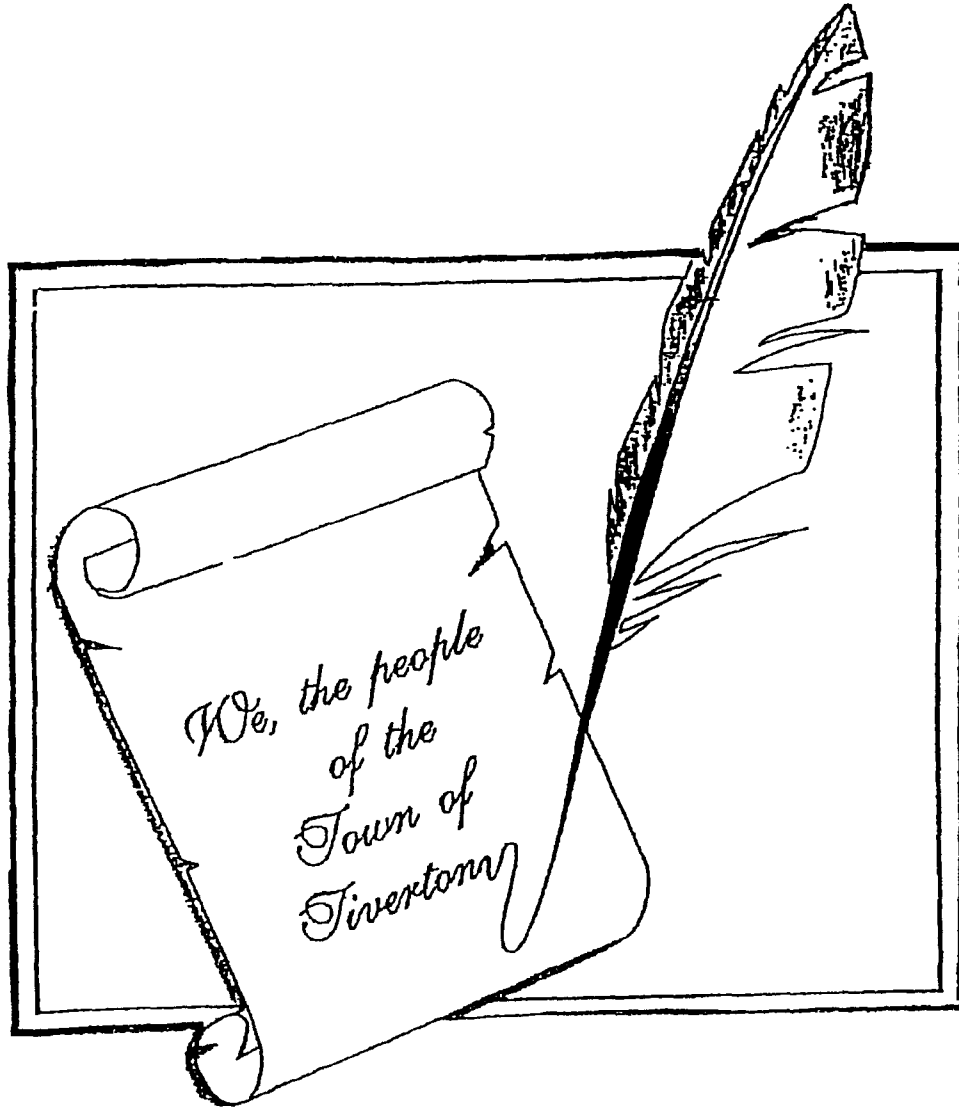


HOME RULE CHARTER TOWN OF TIVERTON



Delivered to the Town Council
11 April 1994

For Consideration By The Voters In The 1994 November Election
Amendments Through Special Election of November 2, 1999
Amendments Through Special Election of November 16, 2004
Amendments Through Election of November 4, 2008
Amendments Through Special Election of November 8, 2011

TABLE OF CONTENTS

	PREAMBLE	1
ARTICLE I	BASIC PROVISIONS	1
Section 101	Incorporation	1
Section 102	Form of Government	1
Section 103	Powers of the Town	1
Section 104	Intergovernmental Agreements	1
ARTICLE II	ELECTIONS	2
Section 201	Canvassing Authority	2
Section 202	Vacancy of Elected Positions	2
Section 203	Balloting on Major Appropriations and on Proposals for Borrowing or the Issuance of Bonds	2
Section 204	Transfer of Town Land	2
ARTICLE III	FINANCIAL TOWN REFERENDUM	3
Section 301	Budget, Tax Levy, and Resolution Adoption Process	3
(a)	Schedule	3
(b)	Ballot	4
(c)	Access to Ballot	4
(d)	Petitions	5
(e)	Financial Town Hearing	6
(f)	Financial Town Referendum	6
(g)	Financial Town Referendum Runoff	7
Section 302	Special Referenda	7
(a)	Restriction of Special Referenda	7
(b)	Subjects Requiring Special Notice	7
Sections 303-309	Repealed	7
Section 310	Unreserved General Fund	7
Section 311	Repealed	
ARTICLE IV	TOWN COUNCIL	8
Section 401	Organization	8
Section 402	Qualification and Eligibility	8
Section 403	Vacancy	8
Section 404	Presiding Officers	8
Section 405	Declaration of State of Emergency	8
Section 406	Special Meetings	8
Section 407	Powers and Duties	8
	Continued Powers and Duties	9
Section 408	Ordinances	10
(a)	Emergencies	10
ARTICLE V	TOWN ADMINISTRATOR	11
Section 501	Appointment	11
Section 502	Qualifications	11
Section 503	Duties and Powers of the Town Administrator	11
Section 504	Acting Town Administrator	12
Section 505	Vacancy	12
Section 506	Suspension/Removal	12
Section 507	Non-Interference by the Council	13
ARTICLE VI	FINANCIAL SERVICES	14
Section 601	Composition	14
Section 602	Town Treasurer	14

(a)	Duties and Responsibilities	14
Section 603	Tax Collector	15
(a)	Duties and Responsibilities	15
(b)	Delinquent Installments.....	15
(c)	Annual Tax Sale	15
Section 604	Tax Assessor.....	15
(a)	Duties and Responsibilities	15
Section 605	Tax Assessment Board of Review.....	15
(a)	Assessment Review	15
(b)	Correction in Assessments	16
Section 606	Transition.....	16
ARTICLE VII	BUDGET COMMITTEE.....	17
Section 701	Composition	17
Section 702	Elections and Vacancies	17
(a)	Transitional Election	17
Section 703	Duties and Responsibilities	17
ARTICLE VIII	TOWN OFFICIALS AND OFFICES.....	18
Section 801	Town Clerk	18
(a)	Duties and Responsibilities	18
(b)	Deputy Town Clerk	18
Section 802	Town Sergeant.....	18
Section 803	Town Solicitor	18
Section 804	Probate Court.....	19
(a)	Judge of Probate	19
(b)	Acting Judge of Probate	19
Section 805	Municipal Court.....	19
(a)	Municipal Court Judge	19
(b)	Acting Judge of the Municipal Court	19
Section 806	Director Senior Citizens Center.....	19
ARTICLE IX	DEPARTMENTS AND AGENCIES.....	20
Section 901	Department Public Works	20
(a)	Organization	20
(b)	Powers and Responsibilities	20
Section 902	Police Department	20
(a)	Organization	20
(b)	Powers and Responsibilities	20
(c)	Interference with Chief of Police.....	21
Section 903	Fire and Rescue Department.....	21
(a)	Organization	21
(b)	Powers and Responsibilities	21
(c)	Volunteer Firefighters	21
Section 904	Tiverton Emergency Management Agency.....	21
Section 905	Repealed.....	21
Section 906	Tiverton Housing Authority	22
Section 908	Building Department	22
(a)	Zoning Officer.....	22
(b)	Electrical Inspector.....	22
(c)	Plumbing Inspector.....	22
(d)	Mechanical Inspector.....	22
ARTICLE X	BOARDS AND COMMISSIONS	23
Section 1001	Planning Board	23
(a)	Duties and Responsibilities	23
(b)	Composition and Vacancies	23

Section 1002	Zoning Board of Review	23
(a)	Composition and Vacancies	23
Section 1003	Conservation Commission.....	23
(a)	Duties and Responsibilities	23
Section 1004	Open Space and Land Preservation Commission.....	24
(a)	Duties and Responsibilities	24
Section 1005	Recreation Commission.....	24
(a)	Duties and Responsibilities	24
Section 1006	Cemetery Commission	24
(a)	Duties and Responsibilities	24
Section 1007	Personnel Board	25
(a)	Duties and Responsibilities	25
(b)	General Provisions.....	25
Section 1008	Harbor and Coastal Waters Management Commission.....	25
(a)	Duties and Responsibilities	25
(b)	Board of Appeals.....	26
(c)	Harbormaster	26
Section 1009	Arts Committee	26
(a)	Duties and Responsibilities	26
Section 1010	Wastewater Management Commission	26
(a)	Duties and Responsibilities	26
Section 1011	General Qualifications.....	26
Section 1012	Historical Cemeteries Commission	27
(a)	Duties and Responsibilities	27
Section 1013	Tree Commission.....	27
(a)	Duties and Responsibilities	27
Section 1014	Economic Development Commission	27
(a)	Duties and Responsibilities	28
ARTICLE XI	SCHOOL DEPARTMENT.....	29
Section 1101	School Committee	29
(a)	Powers and Duties	29
Section 1102	Buildings and Grounds.....	29
ARTICLE XII	MISCELLANEOUS.....	30
Section 1201	Open Records	30
Section 1202	Open Meetings.....	30
Section 1203	Ethics	30
Section 1204	Annual Audit	30
Section 1205	Amendments of Charter	30
(a)	Charter Review Commission.....	30
Section 1206	Printing the Charter	31
Section 1207	Oath of Office.....	31
Section 1208	Separability.....	31
Section 1209	Recall.....	31
Section 1210	Removal from Office.....	31
(a)	Appointed Town Officer or Employee.....	31
(b)	Absenteeism	32
(c)	Forfeiture of Office.....	32
Section 1211	Enforcement	32
(a)	Complaints by Citizens.....	32
(b)	Action by the Town.....	33
(c)	Protection Against Reprisals	33
(d)	Penalties.....	33
Section 1212	Petition for Overrule.....	33
Section 1213	Dual Office Holding	34
Section 1214	Fees Collected by the Town	34
Section 1215	Codification and Revision of Ordinances.....	34

Section 1216	Contractual Agreements	34
Section 1217	Health Benefits for Elected Officials.....	34
Section 1218	Use of Town Resources to Influence a Voting Contest.....	34
ARTICLE XIII	TRANSITIONAL PROVISIONS	35
Section 1301	Effective Date of Charter.....	35
Section 1302	Continuation in Office.....	35
Section 1303	Continuation of Laws and Ordinances	35
Section 1304	Continuation of Obligations	35
Section 1305	Pending Actions and Proceedings	35
Section 1306	Continuation of Agencies	35
Section 1307	Continuation of Present Personnel	35
Section 1308	Transfer of Records and Property.....	36
Section 1309	Repealed.....	36
Section 1310	Capital Improvement Program	36
	Certification.....	37
	Charter Review Commission 1994.....	37
	Charter Review Commission 1999.....	37
	Charter Review Commission 2004.....	38
	Charter Review Commission 2008.....	38
	Charter Amendments Special Election November 8, 2011.....	39

PREAMBLE

We, the people of the Town of Tiverton, in order to secure the right of self government in all local matters, pursuant to the provisions of Article XIII of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter.

ARTICLE I BASIC PROVISIONS

Section 101 Incorporation

The inhabitants of the Town of Tiverton, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name of "Town of Tiverton", and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent upon or appertaining to said Town as a municipal corporation, or by virtue of the laws of this State so far as the same shall not be altered by this Charter or amendments hereof.

Section 102 Form of Government

The municipal government by this Charter shall be known as "Council-Administrator" form of government.

Section 103 Powers of the Town

The Town shall have all the powers possible for a town to have, now or hereafter under the Constitution and laws of this State, fully and completely as though they were specifically enumerated in this Charter. Without limitation of the foregoing, the Town shall have all the powers now or hereafter granted to towns by the Constitution and General Laws of the State together with all the implied or incidental powers necessary to carry into execution the powers granted. The Town may acquire property within or without its corporate limits for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require: and, except as prohibited by the Constitution of this State or restricted by this Charter, the Town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the Town shall have and may exercise all powers which, under the Constitution of this State, it would be competent for the Charter specifically to enumerate.

Section 104 Intergovernmental Agreements

The Town may, with the approval of the Town Council, enter into contracts or cooperative agreements with the Federal Government, with the State of Rhode Island and Providence Plantations, as well as any other state of the United States of America or with any political subdivision thereof, for the performance of any service, the use of any facilities, for the combination of services and/or functions, and for the financing thereof.

ARTICLE II ELECTIONS

The provisions of the Constitution and the General Laws of the State of Rhode Island now or hereafter in effect pertaining to elections, special, general and primary, and also all special acts pertaining to elections in the Town of Tiverton now or hereafter in effect shall govern all town elections, special, general and primary, so far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this Charter affecting the form of government.

Section 201 Canvassing Authority

There shall be a Board of Canvassers consisting of three (3) electors appointed by the Town Council for six (6) year terms as provided by the Constitution and Laws of the State. No more than two (2) members shall be of the same party. Said terms shall be staggered so that no more than one (1) term expires at the end of any two (2) year period. Said Canvassing Authority shall be vested with all the powers and duties now or hereafter vested by law in the Board of Canvassers. All members of the Board now in office shall continue until the expiration of the terms for which they are appointed.

Section 202 Vacancy of Elected Positions Should an elected position, other than on the Town Council, be vacated for any reason, the Town Council shall appoint a person to fill the vacated position until the next General Election.

Section 203 Balloting on Major Appropriations and on Proposals for Borrowing or the Issuance of Bonds

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. All referenda for such purposes 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 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 questions 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.

Section 204 Transfer of Town Land

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. 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

Section 301 Budget, Tax Levy, and Resolution Adoption Process

(a) Schedule

- 1.) Initial Budget Workshop: The Budget Committee, Town Council, and School Committee shall participate in an initial budget workshop no later than January 15.
- 2.) Town Administrator: Prepare and submit preliminary Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Budget Committee and Town Council no later than January 15.
- 3.) Town Clerk: Prepare and submit preliminary Town Clerk budget request to the Budget Committee no later than January 15.
- 4.) Town Treasurer: Prepare and submit preliminary Town Treasurer budget request to the Budget Committee no later than January 15.
- 5.) School Committee: Prepare and submit preliminary School Department budget request to the Budget Committee no later than January 15.
- 6.) Town Council: Approve and submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 7.) Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 8.) Town Administrator: Submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 9.) Town Clerk: Submit the final Town Clerk budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 10.) Town Treasurer: Submit the final Town Treasurer budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 11.) School Committee: Approve and submit the final School Department budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 12.) Budget Committee: Approve and submit the Budget Committee Docket, which includes Budget Proposal and Resolutions, to the Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 13.) School Committee: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.
- 14.) Town Council: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.

- 15.) Town Clerk: Budget Proposal elector petitions made available no later than 35 days prior to the Financial Town Referendum.
- 16.) Electors: Budget and Resolution elector petitions due to the Town Clerk no later than 28 days prior to the Financial Town Referendum.
- 17.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Financial Town Referendum.
- 18.) Town Clerk: The Financial Town Hearing shall occur no later than 14 days prior to the Financial Town Referendum.
- 19.) Financial Town Referendum: The Financial Town Referendum shall occur on the third Tuesday in May.
- 20.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur 14 days after the Financial Town Referendum.

(b) Ballot

The Financial Town Referendum ballot shall be approved by the Board of Canvassers.

- 1.) **Budget Proposals:** Pursuant to Section 301 (c), Budget Proposals shall appear on said ballot and shall include:
 - A. the dollar amount to appropriate for the School Department budget,
 - B. the dollar amount to appropriate for the Municipal budget (including the Town Clerk and Town Treasurer),
 - C. the dollar amount to raise by taxation including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property, and resulting Total Property tax levies,
 - D. the percentage increase or decrease to the prior year's certified Net Tax Levy, and
 - E. if necessary, the dollar amount of the Total Property Tax Levy that is in excess of the maximum levy as calculated in accordance with R.I.G.L. 44-5-2 (b).

Electors shall be instructed to "Vote For Only One of the following Budget Proposals".

- 2.) **Resolutions:** Pursuant to Section 301 (c), a resolution or ballot question may be included on said ballot, provided that if adopted it shall not alter the ballot entries of Section 301 (b) 1.) A. through E. Electors shall be instructed to "Approve or Reject" resolution(s).

(c) Access to Ballot

- 1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b) 1.). Resolutions submitted by the Budget Committee shall appear on the ballot.
- 2.) At the request of either the Town Council or School Committee or both, an Optional Budget Proposal shall appear on the ballot in accordance with Section 301(b) 1.). At the discretion of the Town Council, said Optional Budget Proposal shall include the Budget Committee recommended municipal budget or the municipal budget request. At the discretion of the School Committee, said Optional Budget Proposal shall include the Budget Committee recommended school budget or the school budget request. The dollar amount used for non property tax revenue (excluding education aid) in the determination of the Total Property tax levy of Section 301 (b) 1.) C. shall be at the discretion of the

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.) **Electors 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.) **Electors 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.

(e) Financial Town Hearing

- 1.) **Purpose:** The ballot pursuant to Section 301 (b) as it will be presented at the Financial Town Referendum shall be provided for electors to review and equitably debate all budget proposals and resolutions.
- 2.) **Notice:** The agenda notice for the Financial Town Hearing shall comprise the Budget Committee recommendation and other qualified budget proposals as they will appear on the ballot for the Financial Town Referendum.
- 3.) **Time:** The Town Clerk shall schedule the Financial Town Hearing to be no later than fourteen (14) days prior to the Financial Town Referendum.
- 4.) **Agenda:** The Town Clerk shall set, introduce speakers in accordance with, and equitably facilitate the Financial Town Hearing agenda. The agenda shall include, at a minimum, a line item for the presentation of the Docket by the Budget Committee or representatives thereof, line item(s), if any, for the presentation of additional Budget Proposal(s), and line item(s), if any, for Resolution(s).
- 5.) **Attendance:** The Financial Town Hearing shall, at a minimum, be attended by representatives from the Town Council, Budget Committee, and School Committee. Attendance by Budget Proposal and or Resolution Petition Originators or representatives thereof shall be optional at his or her discretion.

(f) Financial Town Referendum

- 1.) **Purpose:** The Financial Town Referendum may order any tax which lawfully may be ordered, make appropriations, and transact any other business pertaining to the affairs of the Town which may legally come before such referendum via Budget Proposals and Resolutions.
- 2.) **Notice:** No less than ten (10) days prior to the Financial Town Referendum, the Town Council President shall cause the referendum to be noticed pursuant to RI General Laws.
- 3.) **Time:** The Financial Town Referendum shall be held on the third Tuesday in May and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
- 4.) **Jurisdiction:** The Board of Canvassers shall have jurisdiction over the Financial Town Referendum including a process for absentee ballots.
- 5.) **Ballot:** Electors shall vote on the ballot in accordance with Section 301 (b) presented at the Financial Town Hearing.
- 6.) **Budget Proposals:** The Budget Proposal receiving a majority of votes cast shall be adopted.
- 7.) **Resolutions:** Resolutions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting resolutions, the resolution receiving the most approvals shall be adopted.

(g) Financial Town Referendum Runoff

- 1.) **Purpose:** The Financial Town Referendum Runoff will ensure that a Budget Proposal is adopted by a majority of voters.
- 2.) **Applicability:** The Financial Town Referendum Runoff shall occur only if no Budget Proposal at the Financial Town Referendum receives a majority of votes.
- 3.) **Notice:** The Financial Town Referendum Runoff shall be noticed with the Financial Town Referendum pursuant to RI General Laws.
- 4.) **Time:** The Financial Town Referendum Runoff shall be held fourteen days after the Financial Town Referendum and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
- 5.) **Jurisdiction:** The Board of Canvassers shall have jurisdiction over the Financial Town Referendum Runoff including a process for absentee ballots.
- 6.) **Ballot:** The ballot shall comprise the two Budget Proposals receiving the highest number of votes in the Financial Town Referendum. Electors shall be instructed to "Vote For Only One of the following Budget Proposals".
- 7.) **Budget Proposals:** The Budget Proposal receiving the most votes shall be adopted.

Section 302 Special Referenda

Special Referenda shall be called by the Town Clerk upon a resolution of no less than two thirds of the Town Council or whenever five (5%) percent of the electors of the Town shall make a request in writing for the calling of a Special Referendum and direct the same to the Town Clerk; provided, that said five (5%) percent shall be computed on the total number of electors appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such referendum. Any request for Special Referenda shall include a Budget Proposal and or Resolution(s) in accordance with Section 301 (b) Ballot. Requested Budget Proposal(s) shall appear on said ballot with the currently adopted Budget Proposal. Voters shall be instructed to "Vote for one only of the following Budget Proposals". Voters shall be instructed to "Approve or Reject" Resolutions. The Board of Canvassers shall have jurisdiction over special Referenda including absentee ballots. Special Referenda shall be noticed in accordance with state and local law. The date of such Special Referendum shall not exceed forty five (45) days following certification of the petition.

(a) Restriction of Special Referenda

No Special Referendum shall be called without the consent of the Town Council if the subject proposed to be considered has been acted upon by a Financial Town Referendum within six (6) months previous to the time of such proposed call.

(b) Subjects Requiring Special Notice

No vote shall be taken at a Special Referendum to levy a tax or to dispose of real property of the Town unless special notice thereof has been given in the warrant issued for the warning of such referendum.

Sections 303 to 309 - Repealed

Section 310 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 401 Organization

The non-partisan Town Council shall consist of seven (7) members each of whom shall be elected at large at the regular biennial election in even numbered years to serve for a term of two (2) years and until his/her successor is elected and qualified. The term of a Councilperson shall begin at the first regularly scheduled meeting of the Council following certification of the election by the Board of Canvassers. Four (4) members of the Council shall constitute a quorum.

Section 402 Qualification and Eligibility

Members of the Town Council shall be electors of the Town of Tiverton. A member of the Council shall hold no other Tiverton town office (elected or appointed), nor be an employee of the Town. A Council member shall not be eligible for appointment to any paid office in the Town during the term for which he/she was elected to the Council nor for one (1) year thereafter.

Section 403 Vacancy

Any vacancy in the membership of the Council shall be filled by the candidate for the Council with the next highest vote total from the last election. If the next highest candidate is unavailable, the next available candidate is chosen until the list is exhausted. In the event of a tie, the Council shall select. If no candidate is available from the list, the Council shall appoint a qualified elector to fill the vacancy for the remainder of the unexpired term. The new member shall be sworn in at the next regular Council meeting.

Section 404 Presiding Officers

The Council shall elect from among its members a President and Vice President, each of whom shall serve at the pleasure of the Council. The President shall preside at meetings and shall have the same rights as any other member. The Vice President shall act as President during the absence or temporary disability of the President. The Town Council President shall be recognized as head of Town Government for all ceremonial purposes and by the Governor for purposes of military law.

Section 405 Declaration of State of Emergency

The President of the Town Council shall have the power and authority to declare a state of emergency which shall be ratified by the Council as soon as circumstances permit. An emergency shall be defined as a situation wherein the public health, safety and/or general welfare of the Town is imminently imperiled by an unusual or unforeseen circumstance.

Section 406 Special Meetings

The Council President, or three (3) or more Council members, may call a special meeting, provided the special meeting conforms to the provisions of the State Open Meeting Law regarding such special meetings. Notice of a special meeting shall be delivered in writing to each member and the Town Administrator, or left for him/her at their residence or place of business at least twenty-four (24) hours prior to the time fixed for the special meeting. Any member may waive the requirement of written notice of a special meeting and such waiver shall be entered into the record of proceedings of the meeting. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that stated in the notice.

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 Municipal budget and revenue estimates submitted by the Town Administrator in accordance with Section 301(a) of this Charter.
- 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 Municipal budget as may become necessary to meet unanticipated requirements or shortfalls during the fiscal year, as recommended by the Administrator.
- 15.) Sit as a Charter Monitoring and Complaint Review Board.

- 16.) Upon receipt by the Town Clerk of a Budget Proposal which requires a tax levy in excess of the maximum permitted by state law, apply for excess levy approval from the state. Nothing in this section shall prevent the Town Council from applying for excess levy approval at an earlier date.

Section 408 Ordinances

Any person may propose to the Town Council or any member thereof, a new ordinance or an amendment to an existing ordinance. Any proposed ordinance, which the Council decides to consider for adoption, shall have a public hearing prior to adoption. Following Council review, the proposal shall be reviewed by the Town Solicitor for form and legality and then placed on the next Council agenda for the scheduling of a public hearing. The vote shall include the date, time and place of public hearing, but shall not be less than three (3) weeks from the date of posting. The Town Clerk shall post a copy of the proposal in the Town Hall and in such places within the Town normally used for such postings. The Town Clerk shall provide such advertising as is required by law. In the event the public hearing is continued to a later date, no further posting shall be required. No action shall be taken on an ordinance by the Council prior to a public hearing. Unless otherwise provided for in its terms, an ordinance will become effective upon adoption.

(a) Emergencies

In the event of an emergency wherein the Town Council must enact an appropriate ordinance or ordinances, the Council may, by unanimous vote, suspend the above provisions requiring posting, advertising and public hearings. Only action by ordinance clearly essential to deal with the emergency shall be taken under such suspension. The ordinance shall contain wording to justify such emergency action.

ARTICLE V TOWN ADMINISTRATOR

Section 501 Appointment

The Town Administrator shall be appointed for an initial contract period not to exceed three (3) years, by no less than four (4) affirmative votes of the Town Council. Renewal contracts shall not exceed three (3) years.

Section 502 Qualifications

The qualifications for appointment as Town Administrator are a Bachelors Degree with five (5) years administrative experience.

The administrative experience required above shall include, but not be limited to; preparation and management of budgets, contract negotiations, grant writing and personnel management commensurate with the needs of the town.

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 Budget Committee and Town Council a proposed Municipal (non-school) budget of receipts and expenditures and an explanatory budget message in accordance with Section 301(a) of this Charter. Submit to the Budget Committee the proposed budget and revenue estimates as reviewed and approved by the Town Council in accordance with Section 301(a) of this Charter. 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 Municipal 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.

Section 504 Acting Town Administrator

The Town Council shall designate the Town Clerk or a qualified person of the town to exercise the powers and perform the duties of the Town Administrator during his/her temporary absence or disability for a period of thirty-five (35) consecutive days or less.

Section 505 Vacancy

Should the office of Town Administrator become vacant, an interim Town Administrator shall be appointed by no less than four (4) affirmative votes of the Town Council. He/She shall have all the duties and powers of the Town Administrator, except He/She shall not serve longer than six (6) months and may be summarily removed by majority vote of the Council without charge or hearing. Nothing in these rules is intended to prevent an Interim Town Administrator from applying for permanent appointment.

Section 506 Suspension/Removal

The Town Council may suspend the Town Administrator by a majority vote of the Town Council. The Council will adopt a resolution stating the reason for suspension within ten (10) days of said suspension. The Town Administrator may respond in writing and may request a public hearing. Such request must be made within ten (10) days of the date of the resolution stating reasons for suspension. Such hearing shall be held before the Town Council no later than ten (10) days following the date of the request. After full consideration of the Administrator's written reply, and/or the results of the public hearing, the council may adopt a final resolution of removal by an affirmative vote of no less than five (5) members of the Council.

Section 507 Non-Interference by the Council

The Council or any of its members, shall not direct or request the appointment of any person to, or their removal from office by the Town Administrator or by any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Administrator, and neither the Town Council nor any member thereof shall give orders to any subordinates of the Town Administrator, either publicly or privately. Council members shall not direct or request action by the Town Administrator other than through official vote of the Council as a body.

ARTICLE VI FINANCIAL SERVICES

Section 601 Composition

Financial Services shall consist of the Town Treasurer, the Tax Collector, the Tax Assessor, and the Tax Assessment Board of Review.

Section 602 Town Treasurer

The non-partisan Town Treasurer shall be elected for a four (4) year term at general elections.

(a) 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:

- 1.) Assuring compliance with all applicable accounting standards and requirements.
- 2.) Monitoring the spending by all departments, boards and commissions of the Town to insure that the budget approved at the Financial Town Referendum is not exceeded.
- 3.) Overseeing the processing of the municipal payroll.
- 4.) Monitoring the Town's cash position to insure required liquidity.
- 5.) Managing Town investments in accordance with applicable laws and regulations.
- 6.) Working with appropriate financial advisors and counsel to issue general and special obligation bonds for the Town and insure that such debt is properly serviced.
- 7.) Participating in the preparation of the annual Town capital improvement plan.
- 8.) Serving as a trustee for the Tiverton Police Pension Plan.
- 9.) Preparing an annual department budget to be submitted in accordance with section 301(a) of this Charter.
- 10.) 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.
- 11.) Providing advice and recommendations in the negotiations of the AFSCME contract.
- 12.) Releasing to the parties legally entitled to redeem the same, real estate conveyed to the Town by the Collector of Taxes, upon payment to the Town of taxes, penalties and expenses thereto, and selling other parcels on which the period of redemption has expired.
- 13.) Borrowing, if necessary, in the name and on the credit of the Town, such sums of money as may be required for transacting the obligations incurred by duly approved appropriations, such sums of money not to exceed, in the aggregate, the sum of \$500,000.00, provided that Town Council approval is granted prior to said borrowing.

Section 603 Tax Collector

The Tax Collector shall be appointed by the Town Administrator with the approval of the Town Council for an initial contract period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years.

(a) Duties and Responsibilities

The Tax Collector shall collect all taxes and special assessments for the collection of which the town is responsible.

(b) Delinquent Installments

No amounts received for taxes shall be applied to any current installment until all previous installments of taxes have been paid.

(c) Annual Tax Sale

In accordance with the General Laws, the Tax Collector annually shall conduct a sale of all properties upon which taxes remain unpaid for a period of two (2) years from the date the taxes first become due. Exceptions of certain properties may be granted by the Town Council upon written recommendation of the Tax Collector.

Section 604 Tax Assessor

The Tax Assessor shall be appointed by the Town Administrator with the approval of the Town Council for an initial contract period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years. The Tax Assessor shall meet the minimum qualification of state certification as a tax assessor.

(a) Duties and Responsibilities

The Assessor shall be responsible for:

- 1.) The fixing of an assessed valuation for the purposes of taxation on all taxable real estate and personal property.
- 2.) The preparation of an assessment and tax roll for the Town in the manner provided by law and ordinance.
- 3.) Conducting a periodic revaluation of the Town as required by law, and shall be responsible for the discharge of all the duties and responsibilities prescribed for tax assessors by State Law.

Section 605 Tax Assessment Board of Review

There shall be a Tax Assessment Board of Review consisting of three (3) members, each appointed by the Town Council for a term of three (3) years.

(a) Assessment Review

The Tax Assessment Board of Review shall hear and consider the appeal of any property owner concerning the amount of his or her assessed valuation as determined by the Tax Assessor. The Board shall keep an accurate record of its proceedings, which shall be available for public inspection. The Tax Assessor shall attend all hearings of the Board of Review but shall have no vote.

(b) Correction in Assessments

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the Board shall have the authority to order such a correction. The Board shall provide such determination to the Tax Assessor, whose duty shall be to make such corrections in the valuation as the Board has determined. However, if the tax roll has been certified by the Assessor, he/she shall then transmit the findings of the Board to the Town Council which may cancel in whole or in part the tax based on such valuation in order to effect a correction.

Section 606 Transition

The provisions of this Article shall take effect one year after certification of approval of this amendment by the Board of Canvassers. The current members of the Board of Assessors shall continue in their office and in their responsibilities until this Article takes effect, at which time those whose terms have not expired shall serve as members of the Tax Assessment Board of Review for the remainder of their unexpired term. Initial appointments to the Board by the Town Council shall be for terms of varying length such that no two terms shall expire in the same year.

