

Nancy L. Mello
Town Clerk

Phone 625-6703
FAX 625-6705

**TOWN OF TIVERTON, RHODE ISLAND
TOWN CLERK'S OFFICE
343 HIGHLAND ROAD**

RECEIVED
TOWN OF TIVERTON
2016 JUL 27 A 9:38

TOWN COUNCIL SPECIAL MEETING

In accordance with the Open Meetings Law, Section 42-46-6, notice is hereby given that the Town Council will hold a **Special Council Meeting on Monday, August 1, 2016 at the Tiverton High School Auditorium, 100 North Brayton Road, Tiverton, RI at 7:00 p.m.**

AGENDA:

ADVERTISED PUBLIC HEARING – CONTINUED FROM JULY 25, 2016

Proposed Tiverton Home Rule Charter Amendments for November Ballot

- a. Councilor Perry – Amendment Regarding Amount of Signatures Needed for FTR Alternate Petition
- b. Councilor Perry – Regarding Limiting Changes to Budget Committee's Recommendation For Operating Budget Only to No More or Less than \$200,000
- c. Town Solicitor – Section 1010- Removal of Wastewater Management Commission
- d. Town Administrator – Section 1007- Personnel Board – Amendment for Advertising Requirements
- e. Justin Katz – Regarding Balloting on Major Appropriations - Adding Substantial New or Increased Fees or Other Revenues and Requiring Local Voter Approval Prior to Implementing New or Increased Fees or Other Revenue Sources Projected to Cost Residents \$20,000 or More Than Cost in Prior Year
- f. Jeff Caron/Nancy Driggs – Requiring Budget Committee to Obtain Approval of at Least Four Fifths of Its Membership Before Recommending Any Tax Levy Increase Greater Than Two Percent More Than Prior Year
- g. Madeline O'Dell – Regarding Holding Executive Sessions at End of Council Meetings
- h. Peter Moniz – Regarding Providing Specific Line Items to Be Increased, Decreased or Created on Petitioner's Budget Proposal
- i. Councilor Perry – Regarding Eliminating the Budget Committee and the Financial Town Referendum and Replacing With a Process Whereby the Town Council Enacts a Budget Subject to Possibility of an Elector Petition for Specific Changes to the Budget

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

... a.

REQUEST TO BE PLACED ON THE AGENDA

TIVERTON TOWN COUNCIL

1. NAME OF PERSON OR ORGANIZATION:

Councilor Perry

2. SUBJECT OF AGENDA REQUEST:

Proposed Charter Amendment for November Ballot

3. EXPLAIN NATURE OF THE REQUEST:

(Please be precise so that the Council will be fully aware of the request and/or complaint.)

Section 301 – Financial Town Referendum – (d) Petitions #3 –
Qualifications of Petitions – Requesting Amendment for amount of
signatures needed for alternate petition - 10% of Electors

SIGNATURE DP DATE: 6/23/16

Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request will be given to each Councilor prior to the meeting and, if applicable, to any appropriate department, board, commission, and/or officer.

Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.

Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.

- 3.) Qualified Elector Budget Proposals in accordance with Section 301(b) 1.) submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot in an order determined by a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

(d) Petitions

- 1.) **Elector Budget Proposals:** Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 35 days before the Financial Town Referendum the Town Clerk shall make petition forms available which include fields for the name of the elector who is the petition originator and the ballot entry amounts of Section 301(b)1.A through E. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of the petition. The petition originator shall provide and the Town Clerk shall record either (1) the specific docket line item(s) to be increased, decreased, or created, or (2) a statement to remand the docket to the Budget Committee for final determination of docket line item(s) in accordance with said petition originator's budget proposal. Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may sign. Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from circulating a petition. An elector may originate no more than one Budget Proposal petition.
- 2.) **Elector Resolutions:** No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301 (b) 2.) be included on the ballot for the Financial Town Referendum.
- 3.) **Qualification of Petitions:** The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by 50 qualified elector signatures.

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE III
FINANCIAL TOWN REFERENDUM
Section 301 – Budget, Tax Levy, and Resolution Adoption Process
Subsection (d)(3) – Petitions; Qualification of Petitions

The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by ~~50 qualified elector signatures~~ signatures of qualified electors in an amount that is greater than or equal to ten percent (10%) of the total qualified electors in the Town.

This amendment shall take effect upon passage.

b.

REQUEST TO BE PLACED ON THE AGENDA

TIVERTON TOWN COUNCIL

1. NAME OF PERSON OR ORGANIZATION:

Councilor Perry

2. SUBJECT OF AGENDA REQUEST:

Proposed Charter Amendment for November Ballot

3. EXPLAIN NATURE OF THE REQUEST:

(Please be precise so that the Council will be fully aware of the request and/or complaint.)

Section 301 – Financial Town Referendum – Elector Budget
Proposals

Limiting changes to Budget Committee's recommendation for
operating budget only - no more or less than \$200,000

SIGNATURE

DP

DATE:

6/23/16

Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request will be given to each Councilor prior to the meeting and, if applicable, to any appropriate department, board, commission, and/or officer.

Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.

Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the Town Council. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.

- 3.) Qualified Elector Budget Proposals in accordance with Section 301(b) 1.) submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot in an order determined by a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301 (d) shall appear on the ballot.

(d) **Petitions**

- 1.) **Elector Budget Proposals:** Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 35 days before the Financial Town Referendum the Town Clerk shall make petition forms available which include fields for the name of the elector who is the petition originator and the ballot entry amounts of Section 301(b)1.A through E. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of the petition. The petition originator shall provide and the Town Clerk shall record either (1) the specific docket line item(s) to be increased, decreased, or created, or (2) a statement to remand the docket to the Budget Committee for final determination of docket line item(s) in accordance with said petition originator's budget proposal. Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may sign. Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from circulating a petition. An elector may originate no more than one Budget Proposal petition.
- 2.) **Elector Resolutions:** No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301 (b) 2.) be included on the ballot for the Financial Town Referendum.
- 3.) **Qualification of Petitions:** The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by 50 qualified elector signatures.

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE III

FINANCIAL TOWN REFERENDUM

Section 301 – Budget, Tax Levy, and Resolution Adoption Process

ADD: Subsection (d)(4) – Petitions; Limitation on Petitions

Any elector petition for an alternate budget proposal shall not differ from the overall budget proposed by the Budget Committee, pursuant to section 301(a)(12), by more than two hundred thousand dollars (\$200,000.00). Further, any elector petition for an alternate budget proposal may only make changes to the operating budget of the Town as proposed by the Budget Committee or require a remand to the Budget Committee for the same. No elector petition may include in the alternative budget proposal a re-appropriation of working capital or spending of the Town's unreserved General Fund. Any elector petition that is in violation of this section shall be null and void and shall not be included on the FTR ballot.

This amendment shall take effect upon passage.

C

REQUEST TO BE PLACED ON THE AGENDA

TIVERTON TOWN COUNCIL

1. NAME OF PERSON OR ORGANIZATION:

Town Solicitor

2. SUBJECT OF AGENDA REQUEST:

Proposed Charter Amendment for November Ballot

3. EXPLAIN NATURE OF THE REQUEST:

(Please be precise so that the Council will be fully aware of the request and/or complaint.)

Section 1010 – Removal of Wastewater Management Commission

SIGNATURE _____ DATE: _____

Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request will be given to each Councilor prior to the meeting and, if applicable, to any appropriate department, board, commission, and/or officer.

Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.

(b) Board of Appeals

The THCWMC shall sit as the Board of Appeals to hear the appeal of any person aggrieved by any decision, act or failure to act of the Harbormaster or any member of the staff of the Harbormaster Department, except those violations requiring immediate adjudication at the state level, such as, but not limited to speeding. Application to have the Commission hold a hearing regarding an appeal must be made within thirty (30) days of the matter which precipitated the appeal. An appeal to the Town Council regarding a decision by the Commission must be made within twenty (20) days of the Commission decision.

(c) Harbormaster

The Harbormaster shall be appointed annually by the Town Council. When a new Harbormaster is to be appointed the selection process shall comply with the provisions of this Charter concerning the hiring of municipal employees. The Harbormaster shall enforce the Tiverton Harbor and Coastal Waters Management Plan Articles, regulations and decisions of the THCWMC and any laws/ordinances passed by the Town, State or Federal Government consistent with the authority contained under said ordinances and laws.

Section 1009 Arts Committee

The Arts Committee shall consist of five members all of whom are Tiverton residents with expertise in the field of arts. All members shall be appointed by the Administrator and approved by the Town Council. All members shall serve a two-year appointment with the exception of the first appointees who shall serve staggered terms. Three of the original appointees shall serve two-year terms and two shall serve one-year terms.

(a) Duties and Responsibilities

The purpose of the Committee shall be to promote and encourage programs for the development of public awareness, enjoyment, and interest in various art forms and performances. The Committee shall advise the Town Council as to changes in town ordinances as they affect the arts and the availability of grants in the arts field, both in order to maintain and enhance the special quality of life found in the Town of Tiverton.

Section 1010 Wastewater Management Commission

The Wastewater Management Commission shall be composed of seven (7) members and two (2) alternates to be appointed by the town council during the first meeting in the month of April. Terms of members shall be three (3) years, except that terms of alternates shall be two (2) years. Members may be reappointed for successive terms with the recommendation of the Wastewater Management Commission. The Commission shall appoint its own officers.

(a) Duties and Responsibilities

The Wastewater Management Commission shall administer that portion of the Town Code entitled "Sewers and Sewage Disposal." It shall also advise and recommend to the Town Council on the design and implementation of a sewage system for the town and for the consideration of those programs relating to sewage, septage, and nightsoil, and any other duties provided for by the Code of the town or the General Laws. Notwithstanding any other duties and responsibilities of the Wastewater Management Commission, no part of the sewage system for the Town shall be constructed or extended without the approval of the Town Council, after consultation with the Planning Board.

Section 1011 General Qualifications

Members of Boards, Committees or Commissions must be electors of the Town of Tiverton. No members of Boards or Commissions as listed in this Charter shall be elected officials or employees of the Town of Tiverton, RI except as provided in Section 1213.

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE X
Boards and Commissions

~~Sec. 1010. - Wastewater Management Commission.~~

~~The Wastewater Management Commission shall be composed of seven (7) members and two (2) alternates to be appointed by the town council during the first meeting in the month of April. Terms of members shall be three (3) years, except that terms of alternates shall be two (2) years. Members may be reappointed for successive terms with the recommendation of the Wastewater Management Commission. The Commission shall appoint its own officers.~~

~~(a) Duties and responsibilities. The Wastewater Management Commission shall administer that portion of the Town Code entitled "Sewers and Sewage Disposal." It shall also advise and recommend to the Town Council on the design and implementation of a sewage system for the town and for the consideration of those programs relating to sewage, septage, and nightsoil, and any other duties provided for by the Code of the town or the General Laws. Notwithstanding any other duties and responsibilities of the Wastewater Management Commission, no part of the sewage system for the Town shall be constructed or extended without the approval of the Town Council, after consultation with the Planning Board.~~

This amendment shall take effect upon passage.

d.

REQUEST TO BE PLACED ON THE AGENDA

TIVERTON TOWN COUNCIL

1. NAME OF PERSON OR ORGANIZATION:

Town Administrator

2. SUBJECT OF AGENDA REQUEST:

Proposed Charter Amendment for November Ballot

3. EXPLAIN NATURE OF THE REQUEST:

(Please be precise so that the Council will be fully aware of the request and/or complaint.)

Section 1007 – Personnel Board – Amendment for Advertising Requirements

SIGNATURE _____ DATE: _____

Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request will be given to each Councilor prior to the meeting and, if applicable, to any appropriate department, board, commission, and/or officer.

Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.

shall develop Rules and Regulations governing the use of the cemetery properties for adoption by the Town Council. These Rules and Regulations shall be updated periodically as required.

Section 1007 Personnel Board

The Personnel Board shall consist of five (5) electors appointed by the Town Council for four (4) year terms. Terms shall be staggered so that no more than two (2) terms expire in any year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate.

(a) Duties and Responsibilities

The Personnel Board shall accept and review applications for all job vacancies for town employment and recommend the top three (3) applicants to the Town Administrator. Vacancies in municipal positions shall be advertised in at least two (2) newspapers available locally. Specific application procedures shall be listed in the advertisement.

The Personnel Board shall:

- 1.) Review all applications.
- 2.) Determine those applicants to be interviewed.
- 3.) For those applicants to be interviewed, be responsible for verifying the accuracy of information on applications and checking references, including former or current employers.

(b) General Provisions

Hiring of all personnel, including full time, part time, acting, temporary or seasonal employees shall be done through the Personnel Board. The applicable Department Head shall be invited to attend interviews, assist the Board in questioning applicants, and make recommendations. Employment shall be based on merit and competitive exams (when applicable), and shall be free of personal or political considerations. The Town is an equal opportunity employer and shall not discriminate on the basis of sex, race, creed or national origin.

Section 1008 Tiverton Harbor and Coastal Waters Management Commission

The Tiverton Harbor and Coastal Waters Management Commission (THCWMC) shall consist of nine (9) members appointed by the Town Council for two (2) year terms, staggered so that no more than five (5) terms expire in any one year. The THCWMS shall include one member of the Planning Board. Preference shall be given to representation by the following special interests: Recreational boaters, recreational fishermen, commercial fishermen, riparian property owners, and conservationists. In the event of a vacancy the Town Council shall appoint a replacement from the same interest group for the duration of the unexpired term.

(a) Duties and Responsibilities

The THCWMC shall; Manage the waters of the Town of Tiverton by establishing regulations that balance the diverse uses of the waters and waterfront and minimize user conflict, maintain and improve public access to the waters of the Town while remaining consistent with the goals and regulations of the RI Coastal Resources Management Program, the RI Department of Environmental Management and the US Army Corps of Engineers.



Town Administrator's Office

343 Highland Road, Tiverton, Rhode Island 02878 (401) 625-6710

Memorandum

Date: July 20, 2016

To: Town Council

From: Matt Wojcik

RE: Proposed language / Personnel Board Charter provision

As you know, over the last two years our recruitment efforts have met obstacles arising from two provisions in the Town Charter Section 1007, which creates and establishes the duties of the Personnel Board. Rather than continuously trying to find a way to navigate around these provisions, I propose changing them as recommended below. I have vetted these changes with the Personnel Board and I believe we are all on the same page.

The first issue is advertising. We know for a fact from our recent use of electronic job application websites that many of our target recruits do not hear about our job listings from newspapers. Most of our fire and police recruitment comes from electronic postings. The use of significant funds to pay for newspaper ads no one looks for is, in my opinion, an unnecessary waste of resources.

The intent of the provision, however, was quite clear. The basic notion is that all Town positions should be filled from as large a pool as possible and not decided beforehand by a political process. The language I propose below preserves the role of the Personnel Board by giving it the authority to determine the approach for recruiting on a case by case basis or through a general policy, without limiting the outreach to one specific form of media.

The second area of concern is the minimum number of candidates to pass along to the Town Administrator for final consideration. If several people apply and are interviewed for a position, but only one or two are truly a good fit for the position, then the Personnel Board should be allowed to send only one or two names to the Administrator.

Many of our recruitment efforts are for a specific pool of qualified people – such as certified building officials or registered professional engineers – and may yield a small pool but include a person who would be a good hire. Strictly interpreted, the current Charter language can be very hard to meet in a reasonable amount of time and acceptable expense.

Finally, the Personnel Board recommends that we update our Equal Employment Opportunity language. Since it was already in the Charter, it might need to stay in, but be updated to reflect the currently acceptable verbiage.

Sec. 1007. Personnel Board.

The Personnel Board shall consist of five (5) electors appointed by the Town Council for four (4) year terms. Terms shall be staggered so that no more than two (2) terms expire in any year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate.

(a) *Duties and responsibilities.* The Personnel Board shall accept and review applications ~~for all job vacancies~~ for town employment and recommend ~~the top three (3) qualified~~ applicants to the Town Administrator based upon the advertised job requirements and job description of the position(s) in question. Vacancies in municipal positions shall be advertised in at least ~~two (2)~~one (1) newspapers available locally and in various media recommended by the Town Administrator and approved by the Board, provided that the goal of broad distribution is effectuated. The advertising period shall be no less than two calendar weeks. Specific application procedures shall be listed in the advertisement.

The Personnel Board shall:

- 1.) Review all applications.
- 2.) Determine those applicants to be interviewed.
- 3.) For those applicants to be interviewed, be responsible for verifying the accuracy of information on applications and checking references, including former or current employers.

(b) *General provisions.* Hiring of all personnel, including full time, part time, acting, temporary or seasonal employees shall be done through the Personnel Board. The applicable Department Head shall be invited to attend interviews, assist the Board in questioning applicants, and make recommendations. Employment shall be based on merit and competitive exams (when applicable), and shall be free of personal or political considerations. ~~The Town is an equal opportunity employer and shall not discriminate on the basis of sex, race, creed or national origin.~~ The Town of Tiverton is an equal opportunity employer and complies with all applicable federal, state and local fair employment practices laws. The Town of Tiverton strictly prohibits and does not tolerate discrimination against employees, applicants or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex, gender (including gender nonconformity and status as a transgender or transsexual individual), age, physical or mental disability, citizenship, past, current or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state or local law.

e

Request to Place a Change to Charter Section 203 on the November Ballot

In keeping with the council's request, at its June 27, 2016, meeting, that all suggested changes to Tiverton's Home Rule Charter be submitted prior to an upcoming hearing, please include the proposal detailed below in any hearing on charter changes and then on the November ballot for the consideration of the electors of Tiverton. For convenience, proposed language for inclusion on the November ballot follows the detailed change requested.


Justin Katz
189 Cottrell Rd.
Tiverton, RI 02878
(401) 835-7156

7/4/16
Date

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TOWN OF TIVERTON
2016 JUL -5 A 9:12

Charter change request:

Section 203 Balloting on Major Appropriations ~~and on~~ Proposals for Borrowing or the Issuance of Bonds, and Substantial New or Increased Fees or Other Revenue

- a) Any major or special appropriation, other than those which are part of the annual budget, for an amount in excess of \$500,000, and any proposal for the borrowing of money by the Town either by note or by the issuance of bonds in an amount in excess of \$500,000, whether such appropriation or such borrowing be for school purposes or for any other Town purpose, including the issuance of special obligation bonds under Chapter 33.2 of Title 45 of the General Laws, must be approved by the electors at a referendum.
- b) No new or increased fee or other source of revenue approved by the Town Council that is projected to be paid in whole or in part by Tiverton residents in an aggregate annual amount at least \$20,000 higher than the prior fiscal year may be implemented unless approved by the electors at a referendum.
- c) All referenda for ~~such~~ the purposes of sections (a) and (b) shall take place at a general election or at a special election as the Council shall determine. Special elections for such referenda shall be scheduled by the Board of Canvassers, which shall also determine the hours, number and locations of the polling places to be used. Voting at such special elections shall be by ballots prepared by the Town Clerk. The Council shall cause language to be prepared with the approval of the Board of Canvassers for all such referendum questions describing clearly the amount, and the purpose of the appropriation or borrowing for which approval is sought. There shall be a public hearing at least ten (10) days before the referendum vote. Notice of the time and place(s) for such referendum voting, and of the question to be voted on thereat, shall be given by the Town

Clerk by advertising the same at least once in a newspaper of general circulation in the Town no less than one (1) week prior to the referendum vote. The date of such Special Meeting shall not exceed forty five (45) days following certification of the petition. The provisions of this Section shall not apply to borrowing in anticipation of taxes, or of federal or state grants, as provided for under Chapter 12 of Title 45 of the General Laws.

Proposed ballot language:

Shall the Tiverton Town Charter be amended to require the Town Council to obtain local voter approval before implementing new or increased fees or other revenue sources projected to cost Tiverton residents \$20,000 or more than the cost in the prior year?

f

To The Honorable Tiverton Town Council

Consistent with the guidance provided during the discussion of charter change proposals at your June 27, 2016 council meeting, the undersigned are providing the below proposed charter change for inclusion on the public hearing agenda as well as the November 8, 2016 ballot.

Proposed Charter Change

Article VII BUDGET COMMITTEE
Section 703 Duties and Responsibilities

3.) To provide the electorate with budget recommendations which balance the value of the proposed goods and services with their cost in taxes; provided that no such budget recommendations may propose to increase the tax levy by greater than two percent (2.0%) of the prior year tax levy unless affirmatively approved by at least four-fifths of the full committee membership.

Proposed Ballot Question

“Shall the Tiverton Town Charter be amended to require the Budget Committee to obtain the approval of at least four-fifths of its membership before recommending any tax levy increase greater than two percent (2.0%) more than the levy in the prior year?”

Thank you for your assistance toward letting the voters decide this important charter change question in November. Please direct any question to this proposal to the undersigned.

Respectfully Submitted,

Jeff Caron 401 465 5666

Nancy Driggs 401 835 0099

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B-4g

CHARTER CHANGE TO BE PLACED ON THE BALLOT

The Town Council shall, for the sake of transparency, have the Executive Session at a Town Council meeting be at the end of the meeting. This is so that the constituents who do attend the meetings do not sit for an hour waiting for the meeting to begin and ultimately end up having to leave before the meeting is done. This makes the meetings get over at such a late hour, the constituents do not get to stay for the whole meeting.

The whole reason for Town Council meetings is to inform the public what is going on in town, in some instances let them have a voice in town business. If the meeting is abruptly stopped after starting for an Executive Session, then everything on the agenda is backed up and the whole reason for the meeting is negated. Having the Executive Sessions at the end of the meetings allow for the most transparency possible.

Submitted by Madeline
O'Leary

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Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE IV
TOWN COUNCIL
SECTION 409 – Executive Session

Except in an emergency situation, the order of the agenda of all the regular and special meetings of the Tiverton Town Council shall be such that any executive session(s) shall be the final item(s) on the agenda.

h.

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2016 JUL -7 A 10: 21

Amendment to the

TIVERTON FINANCIAL REFERENDUM

Section 301

(d) Petitions

The petition originator shall provide and the Town Clerk shall record either (1) the specific line item(s) to be increased, decreased or created, or (2) a statement to remand the docket to the Budget Committee for final determination of the docket's line item(s) in accordance with said petition's originator's budget proposal.

The Attachment is the change regarding the the charter that I'm requesting the council to consider.

Thanks,

Peter M. Moniz

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

**ARTICLE II
ELECTIONS
SECTION 204 – Transfer of Town Lands**

The transfer of any property rights in and/or ownership of any parcel/lot or tract of land owned by the Town of Tiverton as of November 5, 2008, except for parcels in the Industrial Park and transfers pursuant to RI General Law 44-9-18.3, must be approved by a vote of the electors of the Town of Tiverton ~~either at a Financial Town Referendum, or a Referendum~~ at a either a special or general election. Any such approval shall expire within five (5) years. Leasing of Town property for a period of ten (10) years or less shall not constitute a transfer of property, provided that at the end of the leasing period the Town retains sole right to renew, continue, or terminate the lease. This section shall not prohibit the Town Council from transferring property rights for the purpose of restricting use of any parcel/lot of land, for conservation or preservation purposes, or in connection with the provision of public utilities or similar services.

**ARTICLE III
~~FINANCIAL TOWN REFERENDUM~~ BUDGET PROCESS**

[The current provisions of Article III are removed in their entirety and replaced with the following]

Sec. 301. – Budget Process

(a) Submission of Preliminary Budget Requests

- 1) Initial Budget Workshop: The School Committee and the Town Council shall hold an initial budget workshop no later than January 15.
- 2) Town Administrator shall prepare and submit a preliminary municipal budget request to the Town Council no later than January 15.
- 3) Town Clerk shall prepare and submit a preliminary Town Clerk budget request to the Town Council no later than January 15.
- 4) Town Treasurer shall prepare and submit a preliminary Town Treasurer budget request to the Town Council no later than January 15.

- 5) School Committee shall prepare and submit a preliminary School Department budget request to the Town Council no later than January 15.

Sec. 302. Budget Approval.

Upon holding an initial budget workshop and the receipt of the preliminary budget requests outlined in section 301, the Town Council shall:

1. Review the preliminary budget requests and within thirty (30) days adopt a provisional budget. The Council may only alter the total amount of the school department budget. A copy of the provisional budget shall be filed with the Town Clerk.
2. Immediately following the adoption of the provisional budget, it shall be published in a newspaper having general circulation in the Town, showing the initial requested total amount of each department and the recommended total amount of the Town Council.
3. Within thirty (30) days of the approval and publication of the provisional budget, public hearings shall take place. The Council shall have printed and available copies of the provisional budget for public distribution at least five (5) days prior to public hearings. The time and place for holding of these hearings shall be included with the publication of the provisional budget.
4. Upon completion of the public hearing on the provisional budget, take the results thereof under consideration and make such additional changes as the Council may deem appropriate.
5. Within one (1) month following the completion of the public hearings on the provisional budget at a regular Town Council meeting in June, adopt the final Town budget by resolution, forwarding one (1) copy to the Town Clerk for public inspection and, as soon as possible, have the final budget (departmental total amounts) published in a newspaper having general circulation in the Town.

Sec. 303. Unreserved General Fund

No moneys shall be taken, withdrawn or obligated from the Unreserved General Fund if such withdrawal would cause said fund to fall below three percent (3%) of the current operating budget This restriction may be suspended on a case basis by an affirmative vote of four-fifths of the Town Council in order to address a declared state of emergency as enacted by the Town Council.

ARTICLE IV TOWN COUNCIL SECTION 407 – Powers and Duties

All powers of the Town shall be vested in the Town Council except as otherwise provided by the Charter or by the Constitution and laws of the State. The Town Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law, provided however, that the administration and management of the government of the Town shall be the responsibility of the Town Administrator. Among its powers and duties the Council shall:

- 1.) Serve as the policy making body of the Town.
- 2.) Develop, publish and annually review and revise long-range goals, objectives and strategies including but not limited to town services, capital improvement and maintenance, equipment and personnel and staffing.
- 3.) Develop and publish such policies, plans and objectives consistent with the long-range plan to provide a basis for planning the municipal (non-school) budget by the Town Administrator ~~and its review by the Budget Committee~~ and to provide whatever interpretive consultation is appropriate for generating a budget within these general guidelines. ~~Review and approve the budget submitted by the Town Administrator within 30 days.~~
- 4.) Determine its own rules and order of business and keep a record of its proceedings which shall be open to public inspection in the office of the Town Clerk.
- 5.) Appoint a Town Administrator and annually review the performance of the Town Administrator.
- 6.) Create, change, and abolish Town offices, departments and committees not established by this Charter or by the Constitution and laws of the State. Any office, department, or committee so established shall conform to the provisions of this Charter.
- 7.) Make investigations into the affairs of the Town and the conduct of any Town department, office or committee when it deems such investigation necessary, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.
- 8.) Enact, amend, or repeal rules, ordinances and resolutions for the government of the Town which shall have to do with the preservation of the public peace, health, safety and welfare of the inhabitants and the protection of persons and property, and other municipal functions not in conflict with this Charter, the Constitution and laws of the State.
- 9.) Adopt by ordinance and amend from time to time, in consultation with the Town Administrator, such personnel policies and provide such rules, regulations and arrangements for the implementation thereof, as it may deem appropriate, for the better governance of the Town and Management of its affairs.
- 10.) Grant, suspend or revoke licenses in accordance with State law.

- 11.) Enact and amend, after notice as prescribed by State law and public hearing such zoning ordinances as it deem appropriate, providing such ordinances are in accordance with State law.
- 12.) Provide for an independent audit at any time, of the accounts of the Town or any of its departments and to provide for an annual audit.
- 13.) Review and ratify all tentative agreements negotiated for the Town by the Town Administrator, except those under School Committee jurisdiction. Unratified agreements shall be returned to the Town Administrator, with the reason(s) explained, for further negotiations. For all labor or collective bargaining agreements requiring approval of the Town Council, the details of any tentative agreement shall be made public at least three days prior to the meeting at which the final approval vote is to be taken.
- 14.) Order such budget reductions or transfers of funds within the budget as may become necessary to meet unanticipated requirements or shortfalls during the fiscal year, as recommended by the Administrator ~~and within any constraints imposed by the Financial Town Referendum.~~
- 15.) Sit as a Charter Monitoring and Complaint Review Board.

ARTICLE V
TOWN ADMINISTRATOR
SECTION 503 – Duties and Powers of the Town Administrator

The Town Administrator shall be responsible to the Town Council for the administration and management of the Town government.

The Town Administrator shall devote his/her entire time and attention to his/her duties as Administrator and shall not, during his/her appointment, be actively engaged in any employment, or business, or in the practice of any profession, or hold any public office other than the office of Town Administrator of the Town of Tiverton without prior Town Council approval.

The Town Administrator shall:

- 1.) Submit to the Town Council, ~~not later than 150 days prior to the Financial Town Referendum;~~ a proposed municipal (non-school) budget of receipts and expenditures and an explanatory budget message. ~~Submit to the Budget Committee, not later than 120 days prior to the Town Financial Referendum, the proposed budget as reviewed and approved by the Town Council.~~ For such purpose the head of each office, department and agency shall submit to the Town Administrator estimates of their anticipated revenues and expenditures with such supporting data as he/she may request. In preparing the proposed budget, the

Town Administrator shall review the estimates, and with the exception of the School Department, Town Clerk's and Treasurer's budgets, may revise them as he/she deem appropriate. The budget, as proposed by the Town Administrator shall include all anticipated revenues and expenditures, except those for the school purposes, and the total of such expenditures shall not be greater than the total of the anticipated revenue. He/She shall incorporate the total of these expenditures and revenues with the total he/she has arrived at for general town purposes.

- 2.) Direct and supervise the administration of all departments, commissions, offices and agencies of the town, except as otherwise provided by this charter or by law.
- 3.) To see that all laws, provisions of this charter and acts of the council, subject to his/her direction and supervision, are faithfully executed.
- 4.) Attend council meetings and shall participate in the proceedings as requested by the Council.
- 5.) To appoint, from the candidates recommended by the Personnel Board all personnel provided for in this charter, applicable state law, or established by ordinance. The appointment of department heads are subject to approval by the Town Council.
- 6.) Recommend to the Town Council compensation of all personnel under his/her jurisdiction. This recommendation shall be based upon a written annual performance evaluation of the personnel in question and this written evaluation shall be submitted to the Town Council.
- 7.) Submit annual evaluations of Department Heads to the Town Council.
- 8.) Recommend to the Town Council, adoption of measures as he/she may deem necessary or expedient for the health, safety or welfare of the community and/or employees, or for the improvement of administrative services.
- 9.) Negotiate contracts as the Chief Negotiator and have the right to sign tentative agreements on behalf of the town subject to ratification by the Town Council.
- 10.) Supervise and monitor the implementation of the budget and prepare for the Council, as it shall require, periodic reports on expenditures and unexpended balance totals for each department, office and agency, and report to the Council any unanticipated budget requirements or shortfalls, along with recommendations for resolution.
- 11.) Ensure compliance with contractual terms and conditions favorable to the town.
- 12.) Coordinate the activities of all boards, commissions and committees and as may be required by the Town Council.
- 13.) Perform such other duties as may be required by the Town Council, within accepted practice in respect to the duties of this office.

- 14.) Update and maintain custody of personnel files for all municipal employees with the exception of those employees under the jurisdiction of the School Department
- 15.) Prepare and submit grant requests as appropriate.
- 16.) Evaluate requests and make recommendations for the Capital Improvements Program.

ARTICLE VI
FINANCIAL SERVICES
SECTION 602 – Town Treasurer
Subsection (a)(10) – Duties and Responsibilities

The Town Treasurer shall have all the powers, rights, and duties prescribed under the General Laws of the State of Rhode Island for Town Treasurers including but not limited to . . . Utilizing appropriate resources including outside professional expertise in serving as a financial advisor to the Town Council, Town Administrator, School Committee or any other department, board or commission, including the ~~Waste Water Commission and Housing Authority~~, of Town government when they are considering an expenditure or financial transaction exceeding \$500,000.00. Collective bargaining agreements ~~and requests submitted to the Budget Committee~~ are excluded from this provision.

ARTICLE VII
BUDGET COMMITTEE

~~Sec. 701. – Composition.~~

~~The Budget Committee shall consist of eleven (11) members elected for a term of four (4) years, so staggered, that no more than six (6) terms expire at any one time. The Budget Committee shall elect annually, from among its membership, a Chairperson, Vice Chairperson, Secretary, Treasurer and other such officers as they deem appropriate. Budget Committee members shall hold no other town position.~~

~~Sec. 702. – Elections and vacancies.~~

~~Biennial elections to fill vacancies on the non-partisan Budget Committee shall be held at general elections.~~

- ~~(a) Transitional election. The first Budget Committee membership terms to expire after the adoption of this amendment shall be extended to the next general election, at which time a like number of candidates shall be elected.~~

~~Sec. 703. – Duties and responsibilities.~~

~~The Budget Committee has the following responsibilities:~~

- 1.) ~~To review the budgets submitted by the Town Administrator and the School Department, in which review the Committee shall consider both the supporting evidence for each requested budget expenditure and the ability of the Town to support the level of service recommended.~~
- 2.) ~~To provide the electorate with budget recommendations which balance the value of the proposed goods and services with their cost in taxes.~~
- 3.) ~~To develop a docket including both (a) resolutions of its own, those of the Town Council, the Town Administrator and those submitted by others and (b) the preceding year's approved budget, the budget requests of the Town Administrator and the School Department for the coming year, and the Budget Committee's recommendations.~~
- 4.) ~~To prepare and submit the docket for publication to the Town Administrator at least thirty (30) days before the Financial Town Referendum.~~
- 5.) ~~To present the docket to the electorate at a public hearing and at the Financial Town Referendum.~~

**ARTICLE VIII
TOWN OFFICIALS AND OFFICES
SECTION 801 - Town Clerk**

There shall be a non-partisan Town Clerk who shall be elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter. The Town Clerk shall be the Clerk of the Financial Town Meeting, Clerk of the Town Council, Clerk of the Probate Court, Clerk of the Board of Canvassers, Clerk of the Municipal Court and the Recorder of Deeds.

(a) Duties and responsibilities.

It shall be the responsibility of the Town Clerk to make permanent record of all proceedings and certify by signature all actions of the aforesaid bodies, be custodian of the Town Seal and of official documents, contracts, and records of the town. In addition, the Town Clerk shall direct and supervise the recordings of deeds, mortgages, surveys, vital statistics, licenses, permits and other such records as shall by ordinance and law be required to be kept. The Town Clerk shall issue birth certificates, marriage licenses and such other licenses and permits as required by ordinance or law. ~~The Town Clerk shall be responsible for receiving and making available to the public on receipt resolutions and Budget Proposals for the Financial Town Referendum. Additionally, the Town Clerk shall print, advertise and distribute the docket and any qualified budget proposals or resolutions at least twenty (20) days prior to the Financial Town Referendum.~~ The Town Clerk shall submit his or her budget directly to the ~~Budget Committee~~ Town Council. The Town Clerk shall perform all other such duties as may be prescribed by this Charter or by law.

(b) Deputy Town Clerk.

There shall be a Deputy Town Clerk assigned in accordance with contractual agreements (if applicable) and approved by the Town Council. When the Town Clerk is not available, the Deputy Town Clerk shall perform all the duties of the office of Town Clerk.

ARTICLE XI
SCHOOL DEPARTMENT
SECTION 1101 – School Committee

There shall be a non-partisan School Committee consisting of five (5) members, elected "at-large" for four (4) year terms. Terms shall be staggered so that no more than three (3) expire every two (2) years. School Committee members shall be elected at the General Election in even numbered years. School Committee members shall be electors of the Town and shall not hold other elected town offices or be employees of the Town. Should a Committee member fail to meet the above qualifications, or become disqualified from continuing in office under the provisions of the State Constitution, State Law or this Charter, his/her office shall be deemed to have become vacant. The Town Council shall appoint a person to fill the vacated position for a period not to exceed six (6) months or the next Town Election, whichever comes first. The School Committee shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate. Copies of the minutes of School Committee meetings shall be on file in the office of the Town Clerk.

(a) Powers and duties.

The School Committee shall be responsible for the general care and management of the Tiverton Public School System, including the selection of the Superintendent of Schools. The School Committee shall prepare and submit its budget requests to the ~~Budget Committee~~ Town Council in accordance with section 301(a) of this Charter. Additionally, the School Committee shall have all other duties, responsibilities and powers as provided for in State Law. For all labor or collective bargaining agreements requiring approval of the School Committee, the details of any tentative agreement shall be made public at least three days prior to the meeting at which the final approval vote is to be taken.

ARTICLE XII
MISCELLANEOUS
SECTION 1217 – Health benefits for elected officials

Health benefits for elected officials, including the School Committee, shall be limited to the position of Town Clerk or such other position(s) approved by a ~~Financial Town Referendum~~ or Referendum at a special or general election. This section does not preclude town officials from obtaining health benefits at their own expense.