Assembly of Delegates, by a vote of its members representing a majority of the population of Barnstable County, to "... 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."

The Assembly may elect to utilize one or both of these provisions.

Please advise if you have any questions or comments. Thank you.

RST:geo

Cc: Suzanne McAuliffe, Speaker