PROPOSED AMENDMENTS APPROVED BY TOWN COUNCIL

TOWN OF RICHMOND, RHODE ISLAND
HOME RULE CHARTER

ARTICLE 1 – The Municipal Body.

Section 1 – Incorporation.

The inhabitants of the Town of Richmond within the corporate limits as now established shall continue to be a municipal body politic and corporate in perpetuity in the name of the "Town of Richmond."

Section 2 – Powers.

A. The Town shall have all of the powers of self-government it is possible for a town to have under the Constitution and laws of the State of Rhode Island, now or as hereafter granted, together with all of the implied powers necessary to exercise those powers.

B. The Town shall have the power to acquire property inside or outside its corporate limits for any public purpose, in fee simple or any lesser interest, by purchase, gift, devise, or lease, and may sell, lease, mortgage, hold, manage and control its property as its interests may require. The Town shall not exercise the power of condemnation for the purpose of redevelopment.

C. The Town shall have the power to enact, amend, and repeal ordinances, regulations, and resolutions necessary to exercise its powers, and shall have the power to enforce its ordinances, rules, and regulations by imposition of fines, forfeitures and penalties.

D. The Town shall have the power to act jointly or in cooperation, by contract or otherwise, with any Town, any State or State division or agency, and with the United States or any United States department or agency, provided that the other political entity has the same power by charter or legislation to similarly contract.

Section 3 – Form of government.

A. The municipal government established by this Charter shall be the Town Council–Town Administrator form of government.

B. All powers of the Town, except those vested in the Financial Town Meeting, shall be vested in an elected Town Council that is responsible for establishing policies, enacting ordinances, and appointing a Town Administrator. The Town Administrator shall supervise the operation of the municipal government under the authority and direction of the Town Council.

ARTICLE 2 – Elections.

Section 1 – Conduct of elections.

The Constitution and laws of the State of Rhode Island, so far as they may be applicable and so far as they are consistent with this Charter, shall govern the conduct of Town elections.

Section 2 – Canvassing authority.

A Board of Canvassers shall be appointed in the manner prescribed by the laws of the State of Rhode Island.

Section 3 – Elected officials.

~~A. Every two years, on the Tuesday after the first Monday in November, the qualified electors of the Town shall elect a Moderator of the Financial Town Meeting, a Town Clerk, five Town Council members, and a Town Sergeant.~~

~~B.~~ A. Biennially in even-numbered years, on the Tuesday after the first Monday in November, the qualified electors of the Town shall elect five Town Council members and as many members of the school committee as are necessary to fill the offices expiring that year.

~~C.~~ B. Town Council members and school committee members shall be elected at large.

~~D.~~ C. No qualified voter shall be ineligible for election to the school committee by reason of his or her employment by the Town.

D. No person elected or appointed to a Town office shall seek or accept employment in the service of the Town during his or her term of office and for one year after leaving office, other than employment that was held at the time of the official's election or appointment to office or on the date of approval of this subsection.

Section 4 – Form of ballot.

~~A. The names of candidates for the position of Moderator , Town Clerk, and Town Sergeant shall be listed under their respective party labels, and independent candidates shall be listed under a column headed "independent."~~

~~B.~~ A. The names of candidates for Town Council and school committee shall be arranged opposite the title of the office to be filled. The order of the names on the ballot shall be determined by a lottery conducted by the Board of Canvassers. All candidates

shall be listed under their respective party labels and independent candidates shall be listed under a column headed "independent."

~~C.~~ B. No more than one candidate's name shall appear in each horizontal line.

~~D.~~ C. The Board of Canvassers shall determine the arrangement of ballots except as provided in this Charter and except as otherwise provided by the laws of the State of Rhode Island.

Section 5 – Vacancy in elective office.

A. The Town Council shall declare that a vacancy exists in any elective Town office if the incumbent dies, submits a written resignation to the Office of the Town Clerk, ceases to be qualified as an elector, or is convicted of a felony or a crime involving moral turpitude.

B. If a Town Council seat or a school committee seat becomes vacant, the Town Council shall appoint the unelected candidate who received the greatest number of votes for that office in the most recent general or special election. If that person is unavailable, the Town Council shall appoint in sequence the unelected candidates who received the next greatest number of votes. Write-in candidates shall not be considered eligible for appointment as unelected candidates. If no appointee is available from among any of the candidates for that office in the most recent general or special election, the Town Council shall appoint a qualified elector to serve the remainder of the term. ~~If a vacancy is declared in the office of Town Clerk, Moderator, or Town Sergeant, the Town Council shall appoint a qualified elector to serve the remainder of the term.~~

Section 6 – Oath of office.

The term of each elected official shall begin at the first Town Council meeting following certification of the election by the Board of Canvassers. Before entering upon the duties of his or her office, each official shall make the following oath or affirmation, to be administered by a person lawfully qualified to administer oaths:

> *I do solemnly swear (or affirm) that I will support and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Rhode Island, that I will observe the Charter and the ordinances of the Town of Richmond, and that I will faithfully discharge the duties of my office.*

Section 7 – Recall of elected officials.

A. Any elected Town official may be recalled from office by the electors of the Town at a special election called for that purpose.

B. A recall election shall be initiated by submitting to the Board of Canvassers a petition containing the name of the official whose recall is sought and a number of signatures of qualified electors equal to twenty-five percent of the number of votes cast in the most recent general election. Each signature shall be accompanied by an address. Each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained the signatures.

C. Within seven business days of receipt of the petition, the Board of Canvassers shall certify the number of valid signatures. If the petition contains the sufficient number of signatures, the Office of the Town Clerk shall, within seven days of the date of certification, notify the official by certified mail, return receipt requested, that the recall petition has been submitted. The Board of Canvassers shall arrange with the Secretary of State for a special recall election to be conducted no more than sixty days after the date on which the signatures were certified. The ballot question shall be stated as follows: "Shall [name of incumbent] be recalled from office?" If the official whose recall is sought submits a written resignation from office no fewer than thirty days before the date set for the recall election, the recall election shall not take place.

D. A separate petition shall be submitted for each official whose recall is sought. The recall of more than one official may be sought in the same election, provided that a separate question appears on the ballot for each official whose recall is sought.

E. An official shall be recalled only by an affirmative vote of a majority of qualified electors casting ballots, and if the number of ballots cast is equal to thirty percent of the number of electors who participated in the most recent general election. A recall shall take effect when the Board of Canvassers certifies the election result. The vacancy in office shall be filled according to the provisions of Section 5 of this Article.

Section 8 – Voter initiative and referendum.

A. The qualified electors of the Town shall have the right to initiate the enactment, amendment, and repeal of Town ordinances.

B. Enactment, amendment, or repeal of an ordinance shall be initiated by submitting to the Board of Canvassers a petition containing a number of signatures of qualified electors equal to ten percent of the number of votes cast in the most recent general election. Each signature shall be accompanied by an address. Each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained the signatures. A copy of the ordinance proposed for enactment, amendment, or repeal shall be attached to the petition. A separate petition shall be required for each enactment, amendment or repeal or each group of related enactments, amendments, or repeals.

C. Within seven business days of receipt of the petition, the Board of Canvassers shall certify the number of valid signatures. If the petition contains the sufficient

number of signatures, the Board of Canvassers shall forward the petition to the Town Clerk, who shall place the enactment, amendment, or repeal on the agenda of the next regular Town Council meeting. At that meeting, the Town Council shall order that notice be given of a public hearing on the proposed ordinance enactment, amendment or repeal in the manner required by Article 3, Section 5 of this Charter. The notice shall state that the proposed enactment, amendment or repeal was initiated by petition.

D. Upon receipt of the petition, the Town Clerk shall forward it to the Town Solicitor, who shall within fourteen days of receipt of the petition render a written opinion to the Town Council as to the legality of the proposed enactment, amendment or repeal.

E. At the public hearing, the Town Council shall make public the Town Solicitor's opinion. If in the opinion of the Town Solicitor the proposed enactment, amendment or repeal is legally infirm, the Town Council shall not enact it.

F. If after public hearing the Town Council does not approve the enactment, amendment, or repeal in substantially the same form as it was proposed for reasons other than its legal infirmity, a referendum on the enactment, amendment or repeal shall be placed on the ballot of a general or special election within sixty days of the date for which notice was given of the public hearing before the Town Council. The enactment, amendment or repeal shall appear on the ballot in its entirety. If a majority of qualified electors ~~approves~~ approve the enactment, amendment or repeal, it shall take effect on the day the Board of Canvassers certifies the result of the referendum.

G. Any petitioner shall have the right to challenge the opinion of the Town Solicitor by seeking a declaratory judgment in the Superior Court.

Section 9 – Term limits. (Reserved.)

ARTICLE 3 – Town Council.

Section 1 – Term and qualifications.

A. A Town Council consisting of five members shall be elected at large in the manner provided by Article 2 of this Charter. Town Council members shall serve for a term of two years or until a successor Town Council is elected and qualified. ~~A Town Council member shall hold no other paid office or employment in the service of the Town during his or her term of office and for one year after his or her term of office ends.~~

B. Members of the Town Council shall be qualified electors in Richmond. The Town Council shall be the judge of the qualifications of its members to hold office, and for that purpose shall have the power to subpoena witnesses, administer oaths or affirmations, and compel the production of evidence.

Section 2 – Compensation.

Town Council members shall receive compensation for the performance of their responsibilities in amounts determined by the Financial Town Meeting.

Section 3 – Organization and conduct of meetings.

A. Each newly-elected Town Council shall first meet at ~~7 p.m.~~ 7:00 P.M. on the Tuesday after the Board of Canvassers certifies the election of at least three members. At that meeting, the Town Council shall elect a president and a vice president from among its members. The Town Clerk shall preside at the meeting until the president has been elected.

B. The president shall be the chief executive of the Town, shall sign all contracts on behalf of the Town, and shall preside at all meetings of the Town Council. The vice president shall carry out the duties of the president during the president's absence or disability. The president shall not be disqualified from voting on account of his or her office.

C. The Town Council shall meet regularly at least once in each month at a time and place established by ordinance or resolution. Special meetings may be called by the president or by three members. A quorum shall consist of three members. Each member shall have one vote. An affirmative vote of a majority of members present shall be necessary to approve a motion or to take any official action. The Town Council may adopt rules and regulations governing the conduct of its meetings.

Section 4 – Authority and responsibilities.

The Town Council shall have the authority to:

A. Enact, amend, and repeal ordinances to preserve the public peace, health, safety, comfort, and welfare, to protect the natural environment, and to manage the property, affairs, and government of the Town, without limitation and not inconsistent with the Constitution and laws of the State of Rhode Island;

B. Appoint or remove a Town Administrator in the manner provided by Article ~~5~~ 4, Section 1 of this Charter.

C. Appoint and remove all Town employees, including department heads, and a Moderator and Town Sergeant.

D. Appoint members of boards and commissions, and appoint trustees of trusts, as provided by this Charter, the laws of the State of Rhode Island, and the ordinances of the Town.

E. Establish, by ordinance or resolution, boards, commissions, or committees, including ad hoc committees, that in the judgment of the Town Council are necessary for the orderly and efficient management of the Town, and appoint the members of those boards, commissions, or committees.

F. Determine the amount of the bond of any Town officer or employee whose bonding is required by this Charter, by the laws of the State of Rhode Island, or by the ordinances of the Town.

G. Arrange for the annual audit prescribed by Article ~~6~~ 5, Section 1. G. of this Charter.

H. Order an audit of the accounts of the Town, or of any department or agency of the Town, when in the judgment of the Town Council such an audit is necessary.

I. Investigate the conduct of any employee, department, or agency of the Town, and for that purpose subpoena witnesses, administer oaths or affirmations, and compel the production of evidence.

J. Take any action necessary to give effect to any vote of the Financial Town Meeting authorizing the issuance of bonds for any purpose, in accordance with the laws of the State of Rhode Island.

K. Establish by ordinance any Town department, office, or agency, consistent with this Charter and the laws of the State of Rhode Island.

L. Issue, suspend, or revoke licenses as provided by this Charter, the ordinances of the Town, and the laws of the State of Rhode Island.

M. Ratify all Town contracts and agreements, including but not limited to collective bargaining agreements.

Section 5 – Procedure for ordinance enactment.

A. The Town Council may act by ordinance, resolution, or rule, provided that amendment or repeal of an existing ordinance, and establishment or abolition of any Town department or office, shall be done by ordinance. An ordinance that repeals or amends all or part of an existing ordinance shall set out in full the ordinance, section, or subsection to be repealed or amended. Text to be repealed shall be struck through and text to be added shall be underlined.

B. No ordinance except an emergency ordinance shall be acted upon at the meeting at which it was introduced, but shall be referred to a subsequent meeting for a public hearing. The proposed ordinance or amendment shall be posted on the Town's website at least seven days before the date of the public hearing. The posting shall state the date, day, time, and location of the public hearing. The Town Clerk shall post a copy

of the proposed ordinance or amendment in the Town Clerk's office. Any change to the posted ordinance must be presented during the public hearing.

C. Every ordinance shall become effective upon passage unless another effective date is specified. Every ordinance adoption, amendment, or repeal shall be authenticated by the signature of the Town Clerk and shall be recorded in a book kept for that purpose.

Section 6 – Emergency ordinances.

The Town Council may enact an emergency ordinance on the day of its introduction in an emergency affecting the public health, safety, welfare or the environment, or in an emergency in which persons or property are endangered. Such an ordinance shall specifically state the nature of the emergency and shall automatically be repealed sixty days after its enactment.

Section 7 – Direction of Town employees.

Individual Town Council members shall not assign or direct the responsibilities of Town employees, either directly or through the Town Administrator. The Town Council shall assign or direct the responsibilities of Town employees only by a majority vote and through the Town Administrator.

~~**ARTICLE 4 – Town Clerk.**~~

~~**Section 1 – Term and qualifications.**~~

~~A Town Clerk who is a qualified elector shall be elected at large in the manner provided by Article 2 of this Charter to serve for a term of two years or until a successor is elected and qualified. The Town Clerk shall hold no other paid office or employment in the service of the Town during his or her term of office and for one year after his or her term of office ends.~~

~~**Section 2 – Responsibilities.**~~

~~It shall be the responsibility of the Town Clerk to:~~

~~A. Make and keep a record of all proceedings and official acts of the Town Council, and give notice of all Town Council meetings in the manner provided by the laws of the State of Rhode Island.~~

~~B. Issue a warrant to the Town Sergeant requiring written notification to be posted of the time, place, and business to be transacted at the Financial Town Meeting as required by this Charter and the laws of the State of Rhode Island, and to keep a record of the proceedings.~~

~~C. Serve as the clerk of the Board of Canvassers and the Probate Court.~~

~~D. Record and maintain deeds and other documents that are recorded pursuant to the laws of the State of Rhode Island, issue birth and death certificates and marriage licenses and keep a record of vital statistics pursuant to the laws of the State of Rhode Island, and serve as the custodian of the Town Seal and all official Town documents and records.~~

~~E. Issue licenses and collect fees required by the laws of the State of Rhode Island and by Town ordinance.~~

~~F. Serve as the custodian of the zoning ordinance, including the official zoning map.~~

~~G. Undertake any other responsibilities prescribed by this Charter, the ordinances of the Town, and the laws of the State of Rhode Island.~~

~~Section 3 – Bond.~~

~~The Town Clerk and deputy shall be bonded in the amount provided by ordinance.~~

ARTICLE 5 4 – Administration.

Section 1 – Town Administrator.

A. The Town Council shall appoint a Town Administrator to supervise the business of the Town government at its direction. The appointment shall be made solely on the basis of executive, administrative, and educational qualifications.

B. The Town Administrator shall be the chief administrative officer of the Town. It shall be the responsibility of the Town Administrator to:

1. Advertise for and interview applicants <u>for the positions of Moderator and Town Sergeant, and</u> for positions as directors of Town departments. The Town Administrator shall submit to the Town Council a list of qualified candidates~~;~~ <u>.</u> ~~and~~ <u>The</u> Town Council ~~shall~~ <u>may</u> make an appointment from among the candidates ~~listed.~~ <u>submitted, may ask the Town Administrator to submit additional candidates, or may ask the Town Administrator to readvertise the position.</u>

2. Supervise and coordinate the administrative activities of the Town and the performance of each department, office, and agency. No later than November thirtieth of each year, the Town Administrator shall submit to the Town Council a report on the performance of each department.

3. Discipline and suspend Town employees, including department directors, provided that he or she shall immediately notify the Town Council of such discipline or suspension.

4. Designate a temporary replacement in the event of the absence or disability of a department director, provided that he or she shall immediately notify the Town Council of such appointment.

5. Supervise the negotiation of all collective bargaining agreements.

6. Maintain an inventory of all Town property and assets.

7. Annually prepare and present to the Town Council a five-year capital improvement plan and budget.

8. Ensure that all laws and ordinances of the Town are enforced, that all franchises, permits, and privileges granted by the town are observed, and that all contracts made by the Town are performed.

9. Perform any other duties required by this Charter or by ordinance of the Town or assigned by the Town Council.

10. Act as the Purchasing Agent.

C. ~~Upon approval of this Charter by the electors and at any other time the position is vacant, a~~ A Town Administrator shall be appointed according to the following procedure:

1. The Town Council shall appoint a committee of at least three members to recommend candidates for the position. The committee shall include at least one Town Council member.

2. The committee shall advertise the position through professional organizations, in a publication of statewide or greater circulation, and through other methods of dissemination, and shall review applications and interview applicants.

3. The committee shall submit the names of no fewer than two candidates to the Town Council~~, which shall~~. The Town Council may appoint one of the candidates as Town Administrator by a majority vote, may ask the committee to submit additional candidates, or may ask the committee to readvertise the position.

D. In the event of the extended absence of the Town Administrator, or a temporary vacancy in the position of Town Administrator, the Town Council shall have the authority to appoint an Acting Town Administrator.

Section 2 – Departments.

A. There shall be a Department of Public Works headed by a Director. The department shall be responsible for maintaining the Town's public streets, bridges, and buildings, coordinating the activities of the tree warden, and performing any other duties required by the ordinances of the Town or assigned by the Town Administrator.

B. There shall be a Department of Planning headed by a Town Planner. The department shall carry out all the planning functions related to land use, environmental protection, and economic development required by this Charter, the ordinances of the Town, and the laws of the State of Rhode Island, and shall provide administrative assistance to the Planning Board and the Zoning Board of Review.

C. There shall be a Building and Zoning Department headed by a ~~d~~Director. The department shall be responsible for administration and enforcement of the state building code, the zoning ordinance, and the ~~Housing Maintenance and Occupancy Code~~ state housing maintenance code, and any other function required by the ordinances of the Town or the laws of the State of Rhode Island.

D. There shall be a Water Department administered by a Director. The department shall be responsible for the operation of the Town's water supply system, the enforcement of ordinances, rules and regulations governing water service, and capital planning.

E. There shall be a Recreation Department supervised by a Recreation Commission and administered by a Recreation Director. The department shall be responsible for operation and staffing of recreation programs.

F. The Town Council may provide by ordinance for the appointment of a Town Engineer.

G. The Town Council may provide by ordinance for the appointment of an Economic Development Director.

H. There shall be a Police Department headed by a Police Chief and as many other officers and employees as shall be approved by the Financial Town Meeting. The department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights and property of persons, and enforcement of the ordinances of the Town and the laws of the State of Rhode Island. The Police Chief and other members of the department shall have all the powers and duties now or hereafter conferred by the laws of the State of Rhode Island and the ordinances of the Town.

1. The Police Chief shall be appointed by the Town Council. The Police Chief shall have at least five years of supervisory or administrative experience in law enforcement.

2. All police officers below the rank of Chief shall be appointed or promoted by the Town Council upon the recommendation of the Police Chief. The Police Chief shall promulgate rules and regulations for the conduct of all members of the department.

I. There shall be an Emergency Management Agency, headed by a ~~d~~Director, to plan and coordinate the Town's response to any occurrence or imminent threat of widespread or severe damage, injury, loss of property, or loss of life. The Town Council shall provide by ordinance for the establishment of the Emergency Management Agency pursuant to the laws of the State of Rhode Island.

J. There shall be an Office of the Town Clerk, headed by a Town Clerk.

1. It shall be the responsibility of the Town Clerk to:

a) Make and keep a record of all proceedings and official acts of the Town Council, and give notice of all Town Council meetings in the manner provided by the laws of the State of Rhode Island.

b) Issue a warrant to the Town Sergeant requiring written notification to be posted of the time, place, and business to be transacted at the Financial Town Meeting as required by this Charter and the laws of the State of Rhode Island, and to keep a record of the proceedings.

c) Serve as the clerk of the Board of Canvassers and the Probate Court.

d) Record and maintain deeds and other documents that are recorded pursuant to the laws of the State of Rhode Island, issue birth and death certificates and marriage licenses and keep a record of vital statistics pursuant to the laws of the State of Rhode Island, and serve as the custodian of the Town Seal and all official Town documents and records.

e) Issue licenses and collect fees required by the laws of the State of Rhode Island and by Town ordinance.

f) Serve as the custodian of the zoning ordinance, including the official zoning map.

g) Undertake any other responsibilities prescribed by this Charter, the ordinances of the Town, and the laws of the State of Rhode Island.

2. The Town Clerk and deputy shall be bonded in the amount provided by ordinance.

Section 3 – Boards and Commissions.

The Town Council shall provide by ordinance for the establishment and additional responsibilities of the following boards and commissions, as well as any other board, commission, committee or agency it determines to be necessary for the orderly and efficient management of the Town.

A. A Building Code Board of Appeal consisting of five members appointed in the manner prescribed by the laws of the State of Rhode Island. The Building Code Board of Appeal shall hear appeals from determinations of the Building Official and grant relief from the provisions of the building code. The Building Code Board of Appeal also shall serve as the Housing Board of Review. Members shall serve without compensation.

B. A Conservation Commission appointed by the Town Council. The Conservation Commission shall promote and protect the natural resources of the Town by providing advice and information to the Town Council and other Town officials and departments. Members shall serve without compensation.

C. An Economic Development Commission appointed by the Town Council. The Economic Development Commission shall provide advice and information to the Town Council, other Town officials and departments, and to the business community to promote the industrial and commercial vitality of the Town in a manner consistent with the environmental policies contained in the Comprehensive Community Plan. Members shall serve without compensation.

D. An Elder Affairs Commission appointed by the Town Council. The Elder Affairs Commission shall advise the Town Council and other town officials and departments on matters of particular interest to older citizens. Members shall serve without compensation.

E. A Planning Board consisting of seven members appointed by the Town Council. The Planning Board shall prepare updates to the Comprehensive Community Plan, shall adopt and administer land development and subdivision regulations, and shall undertake any other duties required by the laws of the State of Rhode Island and the ordinances of the Town. Members shall serve without compensation.

F. A Recreation Commission appointed by the Town Council. The Recreation Commission shall provide advice and information to the Town Council and to other Town officials and departments about recreational facilities and programs to serve the citizens of the Town. Members shall serve without compensation.

G. A Zoning Board of Review consisting of five full members and two alternate members appointed by the Town Council. The Zoning Board of Review shall have the

authority and duties prescribed by the laws of the State of Rhode Island and the ordinances of the Town. The Zoning Board of Review also shall serve as the Planning Board of Appeal. Members shall serve without compensation.

Section 4 – Courts.

A. Probate Court.

1. There shall be a Probate Court headed by a Probate Judge, who shall have all of the powers and duties prescribed by the laws of the State of Rhode Island.

2. The Probate Judge shall be a member in good standing of the Rhode Island Bar and shall have practiced probate law for not less than five years.

3. The Town Council shall appoint the Probate Judge for a term concurrent with the Town Council's term in office. The Probate Judge shall receive compensation in an amount determined by the Financial Town Meeting. He or she shall serve until his or her successor is appointed. The Town Council shall fill any vacancy in office for the remainder of the term.

4. If the Probate Judge is unable to serve because of absence, disability, or for any other reason, a Town Solicitor shall have the authority to temporarily assume the duties of the Probate Judge.

B. Municipal Court. (Reserved)

C. Juvenile Hearing Board. (Reserved)

Section 5 – Rural Preservation Land Trust.

A. Pursuant to the authority conferred by the laws of the State of Rhode Island, the Town shall have a Rural Preservation Land Trust to acquire, hold, and maintain property and interests in property in order to preserve open spaces, protect natural resources, and provide public land for recreation.

B. The Trust shall be administered by seven Trustees appointed by the Town Council. Trustees shall be electors of the town, shall serve without compensation, and shall hold office until their successors have been appointed. No Trustee shall be an elected officer or paid employee of the Town.

Section 6 – Town Solicitor.

A. The Town Council shall appoint one or more Solicitors to represent the Town in civil or criminal proceedings brought by or against the Town or any of its departments or officials and to provide legal advice to Town officials, employees, departments, boards, and commissions.

B. Solicitors shall be members in good standing of the Rhode Island Bar and shall have practiced law for not less than five years.

C. Solicitors shall be appointed for a one-year term commencing on the first day of February. Solicitors shall receive compensation in an amount determined by the Financial Town Meeting. The Town Council shall fill any vacancy in office for the remainder of the term.

ARTICLE 6 5 – Finance

Section 1 – Administration.

A. The Town Council shall appoint a Finance Director to supervise and administer the Town's finances. The Finance Director shall be responsible for accounting, budget administration, control and disbursement of expenditures, investment of Town money, and any other related responsibilities required by this Charter, the ordinances of the Town, and the laws of the State of Rhode Island, including but not limited to the duties of Treasurer. A deputy shall be appointed who shall have the authority to exercise the powers of the Finance Director in his or her absence. The Finance Director and deputy shall be bonded in the amount provided by ordinance.

B. The Town Council shall appoint a Tax Assessor who shall be responsible for carrying out all of the property assessment duties and functions prescribed by the laws of the State of Rhode Island.

C. The Town Council shall appoint a Board of Assessment Review consisting of three qualified electors of the Town who shall serve staggered three-year terms. The Town Council shall fill any vacant seat for the unexpired term. The board shall hear and consider any property owner's appeal of the Tax Assessor's valuation of his or her property. If the board determines that the valuation of any property has been incorrectly assessed, the board shall have authority to order a correction. The Town Council shall provide by ordinance for the organization of the board and for the manner of receiving, considering, and disposing of appeals.

D. The Town Council shall appoint a Tax Collector to collect and receive all taxes and other assessments due and payable to the Town. The Tax Collector shall be bonded in the amount provided by ordinance.

E. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of the following June.

F. The Town shall have the authority to exercise all of the power conferred by the laws of the State of Rhode Island to borrow money and incur bonded indebtedness, provided that no borrowing that would increase the Town's aggregate outstanding principal indebtedness to three percent of the full assessed value of taxable property in the Town, not including borrowing in anticipation of taxes, shall be incurred unless it is first approved by a majority of the electors at a general or special election.

G. In every fiscal year, the Town Council shall provide for an independent audit of the financial records of the Town to be performed by a certified public accountant in conformance with generally accepted auditing standards applicable to municipalities. The audit report shall be a public record.

Section 2 – Budget adoption.

A. Board of Finance.

1. There shall be a Board of Finance consisting of five members appointed by the Town Council. The Town Administrator and the Finance Director shall be ex officio members. Voting members shall be qualified electors of the Town and shall serve staggered five-year terms commencing on the first day of December. No voting member shall be an elected officer or paid employee of the Town. The Town Council shall provide by ordinance for the manner of appointment.

2. The Board of Finance shall conduct public meetings at which officials and employees of the Town and members of the public shall be provided an opportunity to make recommendations for the adjustment of proposed expenditures.

B. Budget Preparation. A budget shall be proposed for consideration and approval at the financial town meeting according to the following procedure:

1. No later than the last business day in December of each year, the Town Administrator shall prepare a draft preliminary budget for the next fiscal year and shall submit that budget to the Board of Finance for its consideration.

2. The Board of Finance shall receive budget requests from Town departments, offices, and agencies and funding requests from nonprofit community service organizations, shall prepare a revised draft budget, and shall submit that budget to the Town Administrator no later than the fifteenth day of March of each year.

3. The Town Administrator shall prepare a final version of the proposed budget, taking into consideration the recommendations of the Board of Finance, and shall submit the proposed budget to the Town Council no

later than the last business day of March of each year.

4. The Town Council shall conduct a public hearing on the budget. Notice shall be provided for the public hearing in the same manner as that required by Article 3, Section 5 of this Charter for the adoption of ordinances. After consideration of the information submitted during the public hearing, the Town Council shall prepare a budget for submission to the Financial Town Meeting.

Section 3 – Financial town meeting.

A. The qualified electors of the Town shall assemble each year on a date no later than ~~the second Monday in~~ June 14 at ~~7 p.m.~~ 7:00 P.M. on a date and at a location designated by the Town Council for the purpose of ordering any tax that lawfully may be ordered, making appropriations, and transacting any other business related to the finances of the Town that may lawfully come before the meeting.

B. The Town Clerk shall issue a warrant to the Town Sergeant requiring written notification to be posted of the time and place of the Financial Town Meeting and of the business to be transacted in three public places at least ten days before the day of the meeting. The Town Clerk also shall cause notice of the meeting to be published on the Town's website. The notice shall state the date, time, and place of the Financial Town Meeting, the proposed amount to be expended in total, and the location or locations where a copy of the proposed budget in its entirety may be obtained. The Town Clerk shall keep a record of the proceedings at the Meeting.

C. The Moderator shall preside at all regular and special Financial Town Meetings during his or her term of office. He or she shall have the authority to manage the business of the meeting and to maintain peace and order. If the ~~elected~~ Moderator is unavailable to serve at any meeting, the Town Council shall appoint a substitute for that meeting.

D. At least twenty-five electors shall constitute a quorum. All questions shall be decided by a majority vote of the qualified electors present and voting. Upon the vote of twenty percent of the qualified electors present and voting, any question involving the expenditure of money or the incurring of debt shall be taken by ballot.

E. The electors at the Financial Town Meeting shall not act on any proposal for the expenditure of money that is not included in the published budget, or any proposal to increase any item in the published budget, unless the proposal is submitted in writing to the Town Clerk at least twenty days before the day of the meeting in a petition containing a number of signatures of qualified electors equal to three percent of the number of qualified voters. Each signature shall be accompanied by an address, and each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained

the signatures. The proposal contained in any such petition shall be included in the notice of the meeting.

F. Notwithstanding the provisions of Section 3, subsection E, above, the Financial Town Meeting may entertain a proposal for the expenditure of money not included in the published budget, or a proposal to increase any item in the published budget, if a majority of the Town Council members present at the Financial Town Meeting request the expenditure or increase, and if two-thirds of the qualified voters at the Financial Town Meeting vote by ballot to entertain such a proposal.

G. The Moderator may declare a recess in any financial town meeting for a period not to exceed twenty-four hours. A recess for a period longer than twenty-four hours shall be declared only upon a majority vote of the qualified electors present and voting.

H. A special Financial Town Meeting may be called by the Town Council or by a petition to the Town Clerk containing a number of signatures of qualified electors equal to ten percent of the number of qualified voters. Each signature shall be accompanied by an address, and each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained the signatures.

ARTICLE ~~7~~ 6 – Deportment of public officials.

The people of the Town believe that public officials should be held to a high standard of behavior and should, at minimum, adhere to the following standards:

1. The business of the Town must be conducted in an open, efficient, fair, and honorable manner that enables the citizens to make informed decisions.

2. Public officials should be accountable for their own actions. They should observe both the letter and the spirit of the law. They should take whatever steps are necessary to prevent other public officials from engaging in improper conduct.

3. Every public official has a duty to improve the way government works by suggesting reforms that will increase efficiency, economy, and accountability.

4. Public officials are trustees of the public's funds. They should hold, invest, and spend those funds with integrity and for the purpose of obtaining the greatest public benefit.

5. Public officials should conduct their personal and professional lives in a manner that shows they are worthy of public confidence and respect.

ARTICLE 8 7 – The Charter.

Section 1 – Transitional provisions.

A. All provisions of this Charter that do not require validation by the General Assembly shall take effect on the first Monday after the Board of Canvassers certifies the result of the election at which the qualified voters of the Town adopt this Charter.

B. All ordinances, resolutions, rules, and regulations of the Town that are consistent with this Charter shall remain in effect until repealed. All ordinances, resolutions, rules, and regulations that are inconsistent with this Charter shall remain in effect until superseded by ordinances, resolutions, rules, or regulations that are consistent with this Charter.

C. It is the intent of the qualified voters of the Town that the provisions of this Charter supersede any inconsistent legislation enacted by the General Assembly specifically for the benefit of the Town.

D. All contracts or obligations entered into by the Town prior to the effective date of this Charter shall continue in full force and effect. Nothing in this Charter shall affect the validity of any pending action or proceeding, civil or criminal, in law or in equity, brought by or against the Town.

E. All departments, boards, commissions, and agencies whose operation is inconsistent with this Charter, and all officers, officials, and employees whose terms of office or duties are inconsistent with this Charter, shall continue in office, in effect, or in operation, as the case may be, until the Town Council has enacted superseding legislation consistent with this Charter.

Section 2 – Construction.

A. The provisions of this Charter shall be liberally construed in favor of the Town.

B. If any clause, section, or other part of this Charter is held invalid by a court of competent jurisdiction, the judgment of the court shall not affect, impair, or invalidate the remainder of the Charter.

Section 3 – Amendment.

A. No less frequently than every seventh year after adoption of this Charter, the Town Council shall appoint a Charter Review Commission of no fewer than seven qualified electors of the Town. The Charter Review Commission shall examine the utility of the Charter in its current form and shall recommend to the Town Council any amendments its members believe are necessary for the efficient operation of the Town government.

B. The Town Council may at any time propose amendments to the Charter. Amendments shall be submitted to the qualified electors of the Town for approval at any regular or special election, provided that amendments concerning a proposition to impose a tax or for the expenditure of money shall be submitted to a regular or special Financial Town Meeting for approval. Amendments approved by a majority of electors shall take effect on the date stated in the amendment.

C. The Town Council shall have the authority to enact an ordinance consistent with this Charter that provides a procedure for Charter amendment. The ordinance may provide that proposed amendments need not appear in their entirety on the ballot.

Section 4 – Charter amendment by voter initiative.

A. The qualified electors of the Town shall have the right to initiate amendment of this Home Rule Charter.

B. An amendment shall be initiated by submitting to the Board of Canvassers a petition containing a number of signatures of qualified electors equal to ten percent of the number of votes cast in the most recent general election. Each signature shall be accompanied by an address. Each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained the signatures. A copy of the Charter section or sections proposed for amendment, with text to be repealed struck through and text to be added underlined, shall be attached to the petition. A separate petition shall be required for each amendment or each group of related amendments.

C. Within seven business days of receipt of the petition, the Board of Canvassers shall certify the number of valid signatures. If the petition contains the sufficient number of signatures, the Board of Canvassers shall forward the petition to the Town Clerk. The Town Clerk shall include a discussion of the proposed amendment on the agenda of the next regular Town Council meeting, and shall forward a copy of the petition to the Town Solicitor, who shall render a written opinion to the Town Council as to the legality of the proposed amendment.

D. At the Town Council meeting, the Town Council shall ask one or more of the petitioners to explain the purpose of amendment. The Town Council may question one or more of the petitioners, and the Town Council may permit members of the public to question one or more of the petitioners. The Town Council shall make public the Town Solicitor's opinion at the meeting.

F. The petitioners may withdraw the petition by submitting to the Board of Canvassers a request for withdrawal signed by 40 percent or more of the persons whose signatures on the petition were certified as valid.

G. If the petition is not withdrawn, the proposed Home Rule Charter amendment or amendments shall appear as a referendum question or questions on the ballot at the next scheduled general election. The proposed amendment shall appear on the ballot in its entirety and shall be accompanied by the words "Proposed Home Rule Charter Amendment Initiated by Voter Petition." If a majority of qualified electors approve the amendment, it shall take effect thirty days after the Board of Canvassers certifies the result of the referendum.

Adopted 4 November 2008
Amended 2 November 2010
Amended 6 November 2012
Amended 4 November 2014