

Title 17

Elections

Chapter 8

Local Canvassing Authorities

R.I. Gen. Laws § 17-8-10

§ 17-8-10. Publication of local questions to be submitted to voters.

(a) Prior to each local election at which public questions are to be submitted, the local board shall cause to be prominently posted in at least three (3) local public locations and advertised at least once in a newspaper of local circulation, or in lieu of the requirement to place the advertisement in a newspaper of local circulation, the City of Pawtucket may mail to the household of each registered voter prior to the election the full text of each legislative act to be acted upon and the election date, or the local board may substitute a description of the text of each act in lieu of the full text, together with the following information:

- (1) The designated number of the question;
- (2) A brief caption of the question;
- (3) A brief explanation of the measure that is the subject matter of the question; and
- (4) A notice that voter fraud is a felony and the penalty for voter fraud. This notice shall be in conspicuous lettering and shall contain the following language: "You must be registered to vote from your actual place of residence."

(b) If the public question involves the issuance of bonds or other evidence of indebtedness or any other long-term financial obligation such as a lease, the notice required by subsection (a) of this section shall also include at least the following information to be provided:

- (1) The estimated total cost of the project or program, including financing (using a reasonable assumed rate of interest), legal, and other costs.
- (2) The estimated useful life of the project, and the term of the bonds, other indebtedness, or other obligation.
- (3) A reasonably detailed description of the project or program, its purposes, and a project timetable.

History of Section.

P.L. 2008, ch. 448, § 1; P.L. 2010, ch. 195, § 1; P.L. 2010, ch. 220, § 1.

STATE OF RHODE ISLAND
RESOLUTION OF THE TOWN OF NORTH SMITHFIELD

RESOLUTION OF THE TOWN OF NORTH SMITHFIELD PROPOSING AMENDMENTS
TO THE NORTH SMITHFIELD HOME RULE CHARTER TO ELECTORS OF THE
TOWN AT THE ELECTION TO BE HELD ON
NOVEMBER 5, 2024

WHEREAS, on or about July 15, 2024, the Town Council conducted a public hearing on proposed Amendments to the North Smithfield Town Charter for ballot placement at the November 5, 2024, General Election.

NOW, THEREFORE, BE IT RESOLVED that the following questions shall be submitted on a ballot to the electors of the Town at the election to be held on November 5, 2024:

LOCAL BALLOT QUESTIONS
AMENDMENTS TO THE NORTH SMITHFIELD HOME RULE CHARTER

Shall the North Smithfield Town Charter be amended in the following ways?

QUESTION 1. Form of Government (Town Manager-Council)

Commencing on December 1, 2028, shall the Charter be amended to establish a Town Manager/Council form of government in the Town of North Smithfield; establish the powers and duties of the Town Manager; change the wording from Town Administrator to Town Manager and provide that: (i) the Town Council shall appoint the Town Manager, (ii) the Town Council shall appoint the Town Clerk, (iii) the Town Council shall appoint the members of the Personnel Board, Conservation Commission, and Economic Development Commission, and (iv) the Town Council President shall be recognized as the official head of the Town government?

Question 1. Amends Article I. Basic Provisions; Article III. Financial Provisions of the Town; Article IV. Town Council; Article V. Town Administrator; Article VI. Town Solicitor; Article VII. Department of Finance; Article VIII. The Budget; Article IX. Town Clerk; Article X. Department of Public Works; Article XI. Director of Public Safety; Article XII. Planning Department; Article XIII. Personnel Board; Article XV. Other Officers and Commissions; Article XVI. General Provisions. Additional Charter amendments reconcile existing language in the Charter by changing the words "Town Administrator" to "Town Manager".

ARTICLE I. Basic Provisions

Sec. 2. Form of government.

The form of Town government provided by this Charter shall be the ~~Administrator~~-Town Manager-Council form of government. Subject only to the limitations imposed by the state constitution and by this Charter, all powers of the Town shall be vested in an elected Town Council which shall enact legislation. ~~and in an elected Town Administrator who shall be responsible for the execution of the laws and the administration of the Town government.~~

ARTICLE V. TOWN MANAGER

Sec. 1. Appointment and Qualifications.

The Town Council by a majority vote of its total membership shall appoint a Town Manager for an indefinite term and fix the Manager's compensation. The Town Manager shall have at a minimum, a Bachelor's degree, a Master's Degree in Public Administration or its equivalent is preferred, at least five years' experience spent as a Senior Manager/Administrator or similar position, at least five years' experience in Municipal Collective bargaining is desirable, and a demonstrated ability to communicate orally and in writing. The Manager need not be a resident of the Town or State at the time of appointment, but the Manager shall reside in the Town after his/her appointment. However, the Town Council may waive this residency requirement.

Sec. 2. Removal.

The Town Manager can be removed at the discretion of the Council, by a vote of a majority of all members of the Council with or without a public hearing, as the Council in its discretion shall determine. There shall be no right to appeal a decision of the Council concerning the removal of the Town Manager.

Sec. 3. Acting Town Manager.

By letter filed with the Town Council through the Town Clerk, the Town Manager shall designate a Town officer or employee to exercise the powers and perform the duties of the Town Manager during the Manager's temporary absence or disability. The Town Council may revoke such designation at any time and appoint another officer of the Town to serve until the Town Manager returns. In the event of failure of the Manager to make such designation, the Council may appoint an officer of the Town to perform the duties of the Manager for the duration of the Manager's temporary absence or disability.

Sec. 4. Powers and Duties of the Town Manager.

The Town Manager shall be the Chief Administrative Officer of the Town, responsible to the Council for the administration of all Town affairs placed in the Manager's charge by or under this Charter. The Town Manager shall:

- (1) Appoint and, when necessary for the good of the service, suspend or remove all Town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided for by law, this Charter or personnel rules adopted pursuant to this Charter. The Town Manager may authorize any administrative officer, subject to the Manager's direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by Law.
- (3) Attend all Town Council meetings. The Town Manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Town Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the Town Council;

(6) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year;

(7) Make such other reports as the Town Council may require concerning the operations of Town departments, offices and agencies subject to the Town Manager's direction and supervision;

(8) Keep the Town Council fully advised as to the financial condition and future needs of the Town;

(9) Make recommendations to the Town Council concerning the affairs of the Town;

(10) Provide staff support services for the Council members; and

(11) Perform such duties as are specified in this Charter or which may be required by the Town Council.

(12) All contracts for municipal employment shall be approved by the Town Council and shall comply with the provision that certain appointees serve at the pleasure of the Town Manager.

ARTICLE IV. Sec. 4. Amending to add the following language at the end of the paragraph: The President shall be recognized as the official head of the Town government for all ceremonial purposes and by the Governor for purposes of military law.

ARTICLE IX. Sec. 1. Amending to remove the line "Town Administrator with the approval of the"

ARTICLE XIII. Sec. 1. Amending to remove the line "Town Administrator with the approval of the"

ARTICLE XV. Sec. 8. Amending to remove the line "Town Administrator with the approval of the" and replacing the term "Administrator" with "Council" in the next sentence."

ARTICLE XV. Sec. 9. Amending to remove the line "Town Administrator with the approval of the" and replacing the term Administrator with Council in the second paragraph following the phrase "appointed by the Town".

EXPLANATION:

This Charter amendment establishes a Town Manager/Council form of government in the Town of North Smithfield commencing on December 1, 2028. It establishes the powers and duties of the Town Manager; replaces the term Town Administrator with Town Manager and provides that the Town Council shall appoint the Town Manager, the Town Council shall appoint the Town Clerk, the Town Council shall appoint the members of the Personnel Board, Conservation Commission, and Economic Development Commission, and provides that the Town Council President shall be recognized as the official head of the Town government.

A vote to Approve would establish a Town Manager/Council form of government. A vote to Reject would retain the current Town Administrator/Council form of government.

Question 1. Approve

Question 1. Reject

QUESTION 2. - Town Council (Terms)

Commencing on December 1, 2028, shall the Charter be amended to establish that the Town Council shall be elected to serve for four (4) year staggered terms, and shall serve terms that shall not exceed two (2) consecutive terms of four (4) years, provided, however, that any former elected official shall again be eligible for election after not less than four (4) years shall have elapsed from the end of such eight-consecutive-year period?

Question 2. Amends Article II. Elections; Article IV. Town Council.

Article IV. Town Council

Sec. 1. Number, selection, terms.

Commencing on December 1, 2028, there shall be a Town Council consisting of five members who shall be elected at-large at the regular biennial elections in even-numbered years to serve for a term of four (4) years and until his/her successor is elected and qualified. However, in the elections of 2028 only, the three candidates with the largest number of votes shall be elected for four (4) years; the next two candidates in vote totals shall be elected for a term of two (2) years. Thereafter, the candidates elected at subsequent elections shall be placed on the ballot in one column in alphabetical order and the candidates with the largest number of votes shall be elected. In addition, candidates elected thereafter shall be for three or two members of the Town Council, as may be required to fill the vacancies caused by the expiration of the terms.

Article II. Elections

Sec. 2. Term Limits

Commencing on December 1, 2028, all elected officials shall serve terms of office that shall not exceed two (2) consecutive terms of four (4) years, excluding any term of less than four (4) years previously served; provided, however, that any former elected official shall again be eligible for election after not less than four (4) years shall have elapsed from the end of such eight-consecutive-year period.

Explanation: This Charter amendment establishes that commencing on December 1, 2028, the Town Council shall be elected to serve for four (4) year staggered terms and establishes that all elected officials shall serve terms that shall not exceed two (2) consecutive terms of four (4) years provided, however, that any former elected official shall again be eligible for election after not less than four (4) years shall have elapsed from the end of such eight-consecutive-year period.

A vote to Approve would establish that the Town Council shall be elected to serve for four (4) year staggered terms and shall serve terms that shall not exceed two (2) consecutive terms provided, however, that any former elected official shall again be eligible for election after not less than four (4) years shall have elapsed from the end of such eight-consecutive-year period. A vote to Reject would retain the current Town Council terms and limits.

Question 2. Approve
Question 2. Reject

Question 3. Editing and Terminology Changes

Shall the Home Rule Charter of the Town of North Smithfield be amended: (a) to correct spelling, grammar and punctuation as needed; to provide for appropriate technical changes; to render language gender-neutral; (b) to incorporate editing and terminology changes that would bring continuity and clarity to the Town Charter; (c) to adopt the language modernization changes, format changes and section numbering changes as necessary to clarify the Town Charter as approved by the Town Council; and (d) to update text changes to be consistent with existing Rhode Island law and statutes?

Explanation: *This Charter amendment provides for editing to correct spelling, grammar, and punctuation as needed; to provide appropriate technical changes; to render language gender-neutral; to incorporate editing and terminology changes that would bring continuity and clarity to the Town Charter; to adopt the language modernization changes, format changes and section numbering changes as necessary to clarify the Town Charter as approved by the Town Council; and to update text changes to be consistent with existing Rhode Island law and statutes.*

Question 3. Approve

Question 3. Reject

That upon passage, the Town Clerk shall transmit a certified copy of this resolution to the North Smithfield Board of Canvassers in order to be certified by the Board to the Hon. Secretary of State for ballot placement at the November 5, 2024, General Election.

That the Town Clerk cause sufficient copies of the proposed amendments to be made available in the Clerk's office for all persons desiring a copy of the same, and that the Board of Canvassers shall advertise the proposed amendments in accordance with Title 17 of the General Laws of the State of Rhode Island, including the required provisions of R.I. Gen. Laws § 17-8-10.

Subject to the approval of the proposed amendments by the electors of the Town of North Smithfield at the November 5, 2024, General Election, the North Smithfield Town Council does hereby memorialize the General Assembly to act favorably on the validation of the above amendments to the North Smithfield Home Rule Charter

The undersigned and the duly elected Town Council of the Town of North Smithfield have hereunto set their hands and caused this resolution to be adopted.

This resolution shall take effect upon passage.

Passed by the Town Council on _____

Town Clerk

Approved as to form: _____
David V. Igliazzi, Town Solicitor

NORTH SMITHFIELD TOWN COUNCIL

Kimberly Alves, President

Douglas Osier Jr., Vice President

Paulette Hamilton

John Beauregard

Claire V. O'Hara

Approved by the Town Administrator _____
Paul J. Zwolenski