



# TOWN AND COUNTY OF NANTUCKET

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***AGENDA FOR THE MEETING OF THE  
COUNTY COMMISSIONERS  
APRIL 27, 2016 - 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS***

- I. CALL TO ORDER***
- II. ELECTION OF OFFICERS***
- III. ANNOUNCEMENTS***
  1. The County Commission Meeting is Being Video/Audio Recorded.
- IV. PUBLIC COMMENT\****
- V. NEW BUSINESS\****
- VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
  1. Approval of Minutes of April 6, 2016 at 6:00 PM.
  2. Approval of Payroll and Treasury Warrants for April, 2016.
- VII. COMMISSIONERS REPORTS/COMMENTS***
- VIII. ADJOURNMENT***

***\* Identified on Agenda Protocol Sheet.***

**County Commission Agenda Protocol:**

- **Roberts Rules.** *The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment.** *Public Comment is for bringing matters of public interest to the attention of the Commission. The Commission welcomes concise statements on matters that are within the purview of the County Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action. Except in emergencies, the Commission will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*
- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation.** *The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commissioners may have questions on the clarity of information presented. The Commission will hear any staff input and then deliberate on a course of action.*
- **Commissioner Report and Comment.** *Individual Commissioners may have matters to bring to the attention of the Commission. If the matter contemplates action by the Commission, Commissioners will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Commission will not normally take action on Commissioner Comment.*

## NANTUCKET CODE

pursuant to which the Town of Nantucket shall retain the right, by exercise of the local police power, to provide for the general health, safety and welfare of its citizens;

(d) To construct, acquire, operate and maintain public improvements, projects or enterprises for any public purpose, notwithstanding any limitation upon county purposes as may be contained in c. 34 or c. 35 of the General Laws, and specifically including roads, bike paths, public works, recreation, open space, sewage collection and disposal facilities, solid waste disposal facilities, law enforcement facilities such as regional lockups and corrections and police stations, and other such purposes, and to exercise the power of eminent domain in furtherance of any such purpose, subject to such procedures as are provided for county governments by the General Laws;

(e) To exercise powers of eminent domain, borrowing and taxation to the extent authorized for county governments by the laws of the Commonwealth;

(f) To sue and be sued; to establish, maintain and use the corporate seal of the County; to enter contracts; to buy, sell, lease, hold, encumber, impose easements upon, and dispose of real and personal property; and to appropriate and expend funds for County purposes;

(g) To contract with or sign agreements with other governmental entities for the provision of a joint, coordinated or cooperative service or functions; and

(h) To apply for, to accept and to obtain federal and state grants, loans and other funds and in-kind grants, as if the County were a district, a city, a town, a region, an authority, a state or a state agency within the meaning of legislation authorizing any contract or grant consistent with the purposes of Nantucket County.

## ARTICLE II Legislative Functions

### Section 2.1 – Repository of Legislative Functions

The legislative powers of the County shall be vested generally in the five members who are to perform the functions of County Commissioners, except those specific legislative powers later identified in this Charter as being vested in the Town Meeting of the Town of Nantucket.

### Section 2.2 – Composition and Compensation

The five persons who have been elected and are serving as Town of Nantucket Selectmen shall constitute ex officii the members of the Board of County Commissioners and shall perform the functions of County Commissioners; provided, however, that the five Selectmen acting as the County Commissioners may fix by ordinance an additional compensation for the County Chair that is reasonable and commensurate with special duties of that office.

### Section 2.3 – Organization

Within 30 days following each annual election of the Board of Selectmen of the Town of Nantucket, the five members acting as the Board of County Commissioners shall choose one of its duly elected members as County Chair and another as County Vice-Chair to serve until a successor is elected. Neither the County Chair nor the County Vice-Chair shall concurrently serve respectively as Chair or Vice Chair of the Nantucket Board of Selectmen. The County

## CHARTERS

Vice-Chair shall, during any temporary absence or temporary disability of the County Chair, serve as Acting County Chair.

Three of the five members of the Board of County Commissioners shall constitute a quorum.

The County Chair shall

(a) execute and cause the County Clerk to affix the County seal to all contracts, bonds or other instruments requiring the signature and seal of the County and having been duly approved by the five members performing the functions of County Commissioners;

(b) shall preside over all meetings of the five members who perform the functions of County Commissioners with the right to vote on all questions, absent conflict of interest, and shall serve as representative of the five members at ceremonial and civic occasions;

(c) serve as an ex-officio nonvoting member of all appointed bodies in County government; and

(d) report annually to the people of the County on the work of the previous year.

### Section 2.4 – Exercise of five-member Legislative Powers

The County's Article I powers may be exercised by the adoption, by vote of the five members who act as County Commissioners, of ordinances or otherwise by the adoption of resolutions.

### Section 2.5 – Legislative Ordinances

After public advertisement in a newspaper of general circulation within the County at least seven days in advance and after holding a public hearing, the five members who perform the functions of County Commissioners may vote to adopt legislative ordinances, having an effective date 7 days after enactment, unless prior to such effective date a petition as set forth in Section 2.8(d) is filed with the County Clerk, and having permanent force and effect until amended or repealed by the five members, or amended or repealed by Town Meeting of the Town of Nantucket as set forth in Section 2.8 for the purposes specified below notwithstanding any law to the contrary:

(a) To establish, alter or abolish any County department, office or agency except as prohibited in Article I or V;

(b) To provide for a fine or other penalty or establish a rule or regulation as authorized in Article I, for violation of which a fine or other penalty not to exceed \$300 is imposed;

(c) Notwithstanding any limitation as may be contained in Chapter 34 or Chapter 35 of the General Laws, to appropriate funds for the operation and maintenance of County government and for the furtherance of County purposes and to authorize the transfer of funds between County departments and agencies; or to grant funds to the Town of Nantucket; provided however that such appropriation, transfer or grant is approved as described in Section 2.7 or Section 2.8 of Article II and provided further that the amount of the County's assessment upon the Town of Nantucket shall be fixed by a Nantucket Town Meeting pursuant to Section 2.8 of Article II; and provided, further, that Chapter 59, Section 20A of the General Laws shall not apply to County assessments applicable to the Town of Nantucket;