

TOWN OF RICHMOND, RHODE ISLAND
5 Richmond Townhouse Road
Wyoming, RI 02898
(401) 539-9000 www.richmondri.com



HOME RULE CHARTER REVIEW COMMISSION

Town Hall – Town Council Chambers

July 13, 2015

6:30 P.M.

MINUTES

A. Meeting was called to order at 6:30 P.M. by L. Valencia

B. Roll Call

Present: L. Valencia, I. Lipton, E. Liese, C. Davis, B. Reyburn, R. Millar

Also present: Town Solicitor K. Ellsworth and Clerk S. Rapose

Absent: M. Van Der Hooft

C. Approval of minutes

01 Approval of minutes from July 9, 2015 meeting

MOTION made by I. Lipton, B. Reyburn to approve the minutes as written.

Ayes – 6

Abstain – 1(L. Valencia)

02 Approval of minutes from July 13, 2015 meeting

(Held until end of meeting)

D. New Business

01 Approval of position letter to the Town Council

L. Valencia explained that the two items requested at the last meeting were added to the position letter to the Town Council.

**MOTION made by I. Lipton second by R. Millar to change the first sentence under Item Two to read,
"Commission members voted 3-1 to recommend that this process be changed and put before the voters."**

Ayes – I. Lipton

R. Millar

Nay – E. Liese

C. Davis

B. Reyburn

Abstain – L. Valencia

MOTION FAILS

MOTION made by E. Liese, second by B. Reyburn to accept Position letter as written.

**Ayes- E. Liese
C. Davis
B. Reyburn
R. Millar
Nay – I. Lipton
Abstain – L. Valencia**

MOTION PASSES

02 Approval of minutes from July 13, 2015 meeting

Clerk S. Rapose read the minutes of the meeting aloud to the Commission.

MOTION made by E. Liese, second by I. Lipton to approve the minutes as read.

All Ayes

E. Public Forum

F. MOTION made by E. Liese, second by I. Lipton to adjourn at 6:45 P.M.

All Ayes

Minutes approved as read July 13, 2015

Sarah S. Rapose
Deputy Town Clerk

RICHMOND HOME RULE CHARTER REVIEW COMMISSION
RECOMMENDATIONS TO THE TOWN COUNCIL

The members of the 2015 Home Rule Charter Review Commission were appointed on May 12, 2015. We began our work on May 21 and have met a total of seven times. We considered the amendments you suggested to us, as well as others suggested by individual commission members.

We recommend the following amendments:

1. Make the Town Clerk, Moderator, and Town Sergeant appointed positions rather than elective offices.

The Commission unanimously believes that these positions should no longer be elected positions. In most Rhode Island municipalities these are appointed positions. Filling these positions by appointment rather than by election will simplify elections and reduce the length of the ballot. It also will make a wider selection of qualified people available for the position, because the person appointed would not run for the office and therefore would not have to be a qualified voter in Richmond.

The transition from elective to appointed positions would be eased by another amendment we are recommending (number 4., below) concerning your ability to appoint current elected officials to appointive positions.

As part of this proposed change, we are recommending that current Article 4, concerning the Town Clerk, be eliminated and its provisions be included as a new section in the article entitled Administration. The Town Clerk would be considered a department director.

2. Change the method by which Town Council and School Committee vacancies are filled.

Commission members voted 3 to 1 to put this issue before the voters. Currently, if there is a vacancy in these elective offices, the next highest unsuccessful vote-getter in the previous election is appointed. This change would give the Town Council members the authority to appoint the person they feel is the most qualified for the office, whether or not that person was a candidate in the previous election.

If the Town Council does not favor this amendment, we urge you to propose an amendment to Article 2, Section 5.B. that would add this sentence: Write-in candidates shall not be considered unelected candidates eligible for appointment. That would eliminate the possibility that you would be required to fill a vacant seat with a person who received only a handful of votes.

3. Give the Town Council the option of filling a vacant position from among the candidates proposed, requesting additional candidates, or requesting that the position be readvertised.

The Commission unanimously proposes this amendment to provide the Town Council with greater flexibility in choosing a town administrator and department heads, to ensure that the most qualified candidates are selected.

Currently, when a search committee proposes candidates for the position of town administrator or the town administrator proposes candidates for positions as department heads, the Town Council must make an appointment from among the candidates proposed. If this amendment is enacted, the Town Council would be able to request additional candidates or request re-advertising of the position.

4. Add language to the “revolving door” provision to clarify that it would not prevent the appointment of a person who previously held the same office as an elected official.

The R.I. Ethics Commission has ruled that under the state Code of Ethics, if an elected position becomes an appointive position, the “revolving door” provision does not make that elected person ineligible for appointment to the same position he or she held by election. Those Ethics Commission opinions are based on language that is in the Ethics Commission’s regulations but is not in the Richmond Home Rule Charter. To prevent any confusion about whether an elected official can accept the same position by appointment without violating the “revolving door” rule, the Commission members unanimously support adding clarifying language to the Charter.

5. Enable Charter amendment by voter initiative.

The Commission members unanimously support this amendment that would allow qualified electors a mechanism to initiate a Charter amendment. Much like the voter initiative and referendum process for ordinance amendments that is already in the Charter, this amendment would require a petition signed by 10% of the number of voters who voted in the previous general election in order to initiate Charter amendment by a referendum vote.

6. Formalize the status of the Social Activities Committee.

The Commission members recommend adding a subsection under “Boards and Commissions” that would formalize the status of the Social Activities Committee.

7. Provide more flexibility for scheduling the date of the Financial Town Meeting.

Last year, the voters approved an amendment that changed “The qualified electors of the Town shall assemble each year on the second Monday in June at 7 p.m.” to “The qualified electors of the Town shall assemble each year on a date no later than the second Monday in June at 7 p.m.” That permits you to schedule the meeting on any day of the week and any day of the month up to and including the second Monday in June. You told us that you would like more flexibility in scheduling the meeting. We recommend an amendment that would require the meeting to take place no later than June 14. The second Monday in June can occur as early as June 8 and as late as June 14, so currently you can schedule the Financial Town Meeting as late as June 14 only in a year in which the first day of June falls on a Tuesday.

Respectfully submitted,
Lawrence M. Valencia, Iva J. Lipton, Cynthia A. Davis, Brent R. Reyburn, Erin F. Liese,
Melania Van Der Hooft, and Richard I. Millar

July 13, 2015