

HAMPSHIRE COUNCIL ADMINISTRATIVE CODE - CHAPTER 2

RESOLUTION ADOPTING THE RULES OF THE HAMPSHIRE COUNCIL OF GOVERNMENTS' BOARD OF COUNCILORS

The following rules shall govern the Hampshire Council of Governments Board of Councilors:

2.09 FISCAL POLICIES

- (1) The Council assessment will be billed and collected quarterly, with a due date of August 15, November 15, February 15, and May 15; bills being mailed at least 30 days in advance.
- (2) If payments are not paid within thirty (30) days of the due date, interest at the rate of 8.0% per annum will be charged on the unpaid and overdue amount from the date the original assessment was due.

2.10 ORGANIZATION, RULES AND PROCEDURES

2.10-1 Election of Officers and Formation of the Executive Committee:

- (A) The officers of the Council, as established by the Charter, are the Moderator, the Chairman, the Vice-Chairman, and three Members of the Executive Committee, plus an Alternate. The Executive Committee shall consist of the Chairman, Vice-Chairman, and three members, plus an Alternate. The officers shall be elected from among the members of the Council annually in the regular business meeting for the month of June. However, additional elections may take place to fill a vacancy. No more than one person on the Executive Committee shall be from any single municipality. The Moderator shall not also serve on the Executive Committee. The term of office shall be for one year, from July 1 of the year elected to the following June 30. If for any reason the election is not held as scheduled, the officers shall continue in office until replaced, and the election shall be the first order of business at the next regular meeting of the Council.
- (B) The election of the Executive Committee shall be presided over by the incumbent Moderator; in the absence of the Moderator, the incumbent Chairman shall preside. The officers shall be elected in a series of five elections, each of which may include multiple ballots. The first election shall be for Chairman; the second shall be for Vice-Chairman; the third shall be for the three at-large Members of the Executive Committee; the fourth shall be for Moderator; and the fifth shall be for the Alternate.
- (C) The elections shall utilize the following procedure:
 - (1) The Moderator shall select at least two tellers, who need not be Councilors, to hand out, collect, and tabulate ballots. The Executive Director will provide a pre-configured spreadsheet to calculate the weighted vote expeditiously. Ballots shall be credited to the candidate intended so long as that person can be reasonably determined, errors of spelling and so on notwithstanding.
 - (2) Nominations shall be made from the floor. Nominations shall not require a second. Nominations are limited to 15 seconds of speech.
 - (3) A Councilor need not be present to be nominated and elected. A Councilor may vote on any ballot for which the Councilor is present, even if the Councilor did not participate in prior (or subsequent) ballots. Proxy voting is prohibited. The vote of a Councilor who leaves after the ballots have been collected but not yet counted shall be tabulated. The vote of a Councilor who leaves before the ballots have been fully collected shall not be tabulated. Unless the absence of a member is brought to the attention of the Moderator before the vote is declared by the Moderator, the validity of all votes shall be conclusively presumed.
 - (4) After a reasonable period without further nominations, the Moderator shall declare the nominations closed. Any candidate, in the order of nomination, may then give a two minute statement, unless the Council votes to waive all

speeches. Balloting shall then begin as soon as ballots are distributed.

- (5) All votes shall be by written ballot, unless there are not more candidates than there are officers, in which case the Moderator may call for a voice vote. Each ballot shall include the name of the voting Councilor. Although the ballots are public documents, they shall not be available for examination until after the voting on all six offices, unless the Council votes to the contrary.
 - (6) A majority of the weighted vote, present and voting, is necessary for election.
 - (7) In the event that the first ballot does not produce an election, or, in the case of the Executive Committee members, does not elect all three members, there shall be a second ballot on all candidates who have not withdrawn or been elected. In the event of the need for a third ballot, the list of candidates shall be one shorter than on the second ballot; this shall be accomplished by dropping the candidate receiving the lowest vote total (in the event of a tie, both shall continue to the third ballot), or, in the case of the Executive Committee Members, it may be accomplished by the election of one or two members on the second ballot. Should a fourth ballot be needed, the list shall again be shortened by one, in the same manner as described for the third ballot, except that any candidate continued to a subsequent ballot by a tie shall be eliminated if participating in a second low vote tie. Fifth and subsequent ballots shall be on the same basis, with the list of candidates steadily reducing.
 - (8) In the event that there have been five ballots without a conclusion of an election, the Moderator shall ask the Council if nominations should be re-opened. If the Council so votes, the nominations shall be re-opened and any Councilor, **except** a Councilor who had been eliminated in the balloting in this election, may be nominated. Voting shall then continue as before.
 - (9) The Moderator shall declare the vote totals after each ballot; copies of the reconfigured spreadsheet wherein the vote totals are recorded, shall be made available to all Councilors.
 - (10) In accordance with Massachusetts General Laws, on divided votes a record of the vote of each Councilor shall be published in the minutes of the election meeting.
 - (11) The Moderator shall declare the candidates to have been elected as and when the votes indicate. However, the election shall not be deemed conclusive until the Council adjourns the meeting at which the election is held.
- (D) Should an error be discovered in the voting or election procedure that places the election in doubt, any candidate whose election was deemed conclusive shall serve in the office until the next Council meeting. Any such error that is mathematical shall be resolved by implementing the corrected vote. Any error which is not mathematical shall be presented to the Council at the regular meeting next held following the discovery of the error for the decision of the Council as to the appropriate action, if any. The failure of the Council to take action after the presentation of the information of an error shall constitute confirmation of the election.

2.10-2 General Powers of the Moderator: The Moderator shall preside at all meetings of the Board of Hampshire Councilors and shall conduct the business of the meeting in the order prescribed in the rules. The Moderator shall have the general power to recognize Councilors entitled to the floor; to state and put to a vote all questions which are regularly moved and seconded or which necessarily arise in the course of the proceedings; to announce the results thereof; to protect the Councilors from all frivolous or dilatory action; to decide all questions of order, subject to an appeal to the Councilors; to require the meeting room to be cleared in cases of disturbances or disorderly conduct; to assist in expediting the business of the Councilors; and, to perform all other duties prescribed by action of the Councilors. In case of the absence of the Moderator at any meeting, the Chair shall convene the meeting and preside over the meeting.

2.10-3 Appointment of Standing Committees: The Chair of the Executive Committee

shall appoint the Chair, Vice-Chair, and members of all standing committees, except Executive Committee, not later than the July Councilors' regular meeting, subject to the approval of the full Council. Appointment to all standing committees shall be for one year. The Councilors on the Executive Committee are not eligible to be Chair or Vice-Chair of non-Executive Committees.

2.10-4 Vacancies: When a vacancy has been created on a non-Executive Committee of the Board of Hampshire Councilors, the Chair of the Executive Committee shall have the authority to fill the vacancy by shifting a Councilor from another non-Executive Committee, provided the affected Councilor consents. A vacancy on the Executive Committee occurring between July 1 and the following January 1 shall be filled by election at a special or regular meeting of the Board. A vacancy on the Executive Committee occurring between January 1 and June 30 shall be filled automatically by the succession of a Chair of a standing committee having the greater number of years of personal service on the Council, including service on the former County Commission.

2.10-5 Parliamentarian: The Chair of the Executive Committee of the Board of Hampshire Councilors, may designate a Councilor who is not on the Executive Committee to be the Parliamentarian, who, with the advice and consent of all the Councilors, and upon request of the Moderator, shall render to the Moderator opinion and advice on questions of parliamentary law and procedure applicable to matters arising before the Board of Hampshire Councilors, which opinion shall be binding unless overturned by a vote of the Board. The rules of parliamentary procedures as set forth in the latest published edition of "Robert's Rules of Order, Revised" shall govern the procedure of the Board of Hampshire Councilors in all cases applicable and in which the same are not inconsistent with these rules, unless specifically overruled by a vote of the Board.

2.11 MEETINGS

2.11-1 Regular Meeting: Regular meetings of the Board of Hampshire Councilors shall be held monthly on the fourth Thursday of each month except when other meeting dates are designated. An annual schedule of meetings shall be published and made available to all Councilors and other interested persons.

2.11-2 Special Meetings: Special meetings of the Board of Hampshire Councilors shall be held when requested by at least one-third of the weighted vote of all Councilors on the Board. The requests shall be in writing, addressed to the Executive Director and specify the time, place, and the nature of matters to be considered. The Executive Director shall notify each Councilor of the time and place of such meeting and shall also cause notice of such meeting to be published in a newspaper published in Hampshire County and posted as required by the Massachusetts General Law's Open Meeting Law.

2.11-3 Meeting Time and Place: All regular meetings of the Board of Hampshire Councilors shall commence at a time and place designated by the Chair of the Executive Committee of the Board of Hampshire Councilors. All meetings of the Councilors and its committees shall be open to the public, except for limited purposes as specified by Massachusetts General Law. Meetings will usually be on the fourth Thursday of the month at 7:30 P.M.

2.11-4 Agenda Preparation: The Executive Director, in consultation with the Chair, shall prepare an agenda for each regular meeting, listing the order of business in as much detail as is practical. The agenda shall include a "Consent Agenda" which shall include all matters that are to come before the Board of Hampshire Councilors that in the opinion of the Chair will be of routine nature. Once mailed, the agenda will be changed only with the concurrence of the Moderator.

2.11-5 Resolutions, Reports, and Communications: Any committee Chair, any elected or appointed Council official, or any other person who desires to present any resolution, report,

or communication to the Board of Hampshire Councilors shall deliver a copy of said resolution, report, or communication to the Executive Director by the sixth business day prior to the Board of Hampshire Councilors' meeting.

2.11-6 Agenda Mailing: At least five days before each regular meeting of the Board of Hampshire Councilors, the Executive Director shall send to each Councilor, subject to the availability of funds, the following agenda document generally consisting of the following:

- (A) Agenda for the next meeting
- (B) Minutes of the previous meeting
- (C) Resolutions and written reports or brief summary of such reports to come before the Councilors at the next meeting, which have been filed with the Executive Director's Office
- (D) All committee minutes filed with the Executive Director since the previous meeting
- (E) All other material that in the opinion of the Chair of any standing committee or Executive Director will be of interest to the Councilors.

2.12 ORDER OF BUSINESS

The order of business before the Board of Hampshire Councilors shall be as follows, unless otherwise determined by action of the Board of Hampshire Councilors:

- (A) Call of Roll
- (B) Approval of Minutes
- (C) Appearance by members of the public and Council employees
- (D) Consent Agenda
- (E) Resolutions, reports, and communications from elected and appointed Council officials
- (F) Appointments
- (G) Reports of Special Committees
- (H) Reports of Standing Committees
- (I) Approval of Bills
- (J) Other Business and Communications
- (K) Adjournment

2.13 PROCEDURE AT MEETINGS OF THE FULL COUNCIL

2.13-1 Quorum: The number of Councilors sufficient to cast a majority of weighted votes shall constitute a quorum to do business.

2.13-2 Roll Call Vote: Upon the request of the Councilors representing one-fifth of the weighted votes present, or of the Chair or Moderator, the "yeas" and "nays" of Councilors shall be recorded on any question and definitely (unless unanimously voted) on the following matters:

- (A) All contracts relating to the sale or leasing of Council property
- (B) Appropriation and tax levy resolutions
- (C) All expenditures of Council funds
- (D) Upon any other matters, when requested by the Chair or by one member, providing such request is made before another item of business has been taken up by the Councilors.

Councilors who have voted "yes" or "no" or "abstain" on a roll call vote shall not be allowed to change their vote on the matter under consideration, unless a new debate intervenes, pursuant to the guidance of the moderator.

2.13-3 Recognition:

- (A) Each Councilor prior to speaking or making a motion shall address the Moderator and be recognized before speaking, and shall speak only to the matter under consideration.
- (B) When two or more Councilors arise at the same time, the Moderator shall recognize the Councilor who is to speak first.
- (C) No Councilor shall speak more than once or more than five minutes on the same matter without permission from the Moderator.
- (D) A Councilor called to order by the Moderator shall immediately be silent and orderly and, if there is no appeal, the decision of the Moderator shall be final.
- (E) The Executive Director has the right to be heard in the same manner as a Councilor, but may not vote.

2.13-4 Motion to Adjourn: A motion to adjourn shall always be in order and shall be decided without debate, unless a question of the time to adjourn shall occur.

2.13-5 Reconsideration: An action may be reconsidered at any time during the meeting or at the next meeting held thereafter. A motion to reconsider must be made and seconded by Councilors who voted on the prevailing side of the question to be reconsidered. Such motion to reconsider shall require a majority of the vote cast to prevail.

2.13-6 Second Required: No motion shall be debated or put to vote unless first seconded. When the motion is seconded, it shall be stated by the Moderator before debate or vote, and every motion shall be reduced to writing when requested by the Moderator or any Councilor.

2.13-7 Appearance by Non-Members:

- (A) Any Councilor or the Executive Director may request that a Council officer or employee, or other persons, be permitted to appear before the Board of Hampshire Councilors on matters of Council business, and such request shall be granted by the Moderator unless there is objection by any Councilor, in which event the Councilors shall vote on whether to grant the request.
- (B) All requests by non-Councilors of the Board for appearance before the Councilors shall be made to the Executive Director, in writing with the subject matter stated, not less than seven business days before the next scheduled Councilors' meeting. Such appearance with regard to any particular topic shall be limited to a time not to exceed three minutes for each individual, five minutes for a representative spokesman of a group, and fifteen minutes total. The Moderator may take such appropriate action to prevent repetition or digression, to maintain decorum, and to exclude discussion of matters which have had a previous public hearing conducted according to law, discussion of matters where public comment would interfere with the due process of law, or discussion of matters which would be in direct conflict with restrictions placed upon the Councilors by other applicable law.

2.13-8 Suspension of Rules: Any of these rules may be temporarily suspended by a vote of the Councilors. Immediately upon the termination of the business arising out of the event for which the rules were suspended, these rules shall again be in effect without vote of the Councilors.

2.13-9 Consent Agenda: All matters on the Consent Agenda that are not removed will be voted on by one roll call vote unless unanimously approved. An item will be removed from the Consent Agenda upon the oral request of any Councilor or any elected or appointed official made prior to the vote. Any matter taken off the Consent Agenda shall revert back to that particular standing committee report and be heard at that time. Any Councilor may request to be recorded by the Clerk as voting "no" on any item on the Consent Agenda.

2.13-10 Calling a Question: A motion for the previous question shall not be in order (1) on a matter on which the Board appears to the Moderator to be divided, unless every Councilor

who wishes to be heard has spoken at least once; and, (2) unless any list of speakers established by the Moderator has been completed.

2.14 PROCEDURES FOR EXCESSIVE MEETING ABSENTEEISM

2.14-1 In the event that a Councilor is absent for three consecutive Full Board Meetings without notice to the Council Chairman

- (A) A letter of notification will be sent to the Councilor by the Executive Committee. If not remedied and another consecutive absence occurs, then
- (B) A letter will be sent by the Executive Committee to the Councilor and his/her selectboard or to his/her mayor and city council. If not remedied and another consecutive absence occurs, then
- (C) The Executive Committee will issue a notice of non-attendance that will be released to the public.

2.14-2 In the event that a Councilor is unable to attend a Full Council meeting, the Administration office must be notified.

2.15 COMMITTEES - NUMBER, DESIGNATION, AND MEMBERSHIP

2.15-1 There shall be seven standing committees:

- (A) The Executive Committee of five Councilors
- (B) The Legislative, Charter, and Code Committee
- (C) The Regional and Human Services Committee
- (D) The Finance Committee
- (E) The Electricity Committee
- (F) The Sustainability Committee
- (G) The Hampshire County Emergency Communication System Oversight Committee

2.15-2 Each Councilor shall serve on one standing committee, except that one or more of the Councilors of the Executive Committee shall each be on one of the six remaining committees as members only. Councilors may, upon their request, be appointed to more than one committee. No Councilor may serve as Chair of more than one committee.

2.15-3 Votes will be taken by Councilors, not by weighted vote, within the committee. Minority reports are permitted. The quorum of the Executive Committee shall be three Councilors; the quorum of other standing committees shall be three Councilors, unless increased by vote of the committee, but in no event more than a majority of the Councilors appointed. No committee shall consist of fewer than five Councilors or more than fifteen Councilors.

2.15-4 Subcommittees of Standing Committees: The Chair of any standing committee may create such subcommittees of his/her committee as may be necessary from time to time to more efficiently accomplish the business of such committee. Appointments to such subcommittees shall be made by the committee Chair and shall allow for public membership. The Chair shall also designate the quorum of each subcommittee.

2.15-5 Each municipal advisory committee is associated with functional departments on the basis of commonality of purpose.

2.15-6 Councilors shall notify the Administration office if unable to attend a committee meeting.

2.16 COMMITTEES - GENERAL FUNCTIONS AND RESPONSIBILITIES OF ALL COMMITTEES

2.16-1 General Functions

- (A) The purpose of committees and subcommittees thereof is to gather and evaluate information and make recommendations to the Board of Hampshire Councilors, which shall retain the authority to take final action on all matters not delegated to the Executive Committee.
- (B) To keep informed concerning appropriations and budget for activities under the purview of the committee and to help keep expenditures within the budget, with the aid of the Executive Director and the Executive Committee.
- (C) To prepare a written agenda, to keep written minutes, and to report regularly to the Councilors the substance of all meetings, with the aid of the Executive Director.
- (D) To submit to the Councilors for consideration all policies and procedures as recommended by the committee, pursuant to and consistent with the Council Charter and State law.
- (E) To act on all matters referred to the committee by the Chair of the Executive Committee, Moderator, or by the Board of Hampshire Councilors, in addition to duties otherwise prescribed.
- (F) To review all requests originated by a department head under its overview for staffing changes which require final approval by the Board of Hampshire Councilors.
- (G) To keep informed with regard to activities by a department which is under its supervision or for which it serves as liaison with the Councilors in instances where such activities are concerned with another committee.
- (H) A committee shall allow non-Councilors to appear before it when such appearance is appropriate and does not violate due process of law.
- (I) A Chair of a committee may appoint individuals to the committee who are not Councilors if there are no objections by committee members. Such appointed individual will be a non-voting member.
- (J) The regular committee meeting dates and times shall be set by the committee Chair after consultation with the Councilors on the committee.
- (K) All committee and subcommittee meetings are subject to the Open Meeting Laws.

2.17 COMMITTEES - FUNCTIONS AND RESPONSIBILITIES OF SPECIFIC COMMITTEES

In addition to the general duties otherwise prescribed, the individual committees shall have the functions, responsibilities, and areas of jurisdiction and overview as set forth in this section.

2.17-1 Executive Committee:

- (A) Pursuant to the Council Charter, the Executive Committee shall meet at least twice monthly and shall report to the Board of Hampshire Councilors at least once monthly.
- (B) Shall oversee the carrying out of the policies voted by the Hampshire Councilors and the duties of the Council Executive Director including his/her responsibilities for personnel and employee relations.
- (C) Shall perform such other duties as the Hampshire Councilors shall, by a majority weighted vote, assign to them.
- (D) Shall review the Council Executive Director's proposed budget and shall file a report containing its recommendations for action on the proposed budget.
- (E) Shall hold at least one public hearing on the Council Executive Director's plan of organization or reorganization of operating departments or agencies and prepare a report for the Hampshire Councilors.
- (F) Shall oversee the duties of the Road Viewing and Hearing Committee.

2.17-2 Finance Committee:

- (A) Review the annual capital and operating budget as prepared by the Executive Director and make recommendations on the same to the Executive Committee and Full Council.
- (B) Review budget amendments and other financial proposals and make recommendations to the Executive Committee and Full Council on all major financial decisions of the Council, including the borrowing and investment of Council funds.
- (C) Membership shall include the Council Chair, and at least three additional Councilors. At least two Councilors shall also be members of the Executive Committee.

2.17-3 Legislative, Charter, and Code Committee:

- (A) To be generally responsible for the Council's interests in all matters primarily concerned with State legislation and secondarily, Federal legislation.
- (B) To develop an annual legislative program of primary Council legislative concerns; said program to be adopted by the Board of Hampshire Councilors and with the aid of the Executive Director submitted to the Council's legislative delegation in a timely fashion.
- (C) To engage in a review of all legislation affecting the Council which will be introduced in the General Court and to monitor the activities of the legislative agent representing municipalities throughout the Commonwealth.
- (D) To take action consistent with the best interests of the Council on pending legislation at all stages in its progress through the General Court up to and including veto and veto overrides.
- (E) To take action, in cooperation with appropriate Council agencies and consistent with the best interests of the Council, on existing and proposed rules and regulations issued by agencies of the United States or the Commonwealth of Massachusetts.
- (F) To recommend to the Board of Hampshire Councilors proposed amendments to the Council Charter that are not in conflict with all other powers which the Constitution and Laws of the Commonwealth now or hereafter grant to counties to exercise.
- (G) To review the Administrative Code as developed by the Council Executive Director which shall include the following:
 - (1) A table of organization of Council departments and agencies
 - (2) A list of duties and responsibilities for each department or agency
 - (3) A list of standard administrative and budgetary procedures for all Council departments or agencies
 - (4) Personnel Policies
 - (5) Other policies that might be applicable.

2.17-4 Regional and Human Services Committee:

- (A) Oversee the operation and finances of regional and human services related programs and services.
- (B) Report to the Full Council monthly on the progress of the regional and human services' programs and services.
- (C) Recommend to the Full Council any fees related to regional and human services' programs and services.

2.17-5 Real Estate Tax Appeal Board: There is hereby established a board authorized to hear and act upon real estate tax appeals, as allowed by Massachusetts General Laws, Chap. 59, § 64.

- (A) This board shall consist of a panel of five Councilors; in order to vote on the outcome, a Councilor on the hearing board must have attended all of the

evidentiary hearings (the viewing will not be considered an evidentiary hearing); at least four Councilors must vote on the outcome; the outcome will be determined by majority vote; abstentions will not be permitted. In the event of multi-part hearings, the hearing board will protect its quorum by as many continuances as are needed to permit at least four Councilors to hear all of the evidence.

- (B) **Membership on the Hearing Board:** The Executive Committee shall constitute the hearing board, provided, however, should a member of the Executive Committee be unable or unavailable to sit, then the vacancy on the hearing board shall be filled by first the Moderator, or if the Moderator is unavailable or if still more members are required, by the Chair drawing, by lot, names from a panel of five elected by the full Council at the annual elections in June, using the same procedure as is used to elect members of the Executive Committee.
- (C) **Conflict of Interest:** No Councilor who represents the municipality the assessment of which is being appealed from or has some other conflict of interest may hear or vote on the appeal.
- (D) **Decision of the Hearing Board:** The hearing board may discuss the matter in Executive Session, but must vote and adopt reasons in open session. The hearing board shall issue a written decision within ten (10) business days of the completion of the hearing with copies to be provided to the parties to the appeal and the full Council.
- (E) **Notification:** Notices to the taxpayer and the Board of Assessors shall be mailed at least ten (10) calendar days prior to the viewing and hearing dates by Return Receipt Mail by the Councilors' Office. The hearing shall be scheduled to begin within sixty (60) calendar days of receipt of the request for an appeal, unless waived by the taxpayer for an additional thirty (30) calendar days. Within ten (10) calendar days of the vote of the hearing board, the taxpayer and the board of assessors shall each be notified of the vote of the hearing board by letter signed by the Chair of the Board of Hampshire Councilors.
- (F) **Vote of the Hearing Board:** Voting shall be done on a per person basis, in accordance with Chapter 59, Section 64, of the Massachusetts General Laws and shall not be based on a weighted vote.
- (G) **Hearing Procedure:** Hearings need not be completed in one session, but may be continued until all information pertaining to the case has been presented by both parties. The hearings will proceed as follows:
 - (1) The Councilor chairing the hearing board shall explain the procedure and answer questions about the procedure.
 - (2) The taxpayer or representative(s) shall briefly describe the nature of the appeal.
 - (3) The taxpayer or representative(s) shall present information which supports the appeal. Typically, such information will document either the value of the property or an error in the assessor's information about the property characteristics. Information may be presented by the taxpayer and by other individuals selected by the taxpayer.
 - (4) Councilors may ask questions.
 - (5) Assessors or representative(s) may ask questions.
 - (6) The board of assessors or representative(s) shall present information which supports the assessed valuations.
 - (7) Commissioners may ask questions.
 - (8) The taxpayer or representative(s) may ask questions.
 - (9) First the board of assessors and then the taxpayer, or respective representative(s) may summarize the cases.

2.17-6 Electricity Committee:

- (A) Oversee the operation and finances of electricity related programs and services.
- (B) Report to the Full Council monthly on the progress of the electricity's programs and services.
- (C) Recommend to the Full Council any fees related to electricity programs and

services

2.17-7 Sustainability Committee:

- (A) Oversee the operation and finances of sustainability programs and services.
- (B) Report to the Full Council monthly on the progress of the sustainability's programs and services.
- (C) Recommend to the Full Council any fees related to sustainability programs and services.

2.17-8 Hampshire County Emergency Communication System Oversight Committee:

- (A) Oversee the HCECS for the purpose of ensuring that it is properly maintained and improved by the Council to meet the emergency communications needs of its users.
- (B) Report to the Full Council on any matters related to the HCECS.
- (C) Implement, oversee, manage, improve, and maintain in good working order the emergency communication equipment and infrastructure of the HCECS, owned by the Council.
- (D) To recommend to the Full Council a sustainable and equitable assessment model.
- (E) To convene and conduct regularly scheduled meetings at least quarterly, and as called by the Chair of the Oversight Committee, as necessary.
- (F) To regularly monitor the condition of the HCECS
- (G) To prepare an annual report for the HCECS each to include a maintenance plan and budget, for submission to and approval by the Council's Executive Committee, Finance Committee, and Full Council.
- (H) To recommend to the Full Council all maintenance and emergency expenditures and capital expenditures as needed to assure the ongoing operation of the HCECS
- (I) To advise the Full Council on operating procedures and system utilization matters for the system.
- (J) Recommend to the Full Council any fees related to the HCECS.

2.18 DOG FUND

The Dog Fund will reimburse claims for damages up to but not more than \$200 per animal and not more than \$500 per incident for damages caused by unknown dogs consistent with Massachusetts General Laws, Chapter 140, Section 147B.

2.19 PROCEDURES FOR WITHDRAWAL FROM THE COUNCIL

2.19-1 In order to withdraw from the Council, the Legislative body of a Municipality must vote to do so by a majority vote of a meeting of the Legislative body which has given the notices below described and which occurs four (4) years following the effective date of such municipality joining the Council, whichever is later.

2.19-2 The proposed warrant article of withdrawal must be posted at least 45 days in advance of the meeting and written notice must be given to the Executive Director of the Council at least 30 days in advance of the meeting. The posting need not be a part of a completed meeting warrant, but must state the correct date of the meeting, and the withdrawal motion must be heard on the date noticed.

2.19-3 The exact wording of the withdrawal is determined by the municipal legislative body, but it must be unambiguous (that is, without contingencies) and include the following facts:

- (A) The effective date of withdrawal, which must be no sooner than the beginning of the Fiscal Year which begins no sooner than one calendar year after the vote;
- (B) That all obligations of the municipality to the Council will be met up until that date, and that the allocable share of their fiscal obligations of the Council will remain a responsibility of the municipality;

2.19-4 Upon receipt of the notice described in 2.19-2, the Executive Director will:

- (A) Cause to be commenced an analysis of the fiscal obligations of the municipality to the Council;
- (B) Provide, at least ten calendar days prior to the noticed meeting, to the Executive of the municipality a written estimate of the fiscal obligations that would be allocable to the municipality after withdrawal;
- (C) Inform, forthwith, the Chair and the Executive Committee of the Council of the notice from the municipality.

2.19-5 The municipality will provide, as soon as reasonably available, to the Executive Director a certified copy of the minutes of the meeting of the municipality's legislative body clearly indicating if the article of withdrawal was adopted, if such results will cause the municipality to withdraw from the Council.

2.19-6 Special Rules for Councilors representing a municipality that has voted to withdraw:

- (A) The Councilor will vote on all matters, EXCEPT for budget appropriations for periods subsequent to the effective date of the withdrawal, on such votes the representative will be deemed to abstain, but will be present for the purposes of a quorum;
- (B) In the event that such a Councilor fails to attend a meeting of the Council, the weighted voted needed to obtain a quorum for the purpose of conducting business will be calculated upon the weighted vote of all members EXCEPT for such absent Councilor;
- (C) In the event of a vote, as provided in 2.19-7(B), the Councilor will be permitted to vote.

2.19-7 Cancellation of a Notice of Termination:

- (A) The legislative body of a municipality may hold a meeting, with such notice as the municipality deems sufficient, and, by majority vote, rescind a previously adopted article of withdrawal.
- (B) Such vote will effectively cancel the termination of membership, PROVIDED, such vote is taken on or before May 30, preceding the July 1 effective date of withdrawal, and the Council is informed of the vote prior to its final meeting of the fiscal year, AND the Council, by a majority of the weighted vote, accepts the rescission of the withdrawal.

2.19-8 Upon leaving the Council, the municipality will cease to participate in Council programs, unless admitted as a non-member, pursuant to the Charter.

2.20 PROCEDURES TO JOIN THE COUNCIL

- (A) Any municipality may join the Hampshire Council of Governments upon satisfaction of all of the following conditions:
 - (1) An affirmative vote by a majority of the citizens, or an affirmative vote of the legislative body of the municipality, at the choice of the municipal executive body.
 - (2) A two-thirds affirmative vote of the Councilors of the Hampshire Council of Governments
 - (3) A commitment to belong for a minimum of four years.
- (B) New membership shall be effective immediately following fulfillment of the criteria listed in Section 2.20 (A) 1, 2, and 3.

2.21 PROCEDURES TO REJOIN THE COUNCIL

- (A) For a town or city to rejoin the Hampshire Council of Governments, the town or city will have to satisfy the requirements of 2.20 (A) 1, 2, and 3.
- (B) The effective date of membership shall be the first day of the month following the town meeting or city council vote;
- (C) The town or city that wishes to rejoin the Council shall pay the dues according to the formula used for member communities with one extra year's assessment paid over the four year period of 25% per year;
- (D) If a town or city votes to rejoin after July 1st and before June 30th, the assessment shall be prorated the first year according to the effective date of membership;
- (E) All members shall agree to be bound by the Hampshire Council of Governments Charter and administrative code, and all amendments thereto, as a condition of continued membership in the Hampshire Council of Governments

2.22 AMENDMENT OF RULES

Amendment of these rules shall require the affirmative vote of a majority of all the weighted votes of the Councilors. Any proposed amendment shall be voted upon only if it is distributed in writing to the Councilors at least five working days before the meeting at which the amendment is presented to the Councilors for adoption.

2.23 MISCELLANEOUS PROVISIONS

2.23-1 All references to "Board of Hampshire Councilors" or "Councilors" shall mean the full Hampshire Council of Governments' Board of Councilors.

2.23-2 All references to "Council" shall mean Hampshire Council.

2.24 SEVERABILITY

The provisions and sections of these Rules shall be deemed to be separable and the invalidity of any portion of these Rules shall not affect the validity of the remainder.

2.25 REPEAL

These Rules supersede all rules of the Council or Advisory Board heretofore adopted.

2.26 EFFECTIVE DATE

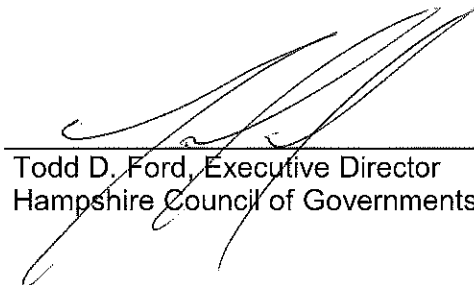
These Rules shall become effective immediately upon and after their adoption

Adopted by the Hampshire Council of Governments Board of Councilors at Northampton, Massachusetts, as amended this 29th day of January 2015, A.D.

ATTEST:



William R. Barnett, Chairman
Hampshire Council of Governments



Todd D. Ford, Executive Director
Hampshire Council of Governments