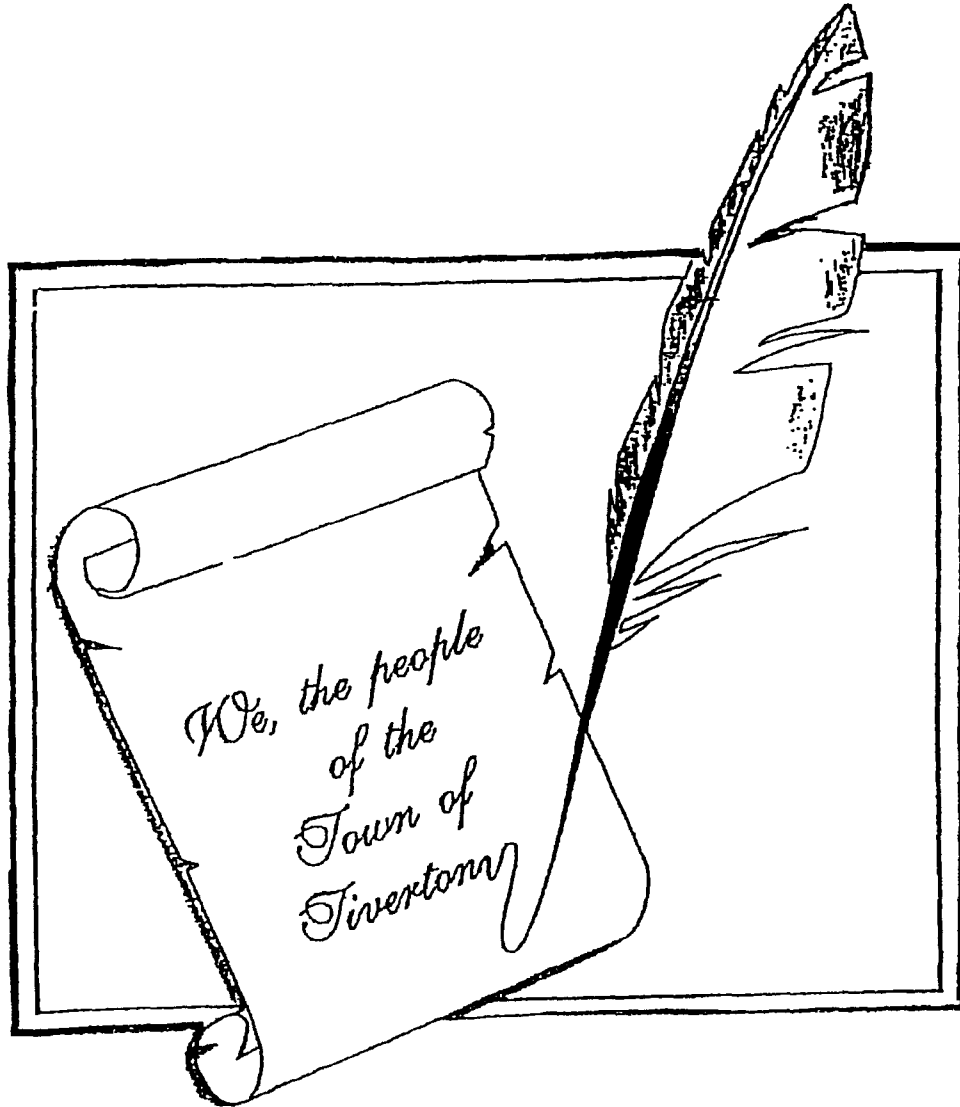


# HOME RULE CHARTER TOWN OF TIVERTON



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

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## **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.) **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.

**(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.

## **ARTICLE VII BUDGET COMMITTEE**

### **Section 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.

### **Section 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.

### **Section 703 Duties and Responsibilities**

The Budget Committee has the following responsibilities:

- 1.) To participate in the Initial Budget Workshop.
- 2.) 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.
- 3.) To provide the electorate with budget recommendations which balance the value of the proposed goods and services with their cost in taxes.
- 4.) To develop a docket including both (a) resolutions of its own, and (b) the preceding year's approved budget, the budget requests of the Town Administrator, Town Clerk, Town Treasurer and the School Department for the coming year, the Budget Committee's recommendations, and a Budget Proposal.
- 5.) To prepare and submit the docket for publication to the Town Clerk in accordance with Section 301(a) of this Charter.
- 6.) To present the docket to the electorate at the Financial Town Hearing.
- 7.) If remanded to the Budget Committee, determine docket line items(s) in accordance with said petition originator's budget proposal.

## **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 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 upon 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 and shall preside over the Financial Town Hearing. The Town Clerk shall submit his or her budget in accordance with Section 301(a) of this Charter. 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.

### **Section 802 Town Sergeant**

There shall be a non-partisan Town Sergeant elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter. The duties of the Town Sergeant shall be to attend all Town Council meetings, post Town Council agendas to designated bulletin boards in compliance with the Open Meeting Law, transport and post voter list to each district, transport ballots to the State Board of Elections, and assist the Board of Canvassers at all Referenda.

### **Section 803 Town Solicitor**

There shall be a Town Solicitor appointed by the Town Council to serve at the pleasure of the Town Council. The Solicitor shall be a practicing attorney, and a member in good standing of the Bar of the State of Rhode Island. The Town Solicitor shall be the attorney for the Town, Acting Judge of Probate and legal advisor to the Council and Town Administrator, and may be utilized by all other offices, departments and agencies of the Town. The Town Solicitor shall appear for and protect the rights of the Town in all actions, and/or proceedings (civil or criminal), brought by or against the Town or its officers, departments or agencies. The Solicitor shall attend Town Council meetings and perform such other duties as the Council may require. All written legal opinions furnished to the Council, Administrator, town officers, departments, or agencies shall be filed with the Town Clerk and become public record. All correspondence involving the Town Solicitor on any Town matter shall be made available to the Town Council. The Solicitor shall examine and approve the forms of all ordinances and resolutions, as well as the form of all invitations to bid, contracts, and other legal documents sent out by any office, department or agency of the Town.

#### **Section 804 Probate Court**

There shall be a Probate Court with jurisdiction and duties as provided by the General Laws of the State of Rhode Island.

##### **(a) Judge of Probate**

There shall be a Judge of Probate who shall be a qualified elector of the Town and member in good standing of the bar of the State of Rhode Island, engaged in the active practice of law. The Judge of Probate shall be elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter.

##### **(b) Acting Judge of Probate**

Whenever the Judge of Probate is a party to or interested in any proceeding about to be heard in his/her court, or is absent or unable to perform the duties of Judge of Probate, or there is a vacancy in such office, those duties shall be temporarily performed by the Town Solicitor, or in the event that the Town Solicitor is unable to perform those duties, by such person meeting the criteria for Judge of Probate appointed by the Town Council.

#### **Section 805 Municipal Court**

There shall be a Municipal Court with jurisdiction and duties as provided by Rhode Island General Law, 1991, Title 45, Chapter 2, Section 34 (45-2-34).

##### **(a) Municipal Court Judge**

There shall be a Municipal Court Judge who shall be a member in good standing of the bar of the State of Rhode Island, engaged in the active practice of law. The Municipal Court Judge shall be appointed by the Town Council for a two (2) year term commencing in November of the year between general elections.

##### **(b) Acting Judge of the Municipal Court**

Whenever the Municipal Court Judge is a party to or interested in any proceeding about to be heard in his/her court, or is absent or unable to perform the duties of Municipal Court Judge, or there is a vacancy in such office, those duties shall be temporarily performed by the Judge of Probate, or in the event that the Judge of Probate is unable to perform those duties, by such person meeting the criteria for Municipal Court Judge appointed by the Town Council.

#### **Section 806 Director Senior Citizens Center**

There shall be a Director of the Tiverton Senior Citizens Center 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 duties of the Director shall be to administer all programs and activities as may be appropriate to service the elder population.



## **ARTICLE IX DEPARTMENTS AND AGENCIES**

### **Section 901 Department of Public Works**

#### **(a) Organization**

There shall be a Department of Public Works, the head of which shall be the Director of Public Works, who 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 Director of Public Works shall have had training and/or experience in administration, engineering, construction or other professional fields which pertain to the responsibilities of the department, and preferably with a Bachelors Degree from an accredited college or university. He/She shall be responsible for the efficient operation of all the activities of the Department of Public Works. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Director of Public Works.

#### **(b) Powers and Responsibilities**

The Department of Public Works shall be responsible for the functions and services of the town relating to streets, highways, sidewalks, bridges, water courses, street lighting, waste disposal, recycling, sanitary sewerage and sewerage systems, storm drainage, collection and disposal of garbage and other refuse, the operation of the landfill; for the maintenance, repair and operation of all public buildings and properties, excepting those used by the School Department, belonging to or used by the town; and for such other functions as may be delegated to said department by the Town Administrator. The Director of Public Works shall be in direct control of the Public Works Department and shall report to the Town Administrator.

### **Section 902 Police Department**

#### **(a) Organization**

There shall be a Police Department, the head of which shall be the Chief of Police, who shall have served at least five (5) years in the rank of Lieutenant or higher in any organized police department and shall during those years have gained command experience in several areas of responsibility. He/she shall possess a bachelor's degree in either criminal justice or sociology. The Chief of Police shall be employed for an initial contract period, not to exceed three (3) years, by the Town Administrator with the approval of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, patrolmen, special police officers and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Chief of Police and the approval of the Town Council. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Chief of Police.

#### **(b) Powers and Responsibilities**

The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the State and the ordinances of the Town, and rules and regulations in accordance therewith. The Chief of Police and other members of the Department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the State and the ordinances of the Town. The Chief of Police shall be in direct command of the police force and shall report to the Town Administrator. Subject to the approval of the Town Administrator and the Town Council, the Chief of Police shall make rules and regulations concerning the conduct of all officers and subordinates in the Police Department, including appropriate penalties for their violation which, when approved by the Council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein consistent with the Policeman's Bill Of Rights. Changes in such rules and regulations shall be made from time to time in the same manner.

**(c) Interference with Chief of Police**

No member of the Council and no member of the Administrator's Office shall interfere or attempt to interfere directly or indirectly with the performance of duties by the Chief of Police, provided nevertheless, that nothing herein shall be construed to prevent the Town Administrator from exercising general supervision over the Police Department and its affairs or to prevent the Council from making any investigation of said department authorized by the provisions of this Charter.

**Section 903 Fire and Rescue Department**

**(a) Organization**

There shall be a Fire and Rescue Department, the head of which shall be the Fire Chief, who shall have at least ten (10) years experience with progressively greater responsibility in fire department management, firefighting, fire prevention, and Emergency Medical Services. He/she shall possess at minimum an Associates degree in fire science, public administration, or a related field, and five (5) years experience in a command position, as well as two (2) years of administrative experience. In addition the Fire Chief shall be a qualified Emergency Medical Technician (EMT). The Fire Chief shall be appointed for an initial contract period not to exceed three (3) years, by the Town Administrator with the advice and consent of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, firefighters, EMTs and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Fire Chief and the approval of the Town Council. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Fire Chief.

**(b) Powers and Responsibilities**

The Fire and Rescue Department shall be responsible for the local enforcement of Rhode Island State Fire Code, all applicable Town Fire Codes, and Command and Control of fires, rescues and other emergencies. In addition, the Fire Chief shall be responsible for the Emergency Medical Service. The Fire Chief shall be in direct command of the Fire and Rescue Department and shall report to the Town Administrator. Subject to the approval of the Town Administrator and the Town Council, the Fire Chief shall make rules and regulations concerning the conduct of all officers and subordinates in the Fire and Rescue Department, including appropriate penalties for their violation which, when approved by the Council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein. Changes in such rules and regulations shall be made from time to time in the same manner.

**(c) Volunteer Firefighters**

Upon recommendation of the Fire Chief, the Personnel Board shall give special consideration to members of the Tiverton Volunteer Firefighters when filling vacancies on the permanent force. The Fire Chief shall establish a point system to assist in this recommendation.

**Section 904 Tiverton Emergency Management Agency**

There shall be an Emergency Management Director appointed by the Town Administrator, responsible for assisting the Town Administrator during an emergency. Duties of the Emergency Management Director shall include preparation and maintenance of an Emergency Operations Plan for the utilization of Town facilities, equipment and personnel during a declared emergency. In addition he/she shall act as the liaison between the Town and the Rhode Island Emergency Management Agency. The Town Administrator shall be the final authority for emergency management decisions in normal day-to-day operations. The line of succession during a declared emergency shall be the Town Administrator, Fire Chief, and Chief of Police.

**Section 905 – Repealed**

### **Section 906 Tiverton Housing Authority**

The Tiverton Housing Authority shall consist of five (5) members appointed by the Town Council for five (5) year terms. These terms shall be staggered so that one (1) term expires each year. Duties and responsibilities shall be in accordance with Rhode Island General Law, 1956, Title 45, Chapter 26, as amended.

### **Section 908 Building Department**

There shall be a Building Department headed by the Building Official who meets qualifications defined by State Law. The Building Official 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, and shall be responsible for the supervision of the Building, Electrical, Plumbing and Mechanical Inspectors, the enforcement of ordinances, zoning and other matters assigned to the position pursuant to law. Renewal contracts shall not exceed three (3) years.

#### **(a) Zoning Officer**

There shall be a Zoning Officer appointed by the Town Administrator with the approval of the Town Council for an initial period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years. The Zoning Officer may hold both the office of Zoning Officer and Building Official. It shall be the duty of the Zoning Officer to administer and enforce the provisions of the Town Zoning Ordinance.

#### **(b) Electrical Inspector**

There shall be an Electrical Inspector appointed by the Town Administrator for a two year term. The Electrical Inspector shall be responsible for conducting electrical inspections in accordance with applicable Building and Electrical Codes. An Inspection Fee Schedule shall be established by the Town Council and revised periodically.

#### **(c) Plumbing Inspector**

There shall be a Plumbing Inspector appointed by the Town Administrator for a two year term. The Plumbing Inspector shall be responsible for conducting plumbing inspections in accordance with applicable Building and Plumbing Codes. An Inspection Fee Schedule shall be established by the Town Council and revised periodically.

#### **(d) Mechanical Inspector**

There shall be a Mechanical Inspector appointed by the Town Administrator for a two year term. The Mechanical Inspector shall be responsible for conducting mechanical inspections in accordance with applicable Building and Mechanical Codes. An Inspection Fee Schedule shall be established by the Town Council and revised periodically.

## **ARTICLE X BOARDS AND COMMISSIONS**

### **Section 1001 Planning Board**

#### **(a) Duties and Responsibilities**

The Planning Board shall have the duties and responsibilities provided for in State law and such additional duties and responsibilities as may be prescribed by the Town Council not in conflict with the State law. The Planning Board shall act in an advisory capacity to the Town Council in all matters concerning the Comprehensive Community Plan, land use, Zoning and Subdivision Regulations, physical growth and development of the Town.

#### **(b) Composition and Vacancies**

The Planning Board shall consist of nine (9) members appointed by the Town Council from among electors of the Town for a term of three (3) years. Said terms will be staggered so that no more than one third (1/3) will expire in any given year. No member of the Planning Board shall be an elected official or employee of the Town. Any member of the Planning Board may be removed from office by the Council for due cause, following a public hearing. The Town Council shall appoint replacements to fill vacancies on the Board. The Board shall annually elect a Chairperson and such other officers as it may deem appropriate from among its membership.

### **Section 1002 Zoning Board of Review**

The Zoning Board of Review shall have such powers and duties as are prescribed by the Laws of the State, Town Ordinance and this Charter. The Zoning Board of Review shall also serve as the Planning Board of Review and shall have such powers and duties as are prescribed by the Laws of the State, Town Ordinance and this Charter.

#### **(a) Composition and Vacancies**

The Zoning Board of Review shall consist of five (5) members plus two (2) alternates appointed by the Town Council from among the electors of the Town, for a term of five (5) years. Said terms shall be staggered so that no more than one (1) will expire in any given year. Alternates, appointed for a term of one (1), may sit on the Board, but shall only vote if they are filling in for a regular member who is absent and they have attended all hearings on the petition. No member shall be an elected official or employee of the Town. Vacancies of regular members shall be filled by the first alternate and a replacement alternate member appointed by the Council. The Board shall annually elect a Chairperson and such other officers as they deem appropriate.

### **Section 1003 Conservation Commission**

The Conservation Commission shall consist of seven (7) members appointed by the Town Council for three (3) year terms, staggered so that no more than three (3) terms expire in any one year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Conservation Commission shall annually elect a Chairperson and such other officers as they deem appropriate.

#### **(a) Duties and Responsibilities**

The Conservation Commission shall report to the Town Administrator and shall take an active role in all Town issues related to conservation. The Commission shall act as an advisory body to the Council and to all Town agencies on conservation matters. These include; Protection of surface water and groundwater including the watersheds of Stafford and Nonquit Ponds; compliance with the RI. Freshwater Wetlands Act; monitoring of stormwater runoff and other nonpoint source pollution; compliance with soil erosion and sedimentation control regulations; monitoring of RI and Town wastewater management regulations; monitoring of underground storage tanks; monitoring the environmental impact of the Town landfill and solid waste management; compliance with regulations that protect coastal areas including salt marshes, bogs and ponds; protection of other environmentally sensitive or unique areas, protection of agricultural

resources, protection of air quality, protection of the rural integrity and scenic character of the Town including tree and woodland preservation.

#### **Section 1004 Open Space and Land Preservation Commission**

The Open Space and Land Preservation Commission shall consist of nine (9) members appointed by the Town Council for three (3) year terms, staggered so that no more than three (3) terms expire in any one year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson and such other officers as they deem appropriate.

##### **(a) Duties and Responsibilities**

The Open Space and Land Preservation Commission shall report to the Town Administrator. Responsibilities include the management of existing public open space/conservation lands, the identification and protection of significant natural and scenic resources in the Town such as unique plant and animal habitats, ecological or archeological sites, the identification and development of potential nature sanctuaries, greenways and sites for nature studies, the orderly development and accessibility of open space areas to all neighborhoods, a town-wide inventory of open land and town owned land, the encouragement of farm preservation as well as liaison with public and private agencies to foster town-wide land use planning and open space preservation. The Commission shall advise and assist the Town Council in the acquisition of development rights and land for open space.

#### **Section 1005 Recreation Commission**

The Recreation Commission shall consist of seven (7) members appointed by the Town Council for three (3) year terms, staggered so that no more than three (3) terms will expire in any one year. No member shall be an elected official or employee of the Town. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson and such other officers as they deem appropriate.

##### **(a) Duties and Responsibilities**

The Recreation Commission shall report to the Town Administrator and shall be responsible for the establishment, maintenance and operation of public beaches, parks, playgrounds, recreational buildings, and such other duties as the Town Council may direct. The Public Works Department shall assist in the maintenance of recreational facilities. The Commission may be assisted by a Recreation Coordinator, if one has been retained by the Town.

#### **Section 1006 Cemetery Commission**

The Cemetery Commission shall consist of five (5) members appointed by the Town Council for three (3) year terms, staggered so that no more than two (2) terms expire in any one year. The Pocasset Cemetery Superintendent (contractor), if any, shall be an advisory member of the Commission. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Cemetery Commission shall annually elect a Chairperson, Vice Chairperson, Secretary and Treasurer. The Treasurer shall present all bills and invoices to the Commission for approval and shall inform the Commission of any changes in the status of funds and accrued interest. The fee schedule for grave plots shall be set by the Town Council upon recommendation of the Commission and revised periodically. The Town Treasurer shall maintain control and custody of Commission funds which shall be expended by or under the direction of the Commission with the approval of the Town Council.

##### **(a) Duties and Responsibilities**

The Cemetery Commission shall report to the Town Administrator. Responsibilities include management of the Pocasset Hill Cemetery and any other cemetery which is or shall be under the management and/or control of the Town. The Town Council shall upon the recommendation of the Town Administrator in consultation with the Cemetery Commission, retain a contractor (Superintendent) to perform the duties associated with the maintenance of the cemeteries and the digging of graves. The Cemetery Commission

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.

#### **(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.

### **Section 1012 Historical Cemeteries Commission**

The Historical Cemeteries Commission shall consist of five (5) members, all of whom have expertise and/or interest in historical cemeteries. All members shall be appointed by the Town Council. Members shall serve for three (3) year terms and the appointments shall be staggered so that no more than two (2) terms expire in any single year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson and such other officers as they deem appropriate.

#### **(a) Duties and Responsibilities**

The Historical Cemeteries Commission shall report to the Town Administrator. Responsibilities shall include the maintenance (when necessary) of headstones, grounds, and walls of historical cemeteries located within Tiverton. A historical cemetery is defined as a cemetery identified by the Rhode Island Graves Registration Committee survey performed in July 1956. Cemeteries that are managed by the Cemetery Commission are excluded. The Commission shall also maintain (when necessary) cemeteries of similar historical interest that were not documented in the survey.

### **Section 1013 Tree Commission**

The Tree Commission shall consist of three (3) members. All members shall be appointed by the Town Council. Members shall serve for four (4) year terms and the appointments shall be staggered so that no more than one (1) term expires in any single year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. In addition, the Director of Public Works and a designated member of the Conservation Commission shall be members ex officio, and the Tree Warden shall be a non-voting member ex officio. The Tree Commission shall annually elect a Chairperson and other officers, as it deems appropriate.

#### **(a) Duties and Responsibilities**

The Tree Commission shall report to the Town Administrator. The Tree Commission shall:

- 1.) Act in an advisory role to the Town Council and the Tree Warden.
- 2.) Do all acts necessary and proper to fulfill the town's forestry functions, including the planting, care and removal of trees on public spaces with the exception of those under the control of the Tiverton Open Space and Land Preservation Commission.
- 3.) Based on the recommendation of the Tree Warden, issue implementing guidelines, subject to Town Council approval.
- 4.) Make recommendations to the Town Council on such matters as tree programs and activities.
- 5.) Review appeals made by applicants whose applications have been denied by the Tree Warden, or by persons otherwise aggrieved or affected by an application process.

### **Section 1014 Economic Development Commission**

The Economic Development Commission shall consist of five (5) members. All members shall be appointed by the Town Council. Members shall serve for four (4) year terms and the appointments shall be staggered so that no more than two (2) terms expire in any single year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Economic Development Commission shall annually elect a Chairperson and other officers, as it deems appropriate.



**(a) Duties and Responsibilities**

The Economic Development Commission shall report to the Town Administrator. The Economic Development Commission shall:

- 1.) Act as a liaison with the RI Economic Development Corporation in order to affect state plans on the local level.
- 2.) Assist town businesses, particularly those that are marine or agriculture, related to tax relief and low cost loans or grants for business startup, expansions or expenses related to renovations.
- 3.) Assist businesses to access the benefits associated with the Enterprise Zone.
- 4.) Assist in the search for and attraction of businesses, which would be consistent with the town's Comprehensive Plan.

## **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 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.

### **Section 1102 Buildings and Grounds**

At the request of the School Committee, and subject to agreement of the Town Council in consultation the Town Administrator, the Department of Public Works may be assigned to assume the responsibility for maintenance and care of school property, provided the costs of such maintenance and care are charged against the appropriations for the public schools.

## **ARTICLE XII MISCELLANEOUS**

### **Section 1201 Open Records**

Unless otherwise provided by this Charter or by laws of the State, all records and accounts of every office, department, or agency of the Town, including the School Department, shall be open to any person at reasonable times and under reasonable regulations established by the Town Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except as otherwise provided by this Charter. Any person inspecting public records shall be permitted to make copies and abstracts thereof. A reasonable charge may be made for the copies.

### **Section 1202 Open Meetings**

The Town Council, School Committee and all other Town departments, agencies, commissions, committees, boards and councils, and all subdivisions thereof, shall conduct all business in accordance with the provisions of the Open Meetings Legislation of the State of Rhode Island, General Laws Title 42, Chapter 46, as amended from time to time.

### **Section 1203 Ethics**

All elected and appointed officials of the Town, as the same are defined in State Law, shall be subject to the ethics legislation of the State, General Laws Title 36, Chapter 14, as amended from time to time, and to the rules and regulations made by the Ethics Commission pursuant thereto.

### **Section 1204 Annual Audit**

Prior to the end of each fiscal year, the Town Council by resolution shall arrange for an annual independent audit of the books, accounts, and other evidences of financial transactions of the Town, as of the close of that fiscal year. Such audit shall be conducted by a Certified Public Accountant (CPA) holding a certificate from this state and having no personal interest therein. Such examination shall conform with generally accepted auditing standards and the provisions of state law, and shall allow for the auditor to express opinions on the financial condition of the Town. The audit report shall be submitted to the Town Administrator no later than one hundred eighty (180) days following the end of the fiscal year covered thereby, and another copy filed with the Town Clerk, which shall be a public record.

### **Section 1205 Amendments of Charter**

This Charter may be amended or a new Charter adopted at any time in the manner provided by the Constitution of the State. All proposed amendments shall have a public hearing. Should two (2) or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments added to this Charter shall be appropriately numbered by the Town Clerk and inserted in their appropriate places. It shall not be necessary for the full text of the Charter or of amendments to the Charter to be printed on the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose, or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the Town Council shall approve the statement of the question as it shall appear on the ballot. A copy of the full text of the Charter or amendments shall be posted in each polling place and such other places as may be designated by the Board of Canvassers. This Charter shall not be replaced nor amended for a period of at least two (2) years following adoption.

#### **(a) Charter Review Commission**

In November 1998 and at least every six (6) years thereafter, a nine (9) member non-partisan review commission shall be elected for a term of one year, commencing on the date of the certification of the election by the Board of Canvassers, whose duty it shall be to review the Charter and recommend for approval and adoption, amendments or revisions in a manner provided by the State Constitution.

### **Section 1206 Printing the Charter**

The Town Council shall provide for the printing, publication and distribution of the Charter and may, at its discretion, require that a reasonable charge be made for copies thereof, provided, however, the Council shall provide a copy of the Charter to every town officer without charge.

### **Section 1207 Oath of Office**

Every officer of the Town shall, before entering upon the duties of their office, take and subscribe to the following oath of affirmation, to be filed and kept in the office of the Town Clerk: "I solemnly swear (or affirm) that I will support the Constitution and obey the laws of the United States of America and of the State of Rhode Island; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Tiverton, and will faithfully discharge the duties of the office of .....".

### **Section 1208 Separability**

If any article, section or provision of this Charter is held invalid by a court of competent jurisdiction, the remainder of the Charter shall not be affected thereby. All provisions of this Charter shall be interpreted in a manner most favorable to the Town, and least restrictive of its powers and prerogatives.

### **Section 1209 Recall**

Any elected official or elected officials of the Town may be recalled or removed from office by the electors of the Town as herein provided. Any elector or electors may file with the Town Clerk, a notarized petition, containing the name and title of the elected official or officials whose removal is sought and a statement of the grounds for removal. Said petition shall have the signatures of electors equal in number to at least twenty-five (25) percent of the number of electors in the last election voting for the person holding that office. If said petition contains the name and title of more than one elected official, then the number of signatures required shall be equal in number to at least twenty-five (25) percent of the number of electors voting for the person named in the petition who received the highest number of votes. Within seven (7) days after receipt of the petition, the Board of Canvassers having certified the petition, the Town Clerk shall notify the official(s) involved by certified mail. The recall vote shall be taken no earlier than fifty (50) days and not later than seventy-five (75) days thereafter. No such vote shall be taken if the elected official shall resign from office before the taking of such vote. Said recall election shall be called and conducted in the same manner as is provided in the General Laws of the State of Rhode Island for Special Elections. The form of the question to be voted shall be substantially as follows: "Shall (here insert the name and title of the elected official whose recall is sought) be recalled?" If said petition contains the name and title of more than one elected official, there shall be a separate ballot question for each elected official. A majority vote of the electors to recall such elected official shall not be effective unless a total of at least forty (40) percent of the number of electors in the last election who voted for the person holding that office, shall have voted on the recall question. If approved, the recall of such elected official shall become effective upon certification of the results of the voting thereon. If any elected official shall be recalled, the vacancy created thereby shall be filled in the manner provided in the provisions of this Charter.

### **Section 1210 Removal from Office**

#### **(a) Appointed Town Officer or Employee**

The Town Administrator shall have the power to remove any officer or employee appointed by him/her provided the officer or employee shall have been served with a written notice of intention to remove from office or position, containing a clear statement of the grounds for such removal, and of the time and place, not less than ten (10) days after the service of such notice, at which said officer or employee shall be given the opportunity to be heard thereon. A copy of the notice of intention to remove shall be forwarded to the Town Council. After such hearing, which shall be at the option of such officer or employee, the action of the Town Administrator shall be final. The Town Administrator may suspend from duty for not more than thirty (30) days any such officer or employee pending final action. Removal of Department Heads and the Building Official require Town Council approval.

**(b) Absenteeism**

Any member of an appointed Board, Commission, Committee, Agency, or any person who has been appointed to fill a vacancy in an elected office, who does not attend at least sixty-six and two-thirds (66 2/3) percent of regularly scheduled meetings of said Board, Commission, Committee or Agency, during any one (1) year period, shall be considered removed from such Board, Commission, Committee or Agency, and their place thereon shall be considered vacant. It shall be the duty of the Chairperson of that Board, Commission, Committee or Agency to give prompt written notice of such vacancy to the Town Administrator, copy to the Town Council. Exceptions for extenuating circumstances may be granted by the Town Council.

**(c) Forfeiture of Office**

An elector shall be disqualified as a candidate for elective or appointive town office or from holding such office if such elector has been convicted of or plead nolo contendere to a felony or if such elector has been convicted or plead nolo contendere to a misdemeanor resulting in a jail sentence of six (6) months or more, either suspended or to be served. Such elector shall not, once so convicted, attain or return to any office until three (3) years after the date of completion of such sentence and of probation or parole.

**Section 1211 Enforcement**

**(a) Complaints by Citizens**

Any qualified elector of the Town may file a sworn statement in the office of the Town Clerk charging that:

- 1.) An elected or appointed official or member of a board or commission of the Town is serving in his or her office in violation of the provisions of this Charter; or
- 2.) That any elected or appointed official or member of any board or commission, or that any official body, board or commission in its corporate capacity, or any Town employee, has knowingly taken any action or failed to take any action, in his or her official capacity, in violation of any of the terms or provisions of this Charter, or of any ordinance, rule, or regulation adopted under the authority thereof.

Any such statement shall set forth the particulars as to the charges made. A "sufficiently set forth" complaint shall specify (a) the section or sections of the Charter which are charged to have been violated, (b) the nature of the violation, and (c) the person, persons, or body charged with having committed the violation.

- 1.) If the Town Clerk determines that the charges are "sufficiently set forth", he or she shall schedule a public hearing before the Town Council acting in its capacity as the Charter Monitoring and Complaint Review Board, such hearing to be held no later than thirty (30) days from the date on which the charges were filed. If the Town Clerk fails to find that the charges are "sufficiently set forth", he or she shall so notify the complainant in writing, providing the reason(s) for dismissal.
- 2.) In the event a "sufficiently set forth" complaint is against a majority of the Town Council members, the Town Clerk, within ten (10) days from the date on which the charges were filed, shall file the complaint in the Municipal Court.
- 3.) If the complaint is against the Town Clerk, the Town Administrator shall fulfill the duties of the Town Clerk regarding review of the charges and scheduling of the public hearing, as presented above.

**(b) Action by the Town**

- 1.) At the public hearing, the Review Board shall receive testimony from the complainant and from the official, board, or commission, or the members of the official body, against whom or which the charges were made, and from such witnesses as either party may bring forward. In the event the complaint is against a member of the Town Council, such member shall not take part in review of the complaint.
- 2.) If, following the hearing, the Review Board, by a two-thirds vote of those present--but in no event fewer than four (4) affirmative votes--concludes that the charges have been supported by the testimony and evidence presented, it shall direct the Town Administrator to cause a complaint to be filed within ten (10) days of the hearing against the alleged violator(s) in the Municipal Court.
- 3.) The Municipal Court shall have jurisdiction to determine violations of this Charter, Town ordinances and rules or regulations adopted under the authority hereof and to enter appropriate orders, decrees or judgments with respect to such violations.

**(c) Protection Against Reprisal**

In the event that charges are filed pursuant to the terms of this Section by any employee of the Town as defined in Section 36-15-2 (1) of the General Laws, that employee shall be deemed to enjoy the protection afforded by the Rhode Island Whistleblowers' Protection Act, Chapter 15 of Title 36 of the General laws, as amended.

**(d) Penalties**

- 1.) A violation of any of the prohibitions of this Charter shall be punishable by a fine of not more than three hundred dollars (\$300). Upon a finding of a violation by the Municipal Court, if the violator is an officer or employee of the Town, such violator may be removed from office or immediately dismissed.
- 2.) Every expenditure or obligation incurred in violation of the provisions of this Charter, and the rules and regulations made pursuant thereto, shall be deemed illegal, and in addition to any other penalties provided by law for such violations, every official authorizing such payment or any part thereof, knowing the same to be in violation, shall be jointly and severally liable to the Town for the full amount so paid or received. If any appointed official or employee of the Town shall knowingly incur any obligation, or authorize or make any expenditure in violation of the provisions of this Charter, it shall be grounds for his or her removal.

**Section 1212 Petition for Overrule**

All ordinances, adopted by the Town Council, except emergency ordinances, shall be subject to overrule by referendum. The procedure required is as follows:

- 1.) After the publication of any ordinance a petition, signed by not less than five hundred (500) voters must be filed with the Town Clerk requesting it be put to referendum. Said petition shall contain the full text of the ordinance proposed to be repealed. The Town Clerk shall, within two (2) working days after receipt of the last page of said petition, forward it to the Board of Canvassers for determination as to whether the petition is sufficient as prescribed by law, and if so, certify. Upon certification of the petition, said ordinance shall be suspended. The Board of Canvassers shall forward said petition to the Town Council prior to the next scheduled council meeting.

- 2.) Notice thereof shall be given by publication in full of the ordinance and submitted within sixty (60) days of certification of the petition to the electors. The referendum shall be held as provided by law, and the vote counted by the Board of Canvassers. The ordinance shall take effect immediately unless at least fifteen percent (15%) of the total electors have voted on the referendum and a majority of those voting thereon shall have voted in favor of overrule.

#### **Section 1213 Dual Office Holding**

No elected member of the Tiverton town government shall hold more than one (1) elective position. No employee of the Town shall hold elective office in the Town Government while they are in the employ of the Town. No elected member of the Tiverton town government shall hold an appointed position at the same time, unless such appointment is made to temporarily fill a position vacated by a town employee. A temporary appointment shall be made by no less than four (4) affirmative votes of the Town Council and may not continue longer than six (6) months. Any such person duly appointed may also be removed by majority vote of the Council without charge or hearing.

#### **Section 1214 Fees Collected by the Town**

All fees, penalties, payments and miscellaneous sources of revenue including but not limited to vending machines, copy machines, and recreational activities collected by Town Officials or agencies in their official capacities shall be transmitted to the town treasury to be deposited in the general funds of the Town. The compensation paid to each official shall be in lieu of all fees, penalties and payments payable to such official in the performance of his/her duties. Fees, penalties, and payments shall be reviewed and revised as necessary on an annual basis. Fees, penalties, and payments shall be set to at least cover the cost incurred by the Town.

#### **Section 1215 Codification and Revision of Ordinances**

The Town Council, within two (2) years following the effective date of this Charter, and every fifth year thereafter, shall cause to be prepared a revision or codification of ordinances of the Town which are appropriate for continuation as local laws of the Town. Such revision shall be prepared under the supervision of the Town Solicitor, but the Council may authorize the Solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

#### **Section 1216 Contractual Agreements**

All contractual and collective bargaining agreements ratified by the Town of Tiverton including, but not limited to, personnel, management, School Department, union, services, and materials, shall be on file in the Town Clerk's Office.

#### **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. This section does not preclude town officials from obtaining health benefits at their own expense.

#### **Section 1218 – Use of Town Resources to Influence a Voting Contest**

No officer or employee of the Town, including the School Department, shall use, or cause to be used, Town property, goods, money, grants, or labor to influence the outcome of an election, ballot question, or referendum; the foregoing shall not prohibit the distribution or publication of election, ballot question, or referendum information by the Town Clerk, the Board of Canvassers, or a Charter Review Commission.

## **ARTICLE XIII TRANSITIONAL PROVISIONS**

### **Section 1301 Effective Date of Charter**

This Charter shall take effect on the first day of January 1995, if the Board of Canvassers shall have certified that it was approved by the electors of the Town voting thereon, or upon the date of such certification if the same shall be made later than the first day of January 1995, provided however, that the provisions of Article VI of the Charter shall take effect immediately upon certification of approval of the Charter by the Board of Canvassers.

### **Section 1302 Continuation in Office**

All elected officials of the Town who are in office at the time of the taking of effect of this Charter shall continue to hold their offices until their respective terms have expired and their successors have been elected and qualified.

### **Section 1303 Continuation of Laws and Ordinances**

All special acts of the General Assembly applicable to the Town of Tiverton as of the effective date of this Charter shall continue in effect except insofar as they are inconsistent with the provisions of this Charter or any ordinance of the Town enacted pursuant to powers conferred by this Charter. Chapter 154 of the Public Laws of 1974 shall be deemed to have been superseded by the provisions of this Charter as the said Chapter shall apply to tenure for permanent full time police officers appointed subsequent to the effective date of this Charter, and by applicable provisions of State Law which are inconsistent with provisions of said Chapter. All ordinances, resolutions, rules and regulations of the Town in force as of the effective date of this Charter, and not inconsistent therewith, shall continue in force until amended or repealed.

### **Section 1304 Continuation of Obligations**

All taxes levied or assessed by the Town prior to the effective date of this Charter, which have not been collected by the Town shall be collected with any interest and penalties thereon, by the Town Government hereby established, in accordance with law. All licenses and permits issued by the Town, or any agency thereof, prior to the effective date of this Charter, shall continue in full force and effect until the termination date thereof, unless suspended or revoked for cause. All contracts, leases, franchises and other obligations, entered into by the Town, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect.

### **Section 1305 Pending Actions and Proceedings**

No actions or proceedings, civil or criminal, in law or in equity, pending at the time when this Charter shall take effect, brought by or against the Town, or any office, department or agency, or officer thereof, shall be affected or abated by the adoption of this Charter or by anything in this Charter contained.

### **Section 1306 Continuation of Agencies**

All commissions, boards, departments, or offices, whether elective or appointive, shall continue in the performance of their powers, duties and functions until successors have been elected or appointed as provided by this Charter to perform their respective powers, duties and functions, or until abolished pursuant to the provisions of this Charter and their powers, duties and functions reassigned to new or existing commissions, boards, departments or officers, or are terminated.

### **Section 1307 Continuation of Present Personnel**

All persons employed in the service of the Town on the effective date of this Charter, shall continue in such employment until promoted, demoted or removed in accordance with the provisions of this Charter, or ordinances enacted pursuant thereto.



#### **Section 1308 Transfer of Records and Property**

All records, property and equipment of any office, department or agency, the powers and duties of which are assigned by or in accordance with this Charter to another office, department or agency shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. In the event of disagreement over the transfer of same, the Town Administrator shall make the final decision.

#### **Section 1309 - Repealed**

#### **Section 1310 Capital Improvement Program**

The Capital Improvement Program shall be in accordance with Chapter 7A of the Town Code except that the Town Administrator shall be responsible for receiving requests and making recommendations for capital improvement projects.

**Certificate**

We, the undersigned members of the Charter Commission of the Town of Tiverton, have prepared and hereby propose the foregoing as a Home Rule Charter of the Town of Tiverton.

Done in the Town of Tiverton this sixth day of April 1994.

**THE CHARTER**

**CHARTER COMMISSION**

FRANK F. MARSHALL  
Chairman

JAMES P. AMARANTES  
Vice Chairman

LINDA F. MICHEL  
Publicity Coordinator

JOHN J. STASKIEWICZ  
Secretary

DIANE R. HARRIS  
Treasurer

CLAUDETTE J. LINHARES

JEFFREY P. LYNCH

WILLARD A. WETTERLAND III

RICHARD D. TAYLOR

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CHARTER AMMENDED BY THE VOTERS IN THE SPECIAL ELECTION OF NOVEMBER 1999

**THE CHARTER REVIEW COMMISSION**

FRANK F. MARSHALL  
Chairperson

PATRICIA A. COTE  
Vice-Chairperson

RICHARD A. TAYLOR  
Secretary

PETER M.. MONIZ  
Publicity

ROGER C. GAUTHIER

DIANE HARRIS

MONROE "STICKS" ROWLAND

WILLIAM J. VIEIRA

JOHN P. WEHLE

CHARTER AMMENDED BY THE VOTERS IN THE NOVEMBER 2004 SPECIAL ELECTION

THE CHARTER REVIEW COMMISSION

JAMES DONNELLY  
Chairman

CYNTHIA NEBERGALL  
Vice-Chairperson

TRISH FAGUNDES  
Secretary

JEFFREY CARON

JOHN FOLEY

PAUL CARON

SUSAN RODRIGUEZ

WAYNE KARZENSKI

JEFFREY SCROCZYNSKI

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CHARTER AMMENDED BY THE VOTERS IN THE NOVEMBER 4, 2008 ELECTION

THE CHARTER REVIEW COMMISSION

CECIL E. LEONARD  
Chairman

LAURA L. EPKE  
Vice-Chairperson

DEBORAH ANNA PALLASCH  
Secretary

DIANE R. HARRIS

FRANK R. JOSLIN III

ROBERT J. KOOHY

FRANCIS MARSHALL

RAYMOND MEDEIROS, SR.

STANLEY E. ZERAMBY

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CHARTER AMMENDED BY THE VOTERS IN THE NOVEMBER 8, 2011 SPECIAL ELECTION

FINANCIAL TOWN MEETING CHANGES ADVISORY COMMITTEE

JEFFREY CARON  
Co-Chairman

NANCY L. DRIGGS  
Co-Chairperson

ROBERT B. GAW

RUTH HOLLENBACH

JOHN J. MARTIN

JEFFREY SROCYNSKI

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 Election of November 8, 2011