HOUSE DOCKET, NO. 2764 FILED ON: 1/18/2013

HOUSE . . . . . No. 1831

The Commonwealth of Massachusetts

PRESENTED BY:

Geoff Diehl

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act establishing the Plymouth County Government.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geoff Diehl	*7th Plymouth*
Josh S. Cutler	*6th Plymouth*
Susan Williams Gifford	*2nd Plymouth*

HOUSE DOCKET, NO. 2764 FILED ON: 1/18/2013

HOUSE . . . . . No. 1831

By Mr. Diehl of Whitman, a petition (accompanied by bill, House, No. 1831) of Geoff Diehl, Josh S. Cutler and Susan Williams Gifford relative to the Plymouth County Government. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4318* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act establishing the Plymouth County Government.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish a new form of government for the people of Plymouth County, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the County of Plymouth shall be governed by the provisions of the following home rule charter. If this act is accepted by the voters of Plymouth County at the state election held in the current year the County of Plymouth 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 on the first day of the fiscal year following its acceptance by the voters of Plymouth County.

PLYMOUTH COUNTY HOME RULE CHARTER

PREAMBLE:

The Plymouth County Charter Commission herewith puts forth this charter form of government to the voters of Plymouth County with the potential to increase revenues and services, create jobs and lower county tax assessments.

We the people of Plymouth 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 government providing extensive services to its region known as Plymouth County and being fiscally sound, do establish for ourselves and for our communities the means and the structure to deal with issues which transcend the existing boundaries of municipal governments. This home rule charter for Plymouth County places the power and responsibility to deal with the unique problems of Plymouth County in a government directly responsible to the people of Plymouth County. We do hereby ratify, approve and affirm the following as the Home Rule Charter of Plymouth County.

ARTICLE 1 — INCORPORATION AND POWERS

Section 1 – 1. Incorporation.

Plymouth County, within the corporate limits established by law, shall be known as the Plymouth County Government, also known as Plymouth County. Plymouth County Government, known as Plymouth County, shall retain all of the powers granted heretofore to Plymouth County by Mass General Laws, as well as those enumerated herein. The Plymouth County Government shall be a body politic and corporate for the purposes of suit, of buying and holding both real and personal property lying therein, and of contracting and doing other necessary acts relative to its property and affairs.

Section 1 – 2. Short Title.

This instrument shall be known and may be cited as the Plymouth County Home Rule Charter.

Section 1 – 3. Powers of the Plymouth County Government.

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 Plymouth County in approving this charter to obtain for the government all of the powers it is possible for a county 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 Plymouth County Government and to enable the government of Plymouth County to cause any duty that has been granted 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 Plymouth County 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 governmental unit may itself determine is in its own best interest to cause the Plymouth County 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 Plymouth County 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.

Plymouth County 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. Plymouth County 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.

Nothing in this section shall be construed to prohibit the Plymouth County Government from performing services jointly with, or for, or in cooperation with another county, by contract or otherwise.

Section 1 – 6. Plymouth County Government Powers, Generally.

Without intending to limit the generality of powers of the Plymouth County Government as stated above, the following specific powers shall be available to the Plymouth County Government:

(a) Through the adoption, amendment or repeal of 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 the Administrative Code.

(c) Construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose.

(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 government in such manner as the governing body shall determine.

(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, provided that a memorandum of agreement between the County and the 4-H Cooperative shall be approved annually by the Executive Council providing office space and funding that augments from the U.S. Department of Agriculture and the University of Massachusetts for the continuation of these valuable long-time agriculture education programs.

(h) Apply for and administer grants.

ARTICLE 2 — EXECUTIVE BRANCH

Section 2 – 1. Executive Council.

(a) Composition – The executive powers of the Plymouth County Government shall be exercised by a board of County Councilors consisting of five members known as the Executive Council. No two Councilors may be elected from the same municipality. The term Commissioner within the Massachusetts General Laws relating to County functions shall mean Councilor.

(b) Term and Election. – The Executive Council of Councilors shall be elected for terms of terms of four years beginning the first Wednesday of January following their election and until their successors are qualified, who shall be sworn before entering upon their duties. Three of the commissioners shall be elected from the voters of the entire county and shall be known as at large councilors. Two of the councilors will be elected by district, one councilor from the coastal district, known as the coastal councilor and one from the inland district, known as the inland councilor. In the initial election following the effective date of this charter, the at large councilor with the greatest number of votes shall serve for a term of four years and the two other at large councilors shall be elected for two year terms. Both district councilors shall be elected for four year terms at the initial election. The provisions of section 158 of chapter 54 of the General Laws shall apply to such elections. The Executive Council shall have all of the same powers and duties conferred or imposed by law to county commissioners. During the first State Election after this charter has been enacted and becomes effective, the new Executive Council will be elected. The current members will retain their seats and the additional positions will be filled at the election.

(c) Vacancy. - If a vacancy occurs in the office of a member of the Executive Council during the term for which a member is chosen, the Executive Council shall appoint the person who received the next highest number of votes for the vacated position in the last election.

(d) Organization. – The Executive Council shall meet to organize on the second day of January and shall choose a chairperson, a vice-chairperson, a secretary and a clerk to serve for a term of one year.

(e) Exercise of Powers. – The Executive Council shall conduct all of their official business with at least three members of the Executive Council present, provided proper notice has been given to the absent members. The Executive Council shall follow all provisions of the Massachusetts Open Meeting Law, M.G.L. c.30A, §§18-25.

Section 2 – 2. Executive Powers.

The executive powers of the Plymouth County Government shall be vested solely in the Executive Council and may be exercised whether directly by such Executive Council, or through the several agencies under its direction and supervision. The Executive Council shall cause this charter, the laws and the Administrative Code and orders for the governmental and administration of the Plymouth County Government to be enforced.

The Executive Council shall exercise general supervision and direction over all agencies of the Plymouth County Government, unless otherwise provided by law. Each agency shall furnish to the Executive Council, forthwith when so requested, any information, materials or otherwise as the Executive Council may request and as the needs of that office and the interest of the Plymouth County Government may require.

Section 2 – 3. Powers and Duties.

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

(a) Prepare and submit to the Advisory Board an annual operating budget, and a capital outlay budget.

(b) Supervise the care and custody of all Plymouth County Government property, institutions and agencies.

(c) Keep the Advisory Board and the public fully informed as to the financial and administrative condition of the Plymouth County Government by filing oral or written reports with the Advisory Board, at least semi-annually, summarizing such condition.

(d) To make at any time such recommendations to the Advisory Board for action required to be taken by it as the Executive Council deems necessary for the improvement of the Plymouth County Government and the welfare of its residents.

(e) Sign all deeds, contracts, bonds or other instruments requiring the consent of the Plymouth County Government.

(f) At any time to inquire into the conduct of office or performance of duty of any Plymouth County Government officer, department head or employer.

(g) The identification of emergency situations and the declaration of emergencies.

(h) Designation of newspaper to be used to give notice of Plymouth County Government matters to the public.

(i) The selection and direction of an independent audit firm.

(j) Purchase, sell or restrict real estate, subject to a two-thirds vote of the Advisory Board.

(k) Apply for and administer grants.

(l) Enact and enforce an Administrative Code.

Section 2 – 4. Delegation by Executive Council.

The Executive Council may authorize the administrator or any subordinate officer or employee of the Plymouth County Government to exercise any power, function or duty assigned by this charter to the Executive Council provided, however, that all acts which are performed under any such designation shall be deemed to be the acts of the Executive Council.

Section 2 – 5. Appointments by Executive Council.

The Executive Council shall appoint and in appropriate circumstances may remove, subject to the provision of any contractual obligations as may be applicable, all Plymouth County Government officers, department heads, members of multiple member bodies and all Plymouth County Government employees for which no other method of selection is provided by this charter.

Section 2 – 6. Temporary Appointments to Plymouth County Government Office.

Whenever any vacancy in a Plymouth County Government office whether temporary or permanent and the needs of the Plymouth County Government require that such office be filled, the Executive Council may designate the head of some other Plymouth County Government office or agency or a Plymouth County 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.

Section 2 – 7. Plymouth County Government Administrator, Qualifications, Term of Office; Compensation.

(a) Appointment, Qualifications, Term of Office. – The chief administrative office of the Plymouth County Government shall be a County Administrator, who shall be appointed by a majority vote of the Executive Council, and ratified by a majority the Advisory Board. The County Administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office. The County Administrator shall devote full time to the office and shall not be actively engaged in any other business, occupation or profession while serving as administrator.

(b) Compensation – The Executive Council shall fix the compensation of the administrator within the sum appropriated for that purpose, which must be ratified by the Advisory Board. The salary shall be reasonable and commensurate with the duties of the office. The County Administrator may have an employment contract for no greater than three years.

(c) Administrative Powers – The County Administrator shall exercise the general supervision and direction over all Plymouth County Government agencies, unless otherwise provided by law. Each Plymouth County Government agency shall furnish to the administrator, forthwith when so requested, any information, materials or otherwise as the administrator may request and as the needs of that office and the interest of the Plymouth County Government may require.

The County Administrator may authorize any subordinate officer, department head or employee of the Plymouth County Government to exercise any power, function or duty assigned

212 by this charter to the administrator provided, however, that all acts which are performed under
213 any such delegation shall be deemed to be the acts of the administrator.

214 (d) Temporary Absence – The County Administrator shall by letter filed with the
215 Executive Council, designate a qualified officer, department head or employee to exercise the
216 powers and perform the duties of administrator during a temporary absence of five or more
217 consecutive days.

218 (e) Vacancy – Any vacancy in the office of administrator shall be filled as soon as
219 possible by the Executive Council but pending such appointment the Executive Council shall
220 designate a qualified Plymouth County Government officer, department head or employee to
221 perform the duties of the administrator on an acting basis, or, it may appoint and individual to
222 serve as acting County Administrator.

223 (f) Removal and Suspension.

224 The Executive Council may, by a majority vote of the full Executive Council, terminate
225 and remove, or suspend, the County Administrator from office; provided that prior to any such
226 vote the administrator has been given written notice of the reasons for such proposed action and
227 has been afforded the opportunity to respond thereto.

228 Section 2 – 8. Plymouth County Government Clerk

229 (a) Appointment, Qualifications, Term of Office. – The Plymouth County
230 Government Administrator shall appoint a Clerk. The County Administrator shall establish the
231 terms and conditions of employment for the Clerk.

232 (b) The Clerk shall maintain all records of the Plymouth County Government.

233 Section 2 – 9. Committees

234 (a) Generally. - The Administrator shall serve as an ex-officio non-voting member of
235 all of the committees.

236 (b) Planning and Growth Committee. - There shall be a committee on Planning and
237 Growth initiated by the County Administrator. Membership shall include representatives from
238 the Old Colony Planning Council, the Metropolitan Area Planning Council, and the Southeastern
239 Regional Economic and Development Council who are Plymouth County residents, and nine
240 members of Advisory Board appointed by the Chairman of the Advisory Board.

241 (c) Programs and Services Committee. - There shall be a committee initiated by the
242 Administrator on Programs and Services. Membership shall include nine members of the
243 Advisory Board appointed by the Chairman of the Advisory Board. Additionally, one state
244 representative and one state senator, or their designees, will serve on the committee. The
245 Registrar of Deeds will also serve on the committee.

(d) Finances and Revenue Committee. - There shall be a Committee on Finances and Revenue. The committee shall include the County Treasurer and nine members of the Advisory Board. Additionally, one state representative and one state senator, or their designees, will serve on the committee.

ARTICLE 3 — LEGISLATIVE BRANCH

Section 3 – 1. Composition, Appointment and Term of Office.

(a) Composition and Term. – The legislative powers, as enumerated below, of the Plymouth County Government shall be exercised by the Plymouth County Advisory Board. The Advisory Board consists of twenty-seven members. Each member shall be appointed for the fiscal year by the executive Branch of each Town or City that is a member of Plymouth County.

(b) Eligibility. – Any resident of the municipality from which election is sought, including selectmen and councilors, shall be eligible to be appointed as a member of the Advisory Board. A delegate who during a term of office moves from the municipality from which appointed shall forthwith be deemed to have resigned and the office shall be declared vacant by the remaining members of the Advisory Board.

Section 3 – 2. Filling of Vacancies.

If a vacancy shall occur in the office of Advisory Board the executive Branch of the Town or City that the member represents shall fill the vacancy for the remainder of the term.

Section 3 – 3. Exercise of Powers; Quorum; Rules of Procedure.

(a) Organization. – The Advisory Board shall meet to organize on the second day of January and shall choose a chairperson, a vice-chairperson and a clerk to serve for a term of one year.

(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 member of the Advisory Board shall be weighted based on that city or town's assessment for expenses of county government. Each city or town's weighted vote will be computed based on the most recent biennial report of the commissioner of revenue submitting the final equalization and apportionment upon the several cities and towns of the amount of property and the proportion by every one thousand dollars of state or county tax which should be assessed upon each city and town and assessment ratios for classed of property in each city and town under section 10C of chapter 58.

Said vote shall be determined by dividing that city or town's property valuation by the total of the county property value up to the nearest one hundredth in accordance with the schedule in the commissioner of revenue's most recent biennial report referenced above. Said vote shall be determined by the director of accounts and delivered in writing to the Advisory Board thirty calendar days after the biennial report has been accepted by the general court.

(c) Quorum. – A quorum of the Advisory Board shall consist of that number of persons who represent a majority of the aggregate weighted vote. A majority shall be defined for the purposes of this charter as a majority of the quorum. The Advisory Board shall follow all provisions of the Massachusetts Open Meeting Law, M.G.L. c.30A, §§18-25.

Section 3 – 4. Powers and Duties. Generally.

The Advisory Board shall meet annually to approve the Plymouth County budget. The Advisory Board shall also hold special meetings to approve the purchase or sale of land, to ratify the compensation and employment of the County Administrator, and as otherwise necessary to complete their functions.

No real estate may be purchased, sold or restricted without a two-thirds vote of the Advisory Board.

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

Section 3 – 5. Approval of Operating Budget.

The annual operating budget as proposed by the Executive Council and approved by the Advisory Board shall be a balanced budget funding all expenditures for the fiscal year plus any future liabilities incurred in that current year as determined in accordance with generally accepted governmental accounting standards. Funds for such future liabilities shall be reserved in a separate account or accounts.

Section 3 – 6. Approval of Budget.

(a) The Advisory Board, upon receipt of the proposed itemized budget prepared by the Executive Council, together with any supplementary material prepared by the head of each department or institution and each board or other agency, shall review the proposed budget. The Advisory Board may increase, decrease, alter and revise the proposed budget, provided that:

(i) The statement of the amount to be expended for any object or purpose for which an expenditure is required to be made by law shall not be reduced below estimated expenditure of the current year unless the Advisory Board shall enter into its minutes a statement of the basis for the reduction.

312 (ii) The Advisory Board shall enter into its minutes a statement of the basis for any
313 change in any statement of estimated revenues.

314 (iii) If the Advisory Board shall make any change in the proposed itemized budget,
315 provision shall be made that the total estimated revenues, together with the amount of county tax
316 to be levied shall equal the total estimated expenditures.

317 (b) Notwithstanding any other provision of law, before the final adoption of the
318 expenditure resolution, the Advisory Board shall hold at least one public hearing to inform the
319 residents of the county of its proposed budget and to hear testimony and argument before the
320 adoption of the expenditure resolution. The Executive Council shall cause notice of said hearing
321 to be posted in each city and town hall within the county at least fourteen calendar days prior to
322 the hearing and shall also cause notice thereof to be published in a newspaper of general
323 circulation in the county at least fourteen calendar days prior to the hearing. The notice shall
324 include, but is not limited to, the date, time and place of the hearing, announcement of the
325 citizen's right to provide written and oral comments and suggestions respecting the possible use
326 of funds, a summary of the entire proposed budget, and the place where the proposed budget may
327 be inspected or procured by any interested person during business hours.

328 (c) After completion of the public hearing required by subsection (b), the Advisory
329 Board, by resolutions, may further increase, decrease, alter and revise the proposed itemized
330 budget, subject, however, to the conditions and restrictions imposed by subsection (b). The
331 proposed itemized budget as increased, decreased, altered and revised shall be finally adopted by
332 an expenditure resolution by a majority vote of the Advisory Board as set forth in subsection (a)
333 at a duly called meeting on or before April second and shall be the approved budget.

334 (d) The Advisory Board, prior to the submission of any proposed capital facility
335 budget request by the county clerk to the director of accounts, or of any long range capital
336 facilities development plan and budget request to the commissioner of capital asset management
337 and maintenance, shall hold at least one public hearing to discuss the proposed budget request or
338 plan. After such hearing or hearings, the Advisory Board, by a majority vote, may delete, add to,
339 alter and revise any line item appearing in said budget request or plan. Said action shall be
340 incorporated into the budget request or plan submitted to the commissioner of capital asset
341 management and maintenance in accord with the provisions of sections 7A, 7B, 7C and 7D of
342 chapter 29, and shall be binding upon the county.

343 (e) If the Advisory Board shall fail to finally adopt an expenditure resolution for the
344 ensuing fiscal year on or before June first, the itemized budget as proposed by the Executive
345 Council together with such changes, alterations and revisions as shall have been made by a
346 majority vote of the Advisory Board on or before June first, shall constitute the approved budget
347 for the ensuing year, and the expenditure resolution shall be deemed to have been passed by the
348 Advisory Board as of that date.

(f) The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time amended by the preparation and submission of a proposed supplementary budget by the Executive Council to the Advisory Board on county expenditures. The Advisory Board shall, not less than fifteen calendar days, except in emergencies, nor more than thirty calendar days after such submission to it, approve or amend any such supplementary budget. A copy of the approved budget and any approved supplementary budget shall be transmitted to the director of accounts within fifteen days of the Advisory Board's action thereon.

(g) At the closing of the treasurer's books on August fifteenth, the balance to the credit of each appropriation shall become a part of the general unappropriated balance in the county treasury, but no appropriation voted for special, non-operating purposes, shall lapse until the work for which it has been made has been completed. Such appropriation, however, may not be carried forward for more than one extra fiscal year. Any remaining unappropriated balance thereafter, shall become a part of the general unappropriated balance in the county treasury. Written notification of such balance to be carried forward shall be submitted by the Executive Council to the county treasurer, the Advisory Board, and the director of accounts on or before the tenth day following the close of the fiscal year for which it was originally appropriated.

The Executive Council shall send written notification of such balance to the county treasurer, the Advisory Board, and the director of accounts on or before the tenth day following the close of the fiscal year. This subsection shall not apply to funds appropriated for the purposes of construction of buildings.

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 Executive Council at all reasonable times for consultation, discussion and for the coordination of the business of the Plymouth County Government.

(b) Vacancies. – In the event a vacancy shall occur in any office filled by the voters under this section, the Executive Council, subject to ratification by a majority of the Advisory Board, 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) 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 Plymouth

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 Massachusetts General Laws including, but not limited to, the powers and duties set forth in chapter 36 of the Massachusetts General Laws.

(d) Treasurer. - There shall be a County Treasurer elected as provided by law. The County Treasurer shall supervise the collection of all Plymouth County Government revenues and the disbursement of all funds and supervise the selection of the depositories for all Plymouth County Government funds. The Treasurer shall have all of the powers and duties that are given to County Treasurers by the Massachusetts General Laws, including, but not limited to, the powers and duties set forth in chapter 35 of the Massachusetts General Laws.

ARTICLE 5 — RECALL

(a) Any holder of elective office in Plymouth County may be recalled from office by the registered voters of Plymouth County as follows.

(b) Commencement. – Recall procedures may be commenced by the filing of an initial recall affidavit with the County Administrator which is signed by at least ten percent of the registered voters in Plymouth 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 one municipality. The recall affidavit shall include the names and addresses of the registered voters, the name of the person to be recalled, the title of the position that person holds and a statement of the grounds for the recall. Signatures to said petition need not all be on one paper, however, all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the County Administrator.

(c) The County Administrator shall forward the petition to the board of registrars of voters in each municipality, and the board of registrars shall certify the signatures which are the names of voters in their respective municipality within fourteen days.

(d) If the number of signatures is deemed to be sufficient, the County Administrator shall deliver to all registered voters who signed the initial recall affidavit a formal numbered printed recall petition with a return address to the County Administrator. Each formal recall petition sheet shall name the elected official to be recalled, the grounds for recall stated in the petition, and the names of the first ten registered voters signing the affidavit and shall demand the election of a successor to the office. A copy of the recall petition shall be kept in the office of the County Administrator. The registered voters who signed the initial recall petition shall have thirty days from the date of delivery of the recall petition sheets to return the signed recall petition sheets to the County Administrator.

(e) To proceed with the recall election, the County Administrator shall receive by the thirty day deadline signed recall petition sheets containing the signatures, names and street addresses of at least ten percent of the registered voters of Plymouth County.

(f) If the County Administrator determines that he or she has received recall petitions which total ten percent of the registered voters in Plymouth County, the County Administrator shall then make provision for the submission of the question to the voters at the next biennial state election, provided there is at least ninety days until the next biennial state election.

(g) Publication. – The full text of the proposed recall provision shall be printed and distributed by the County Administrator 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.

(h) An officer sought to be removed may be a candidate to succeed himself or herself in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the County Administrator shall place his or her name on the ballot without nomination. The nomination of other candidates to fill the position shall be in accordance with the law relating to elections, unless otherwise provided by this charter.

(i) The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, he or she shall continue in office for the remainder of the unexpired term. If recalled and not reelected, the official shall be considered removed from office immediately.

(j) Form of Ballot Question. – The ballots used when voting on the proposed recall petition shall contain a question in substantially the following form: "Shall (Insert name and position of officer here) be recalled from office?" There shall be a designated place for voters to vote for or against the proposition.

Following the proposition shall appear the word "Candidates" with directions to voters as required by the relevant elections law. Beneath the word "Candidates" appears the names of candidates nominated as hereinbefore provided.

(k) If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In such an instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidate need not be counted.

ARTICLE 6 — FISCAL PROCEDURES

Section 6 – 1. Fiscal Year.

The fiscal year of the Plymouth County Government shall begin on the first day of July and shall end on the thirtieth day of June.

Section 6 – 2. Submission of Proposed Budget.

Every Plymouth County Government agency or department shall submit to the administrator its requested annual budget on or before the date designated by the Executive Council. The administrator, operating within guidelines and instructions issued by the Executive Council, shall prepare a proposed operating budget for the ensuing fiscal year and shall submit the same to the Executive Council for its review. No later than the first day of April, the Executive Council shall submit to the Advisory Board its proposed operating budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. The Executive Council shall 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 6 – 3. Budget Message.

The budget message submitted by the Executive Council shall explain the proposed budget for all Plymouth County Government agencies, both in fiscal terms and in terms of work programs. The budget message shall outline proposed financial policies of the Plymouth County Government for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations form the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the Plymouth County Government's debt position; and include such additional information as the Executive Council deems desirable.

Section 6 – 4. The Proposed Budget.

The proposed operating budget shall provide a complete financial plan of all Plymouth County Government funds and activities. In the presentation of the proposed budget the Executive Council shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The annual budget as proposed by the Executive Council and approved by the Advisory Board shall be a balanced budget funding all expenditures for the fiscal year plus any future liabilities incurred in that year as determined in accordance with generally accepted governmental accounting standards. Funds for such future liabilities shall be reserved in a separate account or accounts.

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 Plymouth County 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 Plymouth County 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 6 – 5. Action on the Proposed Budget.

(a) Notification of receipt of budget. – The Advisory Board shall notify the executive branch of each municipality in Plymouth County of its receipt of the Executive Council proposed budget. Copies of the budget shall be submitted to each town upon request.

(b) Review. – The Advisory Board, through its standing committee on finance, shall cause review by standing committees of the Advisory Board, in open public meetings, of the detailed expenditures proposed for each Plymouth County Government department or agency. The clerk of the Advisory Board shall notify each board of selectmen and town council in Plymouth of the dates, times and places of such meetings. The standing committees may confer with any Plymouth County Government department or agency in connection with its review and consideration. The standing committee on finance, or other designated standing committees, may require the Executive Council, the administrator, or any other Plymouth County Government department or agency through the administrator, 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 Advisory Board 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 Executive Council.

(d) Action by the Advisory Board. - The Advisory Board shall adopt a budget for the ensuing fiscal year no later than the first day of June in the preceding fiscal year. If the Advisory Board has not taken final action with respect to any amount recommended in the proposed budget by said first day of June such amount shall, without any action by the Advisory Board become a part of the appropriations for the ensuing fiscal year.

Section 6 – 6. Annual Audits.

An independent audit of the Plymouth County 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 Executive Council.

ARTICLE 7 – REVENUES

Section 7 – 1. County Tax.

(a) Approval and Computation. - The amount which the Executive Council shall levy as the county tax shall be as voted by the Executive Council and approved by the Advisory Board, and as computed by adding together the amounts of the approved annual budget and of any approved supplementary budget, so far as the money therefore is to be raised by taxation, and deducting therefrom the probable receipts from all sources, except loans, and so much of the unexpended balance from the county treasury at the closing of the treasurer's books for the previous fiscal year as is in excess of ten per cent of the tax levy for said year; provided, however, that the Executive Council shall deduct the unexpended balance from the previous fiscal year from the tax voted by the Executive Council and approved by the Advisory Board prior to the apportionment and assessment of said tax among and upon the several cities and towns. The Executive Council shall also levy annually as the county tax a sum sufficient to meet the debt and interest maturing in that year, if no other provision therefor has been made.

(b) Apportionment, Assessment and Collection. - The Executive Council shall apportion and assess all county taxes among and upon the several cities and towns according to the most recent equalization and apportionment reported by the commissioner of revenue to the general court pursuant to section 10C of chapter 58, and shall, by their clerk, certify the assessments to the assessors thereof. The several amounts so apportioned and assessed shall be collected and paid similar to that of the state tax into the respective town treasuries, and the commissioners in their warrants shall require the selectmen or assessors of each town to pay, or to issue their warrants requiring the treasurer thereof to pay, to the county treasurer the amount so assessed. The Executive Council shall prescribe that one-half of the total certified assessment of each city and town shall be paid on November first of each year and the remaining one half of such assessment shall be paid on May first of the next year. The selectmen or assessors of each city and town shall return a certificate of the name of the treasurer of such city or town, with the sum which he may be required to collect, to the county treasurer within the time fixed by the warrant of the Executive Council in accordance with the provisions of this section.

Section 7 – 2. Recording Fees, State Stamps, and Deeds Excise Tax

Plymouth County will receive 42.4 per cent of all money collected in Plymouth County for recording fees, state stamps, and deed excise tax.

Section 7 – 3. Rental of County Property to the State

The State including the judicial branch may lease buildings and land owned by Plymouth County to provide suitable quarters and space for court facilities and necessary related activities such as parking. The rental of court facilities pursuant to this section shall be governed by a lease subject to the approval of the division of capital asset management and maintenance. Plymouth County shall submit a schedule, subject to approval by the chief administrative justice, detailing the cost of maintenance, repairs, utilities and debt service on the rented facilities in accordance with M.G.L. c 29A §4. Plymouth County shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities, and all rents paid to any such county, city or town shall be expended for courthouse maintenance costs.

Each fiscal year, quarterly payments of the estimated rental amounts shall be made to each county equal to at least ninety per cent of the amount owed to such county for such rent per quarter of the preceding fiscal year, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided, however, that payments shall not be made for the third or fourth quarter to any county in the absence of a current lease and unless the county has submitted and the chief administrative justice has approved the required schedule of expenditures.

Section 7 – 4. Capital Improvement Fund

For the purpose of creating a Capital Improvement Fund the Executive Council may appropriate in any amount. Any interest shall be added to and become a part of the fund.

The treasurer shall be the custodian of said fund and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or in participation units in a combined investment fund under section 38 A of chapter 29, or invest the same in such securities as are legal for the investment of funds of savings banks under the provisions of chapter 168 or in federal savings and loan associations situated in the commonwealth.

The Capital Improvement Fund may be appropriated by the Executive Council with the approval of the Advisory Board for any purpose authorized under sections 7 and 8 of chapter 44 or for such other county purpose as is approved by a two-thirds vote of the Advisory Board.

Section 7 – 5. Funds

(a) Reserve Accounts. - Notwithstanding the provisions of section 31 of chapter 35 of the General Laws, or any other general or special law to the contrary, the Plymouth County Government may establish and maintain from year to year the following reserve accounts: statutory reserve account, workmen's compensation reserve account, receipts reserved for appropriations account, stabilization fund, and a capital improvements stabilization fund.

590 (b) Revolving Funds. - Notwithstanding any provision to the contrary, the Plymouth
591 County Government shall have the authority to authorize revolving funds in accordance with
592 General Laws chapter 44, §53E½. For the purposes of said statute the words "city or town" shall
593 mean "Plymouth County Government" and establishing, increasing and all other actions shall be
594 performed by the "Executive Council" and not city or town governmental bodies or officials as
595 set forth in the statute. There shall be no duty to report to city and town bodies as set forth in
596 paragraph five.

597 (c) Enterprise Funds. - Notwithstanding any provision to the contrary, the Plymouth
598 County Government shall have the authority to authorize enterprise funds in accordance with
599 General Laws chapter 44, §53F½. For the purposes of said statute "city or town" shall mean
600 "Plymouth County Government". All actions performed by the "mayor, board of selectmen,
601 town meeting, town council, or city council" shall be performed by the "Executive Council".

602

603 ARTICLE 8 — JOINT PERFORMANCE OF FUNCTIONS

604 Section 8–1. Purpose.

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

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

617 (1) public works, including street and road layout, construction and maintenance;

618 dredging of channels and harbors;

619 (2) refuse and garbage removal, collection and disposal;

620 (3) public health services;

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

622 (5) water supply, treatment and distribution;

623 (6) sewage collection, treatment and disposal;

624 (7) police, fire and other public safety services;

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

626 (9) assessment of real and personal property;

627 (10) planning and zoning;

628 (11) transportation; and

629 (12) veterans' agent

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

633 Section 8–2. Inter local Contracts.

634 (a) Scope. – Any unit of local government may contract with the Plymouth County
635 Government to provide for any local service function which the unit of local government is
636 authorized to perform, provided that such contract shall first be ratified or approved by the
637 executive body of such unit of local government.

638 (b) Contents of Agreement. – Every contract entered into by the Plymouth County
639 Government for the provision of services to units of local government shall contain at least the
640 following provisions:

641 (1) its duration or other term;

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

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

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

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

(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; 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 8–3. Transfer of Functions.

Whenever two or more units of local government in Plymouth 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 Plymouth County 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 Executive Council 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.

ARTICLE 9 — TRANSITIONAL PROVISIONS

Section 9 – 1. Effect of Laws.

All general laws, rules, special laws, rules and regulations of or pertaining to Plymouth County that are in force when this charter takes effect shall remain in effect except as modified by or otherwise inconsistent with this charter.

Section 9 – 2. Continuation of Government.

(a) All powers and duties of Plymouth County are preserved and transferred to Plymouth County Government known as Plymouth County. Nothing contained herein shall affect the existing county boundaries.

(b) All powers and duties of Plymouth County are preserved, transferred to, and shall be retained by the Plymouth County Government. All powers and duties of Plymouth County under any existing service agreements or special acts or laws are hereby transferred to the Plymouth County Government. Nothing in this charter shall be construed to create a new unit within the Plymouth County retirement system, and there shall be no break in service as a result of this transfer.

(c) The authority granted in chapter 35 of the General Laws to county officials to levy and collect a county tax, to borrow money in anticipation of taxes and other revenue, to pay bills, for the supervision of county finances by the state government and for the establishment of a county personnel system shall all be applicable to the Plymouth County Government. The Plymouth County Government shall, for the purposes of chapter 35, be deemed to be the county government and the powers authorized to be exercised by 'county' officers or agencies under said chapter 35 shall be exercised by the officer or agency performing the same or substantially similar powers and duties.

Section 9 – 3. Government Employees.

Notwithstanding the provisions of any general or special law or rule to the contrary, except as provided for in this act, county employees employed on the effective date of this act shall be transferred to the Plymouth County Government with no impairment of employment rights held immediately before the effective date of this act, without interruption of service, without impairment of seniority, retirement or other rights of employees, and without reduction of pension benefits, compensation or salary grade. Any collective bargaining agreement in effect immediately before said effect date of the transfer shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

Section 9 – 4. Transfer of property.

The Plymouth County Government shall for all purposes be deemed to be the lawful successor to Plymouth County. All property both real and personal held by Plymouth County at the time this act becomes effective shall become the property of the Plymouth County Government.

Section 9 – 5. Transfer of Records and Property.

All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another county agency, shall be transferred forthwith to such Plymouth County Government agency.

Section 9 – 6 Continuation of Personnel.

Any person holding a county office or employment under the county shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for the performance of such duties by another person or agency. No person in the permanent, full-time service or employment of the county shall forfeit pay grade or time in service.

Section 9 – 7. Time of Taking Effect.

(a) This charter shall become effective on the first day of the fiscal year following its acceptance by the voters of Plymouth County. All rights and duties of Plymouth County shall continue and be attributed to Plymouth County Government at the time this charter takes effect, unless inconsistent with the charter, or unless or until the charter has been amended.

ARTICLE 10 — CHARTER CHANGES

Section 10 – 1. Charter Changes.

This charter may be replaced, revised or amended in accordance with the following procedures.

The Executive Council may, by a two-thirds vote of its full membership, provide for the submission of any proposed amendments to this charter to the voters. Amendments proposed by the Executive Council shall become effective if approved by a majority of the voters voting thereon at the next regular biennial state election held no more than one hundred and fifty days following the date of the vote of the Executive Council.

Whenever, pursuant to the provisions of this section relating to charter amendments, the Executive Council intends that a question is to appear on the state election ballot, the Plymouth 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 10 – 2. Periodic Review, Charter and Ordinances.

753 (a) Charter/Ordinance Review. – At least once in every five years, in years ending in
754 a five or in a zero, the Executive Council shall provide for a special committee to be established
755 which shall be charged with the responsibility of reviewing the then-existing charter and
756 ordinances of Plymouth County for the purpose of determining if any amendments or revisions
757 may be necessary or desirable, and to make a report, with recommendations, to the Executive
758 Council concerning any proposed amendments or revisions which said committee may deem to
759 be necessary or desirable. Such review may be conducted in conjunction with the Plymouth
760 County legal officer, or if the Executive Council so directs, by special counsel retained for that
761 purpose. The committee shall include representation of municipal officials of the municipalities
762 which comprise the county. Reports, with recommendations, should be submitted to the
763 Executive Council not more than ten months following the date such committee is appointed.

764 (b) Copies of Charter and Ordinances. – Copies of the charter and ordinances of the
765 Plymouth County, as most recently amended or revised shall be kept available for distribution to
766 any person who may request the same at the office of the Plymouth County Clerk. A fee may be
767 charged, not to exceed the actual cost of reproduction of the said material. In any interval
768 between publication of the charter or ordinances, as amended or revised, supplements shall be
769 published which shall contain all enactments affecting the charter or ordinances since last
770 publication in consolidation form.

771 SECTION 2. This act shall take effect upon its passage.