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TOWN OF TIVERTON, RHODE ISLAND
OFFICE OF THE TOWN CLERK
343 HIGHLAND ROAD

TIVERTON, RI
NOTICE OF PUBLIC HEARING
PROPOSED TIVERTON TOWN CHARTER AMENDMENTS

Notice is hereby given that a Public Hearing will be held on the proposed Town Charter Amendments. This Public Hearing is scheduled for the Tiverton Town Council meeting to be held on **Monday, July 25, 2022, at 7:00 p.m.** at the Tiverton Town Hall, 343 Highland Road, Tiverton, RI.

The Town Council will consider two Charter Amendments and their corresponding Ballot Questions for approval to move forward on the November 8, 2022 ballot. The amendments will provide for modification of the town's budget procedure and the Financial Town Referendum process. It will also make various amendments related to the powers and duties of the Town Administrator, Town Clerk, Town Treasurer, School Committee and other related provisions as affected by the change in the budget/FTR process. There is also a proposal that would reduce the elected Budget Committee from eleven (11) to seven (7) members.

The proposed amendments may be altered or further amended prior to the close of the public hearing without further advertising, as a result of further study, or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment at the public hearing. Copies of the proposed Town Charter Amendments are available for public inspection on the town's website at www.tiverton.ri.gov in the office of the Town Clerk between the hours of 8:30 and 3:30 p.m. Mondays through Fridays. Anyone wishing to be heard on the proposed amendments should be present at the aforementioned date and time.

Joan B. Chabot
Town Clerk"

TIVERTON HOME RULE CHARTER AMENDMENTS RELATED TO THE FINANCIAL TOWN REFERENDUM AND BUDGET COMMITTEE AS OF JUNE 23, 2022

In accordance with Article XIII, section 8 of the Rhode Island Constitution and Section 1205 of the Tiverton Home Rule Charter, the Tiverton Town Council proposes the following amendments to the Tiverton Home Rule Charter, to be submitted for approval of the electors of the Town of Tiverton along with the proposed ballot question language and explanation as shown.

BALLOT QUESTION NO. 3: Shall the Town Charter be amended to permit the Town Council to adopt a unified budget, inclusive of municipal and educational budgets, through an ordinance process similar to other Rhode Island municipalities? The unified budget ordinance process shall include a review by an elected budget committee and a public hearing, and further provides that, if there are any alternate elector budget proposals, the final budget will be approved by voters at a Financial Town Referendum (FTR). If no certified elector alternative budget proposals are received, no FTR will be necessary.

REASON FOR THE CHANGE: The expense of holding an FTR when only one budget has been proposed, repeated legal challenges to the FTR process, and Rhode Island superior court rulings, requires an update, clarification, and modification of the town's budget procedures.

EFFECT OF THE CHANGE: The approval of BALLOT QUESTION THREE (3) will allow the town council to adopt a unified budget after proposals are submitted by the school department, town administrator, town clerk, and town treasurer, and an elected budget committee. The process also requires a public hearing before the Town Council can approve a unified budget ordinance. The town council adopted budget ordinance will become the budget of the town, subject to any elector budget proposal(s), which would require the submission of 500 signatures and final certification by the Tiverton board of canvassers. Such a submission would trigger a Financial Town Referendum. The proposed amendments also make changes to various sections of the Charter related to the roles and duties of the town administrator, town council, school committee, budget committee, town clerk, town treasurer, and the board of canvassers as it relates to the proposed budget process.

SUMMARY OF RELEVANT CHANGED HOME RULE CHARTER ARTICLES ASSOCIATED WITH BALLOT QUESTION 3.

Article III, section 301 of the Tiverton Home Rule Charter is to be repealed, and the below stated language inserted in its place with new sections 302, 303, 304, 305, and 306 added as set forth below.

The current section 302 entitled Special Referenda shall be recodified as section 307 with deletions as shown to comply with the new codifications.

Article IV Town Council section 407 3.) and 16.) is amended as shown.

Article V Town Administrator, section 503 1.) is amended as shown.

Article VI, Financial Services, section 602(a) 2.) & 9.) is amended as shown.

Article VII, Budget Committee, section 703, amending 2.) and 3.) and deleting 4). through 7).

Article VIII, Town Clerk, amending section 801 (a) duties and responsibilities as shown.

Article XI School Department, amending section 1101 (a) Powers and Duties as shown.

Article XII Miscellaneous, section 1217 Health Benefits for Elected Officials as shown.

ARTICLE III. FINANCIAL TOWN REFERENDUM

Section 301. Budget, Tax Levy, and Budget Adoption Process.

(a) Definitions. For purposes of the Article, the following terms shall have the following meanings:

(1) "Budget" includes all appropriations for operations, capital, and debt services and excludes all revenue sources or estimates thereof.

(2) "Day or Days" shall refer to calendar days unless otherwise noted, provided that if a day or deadline falls on a weekend or legal holiday, the date shall be extended to the next regular weekday unless specifically noted otherwise.

(3) "Non-Property Tax Revenue" means revenue received by the town from sources other than those generated from the real and tangible property tax levy and motor vehicle tax as set by the State of Rhode Island.

(4) "Unified Budget" shall include the appropriations of all municipal administrative services and debt service, the school committee budget requests, and the budget requests from the town clerk and town treasurer.

(b) The following schedule shall be used in the preparation, review and submission of the "Unified Budget"

1.) Initial Joint Budget Workshop: The budget committee, town council, and school committee shall participate in an initial joint budget workshop which shall be held no later than January 15 of each calendar year. The joint budget workshop shall be chaired by the president of the town council, or in the absence of that person, the vice-president of the town council.

2.) Town Clerk and Town Treasurer: The town clerk and town treasurer shall prepare and submit their proposed budget requests to the Town Administrator on or before March 19th.

3.) School Committee: The school committee shall prepare and submit a proposed school department expenditure budget, along with any state educational general revenue estimates to be received from the State of Rhode Island to the town administrator on or before March 19th.

4.) Town Administrator: The town administrator shall prepare and submit a proposed Unified Budget to the budget committee and the town council on or before March 26th.

5.) Town Administrator: The town administrator shall submit to the town council and budget committee the necessary and final "Non-Property Tax Revenue" estimates to be used by the town council and budget committee no later than April 15th.

6.) Budget Committee: The budget committee shall prepare and submit to the town council their proposed Unified Budget and any proposed language necessary to implement the budget on or before April 25th

7.) Town Council: The town council shall adopt a preliminary unified budget ordinance on or before May 13th and schedule a public hearing in accordance with subsection 301(b)(9) of Article III.

8.) Town Clerk: Notwithstanding Article IV, section 408 relating to the adoption of ordinances, the town clerk shall publish a summary of the preliminary unified budget ordinance as recommended by the town council in a newspaper of general circulation at least (14) fourteen days prior to a public hearing as set by the town council. The town clerk shall also ensure that the town council's proposed preliminary unified budget ordinance is posted on the Tiverton municipal website at least (14) fourteen days prior to a public hearing.

9). Town Council: The town council shall hold a public hearing prior to the adoption of the Unified Budget ordinance. The date, time, and place of the public hearing shall be published by the town clerk in a newspaper of general circulation at least (14) fourteen days prior to the date of the hearing.

10). Town Council: After the conclusion of the public hearing as required by section 301(b)(9) above, but in no event later than June 30th of any calendar year, the town council shall adopt a final unified budget ordinance upon one passage.

11). Town Clerk: The town clerk shall post a copy of the final unified budget ordinance on the municipal website and otherwise make it available for public inspection within (2) business days after first and final passage by the town council.

12). The unified budget ordinance shall become the final budget of the town unless an elector budget proposal is submitted in accordance with Article III, section 302.

Section 302 Elector Budget Referendum Proposals

Any qualified elector of the Town of Tiverton may submit only (1) one alternative budget proposal to be considered by the voters of the town as follows:

(a) Within ten (10) business days of the town council's passage of the unified budget as set forth in Section 301 (b)(10), any qualified elector may circulate a petition requesting that a budget referendum be held on their alternative budget proposal. The alternative budget proposal may increase or decrease the total town council's approved school department budget, municipal budget, or both.

(b) The town clerk shall provide the petition forms which shall include the petitioner's name and address, language and spaces for the insertion of budget dollar amounts, whether said alternative budget proposal is seeking an increase or decrease of expenditures as those adopted by the town council's unified budget ordinance, and space for an explanation of the petitioner's proposal.

(c) All alternative budget proposal petition forms must be approved by the town clerk prior to circulation by the petitioner. Any language added to an alternative budget petition or any alteration of the contents thereof after approval by the town clerk shall cause such form to be null and void.

(d) Once approved by the town clerk, each petitioner or designee(s) must obtain a combined total number of signatures of not less than (500) five hundred qualified electors of the town of Tiverton. Any person obtaining signatures on an alternative budget proposal petition must be an elector of the Town of Tiverton. The petition(s) with the necessary number of signatures, shall be returned to the Town Clerk no later than ten (10) business days after the town council's passage of the unified budget pursuant to section 301(b)(10).

(e) Upon return of the petition form(s) alternative budget proposal(s) to the town clerk, the town clerk shall cause the signatures to be verified by the board of canvassers. The verification shall be completed not later than (2) business days after the return date as set forth in Section 302(d) of this Article. There shall be no limit to the number of qualified alternative budget proposal petitions that an elector may sign.

(f) All alternative budget proposals must comply with any and all state or local laws or regulations related to property tax caps, maintenance of effort, expenditure limits, debt service, or other collective bargaining or employment contracts.

Section 303 Board of Canvassers Certifications

(a) Any alternative budget proposal(s) that has obtained the necessary number of verified signatures shall be presented within seven (7) business days of the verification to the Tiverton board of canvassers for final certification for a budget referendum.

(b) Upon receipt of the alternative budget proposal petition(s), the board of canvassers shall certify the alternative budget proposal including its compliance with Section 302 (f) of this Article, and that all deadlines as set forth in Section 302 have been met. If the board of canvassers determines that a petition(s) complies with all requirements, they shall certify the petition(s) for consideration at a financial town referendum. Only certified alternative budget proposals shall be forwarded to the town clerk for ballot preparation.

Section 304 Budget Referendum Date/Ballot Form

(a) The town clerk shall cause a referendum by ballot to be held on a Saturday, not less than thirty-five (35) nor more than forty-five (45) days from the final certification by the Tiverton board of canvassers on all certified petitioner alternative budget proposals(s) submitted pursuant to subsection section 302.

(b) The ballot used at such referendum shall be prepared by the town clerk and shall include the following initial question: Shall the original unified budget ordinance as approved by the Town Council be adopted? The ballot shall also include separate question(s) as to whether each petitioner's certified alternative budget proposal shall be adopted and to include each of the separate proposals(s) for increases and/or decreases in the appropriation for a particular budget together with the original approved budget amount.

(c) The Financial Town Referendum ballot shall be certified by the Tiverton board of canvassers.

(d) The qualified electors shall be instructed to vote for only one of the following: the original unified budget ordinance as approved by the town council or one of the alternative budget proposal(s).

(e) The question receiving a majority of votes of those case in the FTR shall be declared to have been adopted. Should no question receive such a majority, the board of canvassers shall schedule a run-off FTR between the two questions that received the most voters. The run-off shall occur within forty-five (45) days of the board of canvassers certification of the initial FTR.

Section 305 Polling Times/Final Certification

(a) The polls at such referendum shall be open at 7:00 a.m. and shall remain open until 8:00 p.m.

(b) The Tiverton board of canvassers shall have jurisdiction over the Financial Town Referendum (FTR) including the process of early voting, absentee and emergency ballots.

(c) The results of each ballot question shall be certified by the Tiverton board of canvassers no later than (10) ten days after the referendum date.

Section 306 Budget Adjustments

(a) In the event that an increase or a decrease in the school department budget and/or the municipal budget is approved by the electors at an FTR, the town council shall cause the total amount of said budgets to be adjusted accordingly and shall adopt an amended unified budget ordinance at its next regularly scheduled meeting to reflect the budget as approved by the electors.

(b) The Town Council and/or the School Committee, whichever has jurisdiction over the budget affected by such action, shall make reductions or increases within their respective budget to reflect appropriations of the elector-approved budget.

Section 307. 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.

ARTICLE IV TOWN COUNCIL

Section 407. Powers and Duties.

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

3.) Develop and adopt a unified budget ordinance in accordance with Article III of this Charter.

ARTICLE V TOWN ADMINISTRATOR

Section 503. Duties and Powers of the Town Administrator.

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

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

The Town Administrator shall:

1.) In accordance with the requirement of Article III, Section 301(b) (4)&(5), submit a proposed unified budget to the town council and budget committee along with any estimates of non-property tax revenue.

ARTICLE VI FINANCIAL SERVICES

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:

2.) Monitoring the spending by all departments, boards and commissions of the Town to ensure that the budget approved and adopted pursuant to Article III is not exceeded.

9.) Preparing an annual department budget to be submitted in accordance with Section 301(b)(2) of Article III of this Charter.

ARTICLE VII BUDGET COMMITTEE

Section 703. Duties and Responsibilities.

The Budget Committee has the following responsibilities:

1.) To participate in the Initial Budget Workshop.

2.) To review the unified budgets submitted by the Town Administrator , 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 prepare and submit their proposed Unified Budget and any proposed language necessary to implement the budget in accordance with Article III, section 301(b)(6).

ARTICLE VIII TOWN CLERK

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 submit his or her budget in accordance with Section 301(b)(2) of this Charter and perform all functions as set forth in Article III related to the Financial Town Referendum The Town Clerk shall perform all other such duties as may be prescribed by this Charter or by law.

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

ARTICLE XI SCHOOL DEPARTMENT

Section. 1101. School Committee.

There shall be a non-partisan School Committee consisting of five (5) members, elected "at-large" for four (4) year terms. Terms shall be staggered so that no more than three (3) expire every two (2) years. School Committee members shall be elected at the General Election in even numbered years. School Committee members shall be electors of the Town and shall not hold other elected town offices or be employees of the Town. Should a Committee member fail to meet the above qualifications, or become disqualified from continuing in office under the provisions of the State Constitution, State Law or this Charter, his/her office shall be deemed to have become vacant. The vacancy shall be filled in the manner provided in the provisions of this Charter. 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, inclusive of expenditures and applicable state or federal revenues, to the Town Administrator, in accordance with Article III, section 301(b)(3) 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.

(Charter Amend. of 11-6-18(1))

ARTICLE XII MISCELLANEOUS

Section. 1217 Health Benefits for Elected Officials.

Health benefits for elected officials, including the School Committee, shall be limited to the position of Town Clerk, Town Treasurer or such other position(s) as contained in the adopted unified budget as approved by the town council or in a petition budget adopted in accordance with Article III, section 302. This section does not preclude town officials from obtaining health benefits at their own expense.

BALLOT QUESTION NO 4: Shall the current eleven (11) member budget committee be reduced to seven (7) members who will continue to serve staggered terms?

REASON FOR THE CHANGE: Based on a lack of candidates for budget committee positions over the last few election cycles, the elected budget committee membership has been re-set from eleven (11) members to seven (7) members.

EFFECT OF THE CHANGE: The amendment reduces the number of individuals on the elected budget committee from eleven (11) to seven (7).

SUMMARY OF RELEVANT CHANGED HOME RULE CHARTER ARTICLES ASSOCIATED WITH BALLOT QUESTION 4.

ARTICLE VII, Sections 701 and 702 are amended as shown.

ARTICLE VII BUDGET COMMITTEE

Section 701 Composition.

The Budget Committee shall consist of (7) seven members elected for a term of four (4) years, so staggered, that no more than (4) four terms expire at any one time. The Budget Committee shall elect annually, from among its membership, a Chairperson, Vice Chairperson, Secretary, and other such officers as they deem appropriate. Budget Committee members shall hold no other elected or appointed office or position with town government or serve on any board of commission therein

Section 702 Elections and Vacancies

Any vacancies on the non-partisan Budget Committee shall be filled in the manner provided for in this Charter.

(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. Provided, however, that any reduction in the number of persons to serve on the budget committee by a charter amendment shall become effective in the next general election following its adoption.

(Charter Amend. of 11-6-18(1))

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 Saturday in May.~~

~~20.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur fourteen 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 Saturday 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 301. Budget, Tax Levy, and Budget Adoption Process.

(a) Definitions. For purposes of the Article, the following terms shall have the following meanings:

(1) "Budget" includes all appropriations for operations, capital, and debt services and excludes all revenue sources or estimates thereof.

(2) "Day or Days" shall refer to calendar days unless otherwise noted, provided that if a day or deadline falls on a weekend or legal holiday, the date shall be extended to the next regular weekday unless specifically noted otherwise.

(3) "Non-Property Tax Revenue" means revenue received by the town from sources other than those generated from the real and tangible property tax levy and motor vehicle tax as set by the State of Rhode Island.

(4) "Unified Budget" shall include the appropriations of all municipal administrative services and debt service, the school committee budget requests, and the budget requests from the town clerk and town treasurer.

(b) The following schedule shall be used in the preparation, review and submission of the "Unified Budget"

1.) Initial Joint Budget Workshop: The budget committee, town council, and school committee shall participate in an initial joint budget workshop which shall be held no later than January 15 of each calendar year. The joint budget workshop shall be chaired by the president of the town council, or in the absence of that person, the vice-president of the town council.

2.) Town Clerk and Town Treasurer: The town clerk and town treasurer shall prepare and submit their proposed budget requests to the Town Administrator on or before March 19th.

3.) School Committee: The school committee shall prepare and submit a proposed school department expenditure budget, along with any state educational general revenue estimates to be received from the State of Rhode Island to the town administrator on or before March 19th.

4.) Town Administrator: The town administrator shall prepare and submit a proposed Unified Budget to the budget committee and the town council on or before March 26th.

5.) Town Administrator: The town administrator shall submit to the town council and budget committee the necessary and final "Non-Property Tax Revenue" estimates to be used by the town council and budget committee no later than April 15th.

6.) Budget Committee: The budget committee shall prepare and submit to the town council their proposed Unified Budget and any proposed language necessary to implement the budget on or before April 25th

7.) Town Council: The town council shall adopt a preliminary unified budget ordinance on or before May 13th and schedule a public hearing in accordance with subsection 301(b)(9) of Article III.

8.) Town Clerk: Notwithstanding Article IV, section 408 relating to the adoption of ordinances, the town clerk shall publish a summary of the preliminary unified budget ordinance as recommended by the town council in a newspaper of general circulation at least (14) fourteen days prior to a public hearing as set by the town council. The town clerk shall also ensure that the town council's proposed preliminary unified budget ordinance is posted on the Tiverton municipal website at least (14) fourteen days prior to a public hearing.

9). Town Council: The town council shall hold a public hearing prior to the adoption of the Unified Budget ordinance. The date, time, and place of the public hearing shall be published by the town clerk in a newspaper of general circulation at least (14) fourteen days prior to the date of the hearing.

10). Town Council: After the conclusion of the public hearing as required by section 301(b)(9) above, but in no event later than June 30th of any calendar year, the town council shall adopt a final unified budget ordinance upon one passage.

11). Town Clerk: The town clerk shall post a copy of the final unified budget ordinance on the municipal website and otherwise make it available for public inspection within (2) business days after first and final passage by the town council.

12). The unified budget ordinance shall become the final budget of the town unless an elector budget proposal is submitted in accordance with Article III, section 302.

Section 302 Elector Budget Referendum Proposals

Any qualified elector of the Town of Tiverton may submit only (1) one alternative budget proposal to be considered by the voters of the town as follows:

(a) Within ten (10) business days of the town council's passage of the unified budget as set forth in Section 301 (b)(10), any qualified elector may circulate a petition requesting that a budget referendum be held on their alternative budget proposal. The alternative budget proposal may increase or decrease the total town council's approved school department budget, municipal budget, or both.

(b) The town clerk shall provide the petition forms which shall include the petitioner's name and address, language and spaces for the insertion of budget dollar amounts, whether said alternative budget proposal is seeking an increase or decrease of expenditures as those adopted by the town council's unified budget ordinance, and space for an explanation of the petitioner's proposal.

(c) All alternative budget proposal petition forms must be approved by the town clerk prior to circulation by the petitioner. Any language added to an alternative budget petition or any alteration of the contents thereof after approval by the town clerk shall cause such form to be null and void.

(d) Once approved by the town clerk, each petitioner or designee(s) must obtain a combined total number of signatures of not less than (500) five hundred qualified electors of the town of Tiverton. Any person obtaining signatures on an alternative budget proposal petition must be an elector of the Town of Tiverton. The petition(s) with the necessary number of signatures, shall be returned to the Town Clerk no later than ten (10) business days after the town council's passage of the unified budget pursuant to section 301(b)(10).

(e) Upon return of the petition form(s) alternative budget proposal(s) to the town clerk, the town clerk shall cause the signatures to be verified by the board of canvassers. The verification shall be completed not later than (2) business days after the return date as set forth in Section 302(d) of this Article. There shall be no limit to the number of qualified alternative budget proposal petitions that an elector may sign.

(f) All alternative budget proposals must comply with any and all state or local laws or regulations related to property tax caps, maintenance of effort, expenditure limits, debt service, or other collective bargaining or employment contracts.

Section 303 Board of Canvassers Certifications

(a) Any alternative budget proposal(s) that has obtained the necessary number of verified signatures shall be presented within seven (7) business days of the verification to the Tiverton board of canvassers for final certification for a budget referendum.

(b) Upon receipt of the alternative budget proposal petition(s), the board of canvassers shall certify the alternative budget proposal including its compliance with Section 302 (f) of this Article, and that all deadlines as set forth in Section 302 have been met. If the board of canvassers determines that a petition(s) complies with all requirements, they shall certify the petition(s) for consideration at a financial town referendum. Only certified alternative budget proposals shall be forwarded to the town clerk for ballot preparation.

Section 304 Budget Referendum Date/Ballot Form

(a) The town clerk shall cause a referendum by ballot to be held on a Saturday, not less than thirty-five (35) nor more than forty-five (45) days from the final certification by the Tiverton board of canvassers on all certified petitioner alternative budget proposals(s) submitted pursuant to subsection section 302.

(b) The ballot used at such referendum shall be prepared by the town clerk and shall include the following initial question: Shall the original unified budget ordinance as approved by the Town Council be adopted? The ballot shall also include separate question(s) as to whether each petitioner's certified alternative budget proposal shall be adopted and to include each of the separate proposals(s) for increases and/or decreases in the appropriation for a particular budget together with the original approved budget amount.

(c) The Financial Town Referendum ballot shall be certified by the Tiverton board of canvassers.

(d) The qualified electors shall be instructed to vote for only one of the following: the original unified budget ordinance as approved by the town council or one of the alternative budget proposal(s).

(e) The question receiving a majority of votes of those cast in the FTR shall be declared to have been adopted. Should no question receive such a majority, the board of canvassers shall schedule a run-off FTR between the two questions that received the most votes. The run-off shall occur within forty-five (45) days of the board of canvassers' certification of the initial FTR.

Section 305 Polling Times/Final Certification

(a) The polls at such referendum shall be open at 7:00 a.m. and shall remain open until 8:00 p.m.

(b) The Tiverton board of canvassers shall have jurisdiction over the Financial Town Referendum (FTR) including the process of early voting, absentee and emergency ballots.

(c) The results of each ballot question shall be certified by the Tiverton board of canvassers no later than (10) ten days after the referendum date.

Section 306 Budget Adjustments

(a) In the event that an increase or a decrease in the school department budget and/or the municipal budget is approved by the electors at an FTR, the town council shall cause the total amount of said budgets to be adjusted accordingly and shall adopt an amended unified budget ordinance at its next regularly scheduled meeting to reflect the budget as approved by the electors.

(b) The Town Council and/or the School Committee, whichever has jurisdiction over the budget affected by such action, shall make reductions or increases within their respective budget to reflect appropriations of the elector-approved budget.

Section 3072 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 303-309 – 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 in the manner provided for in this Charter. 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.~~

3. Develop and adopt a unified budget ordinance in accordance with Article III 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 bachelor's 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.) In accordance with the requirement of Article III, Section 301(b) (4)&(5), submit a proposed unified budget to the town council and budget committee along with any estimates of non-property tax revenue. ~~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 ensure that the budget approved and adopted pursuant to Article III ~~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)~~(b)(2) of Article III 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, 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 affect 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~~ (7) seven members elected for a term of four (4) years, so staggered, that no more than (4) four ~~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 elected or appointed ~~town~~office or position with town government or serve on any board or commission therein..

Section 702 Elections and Vacancies

Any vacancies on the non-partisan Budget Committee shall be filled in the manner provided for in this Charter.

(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. Provided, however, that any reduction in the number of persons to serve on the budget committee by a charter amendment shall become effective in the next general election following its adoption.

Section 703 Duties and Responsibilities

The Budget Committee has the following responsibilities:

1.) To participate in the Initial Budget Workshop

2.) To review the unified 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.~~ To prepare and submit their proposed Unified Budget and any proposed language necessary to implement the budget in accordance with Article III, section 301(b)(6).

~~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)~~(b)(2) of this Charter and perform all functions as set forth in

Article III related to the Financial Town Referendum. 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 temporarily 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. When the Judge of Probate is permanently absent or unable to perform the duties of the office, or has otherwise vacated or resigned the office, the vacancy shall be filled in a manner consistent with this Charter.

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 vacancy shall be filled in the manner provided in the provisions of this Charter. 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~~-~~, inclusive of expenditures and applicable state or federal revenues, to the Town Administrator, in accordance with Article III, section 301(b)(3) of this Charter~~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

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, Town Treasurer or such other position(s) as contained in the adopted unified budget as approved by the town council or in a petition budget adopted in accordance with Article III, section 302.~~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