

**AMENDMENTS TO THE SMITHFIELD HOME RULE CHARTER  
ADOPTED ON NOVEMBER 4, 2008**

**Section 2.06. Prohibitions**

(a) Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other Town office or employment during the term for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the Town until one (1) year after that member's departure from the Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council member to represent the Town on the governing board of any regional or other intergovernmental agency.

(b) Appointments and Removals. Neither the Town Council nor any of its members shall in any manner control or demand the appointment or removal of any Town administrative officer or employee whom the Town Manager or any subordinate of the Town Manager is empowered to appoint.

(c) Interference with Administration. Except for the purpose of inquiries, and investigations under § C-2.09, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2.08. Judge of Qualifications**

The Town Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled upon request to the following:

- 1.) A public hearing;
- 2.) A statement of the specific charge or charges setting forth the conduct that constitutes grounds for the forfeiture of his office;
- 3.) The right to be represented by an attorney at his/her expense;
- 4.) An opportunity to present witnesses;
- 5.) The right to cross examine witnesses;
- 6.) The right to present evidence.

The notice of the public hearing shall be published in one (1) or more newspapers of general circulation in the Town at least one (1) week in advance of the public hearing.

If the charges of conduct constituting grounds for forfeiture of office shall be upheld by the Council, the member charged shall not participate in Council matters during the time the matter is under judicial review. Decisions made by the Council under this section shall be subject to judicial review.

**Section 2.10. Independent Audit**

The Town Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm or such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers. The Council shall require competitive bids and designate such accountant or firm annually, but the designation for any particular fiscal year shall be made no later than 180 (one hundred eighty) days prior to the subsequent fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this section.

**Section 2.12. Action requiring an Ordinance**

In addition to other acts required by law or by specific provision of this Charter to be done by Ordinance, those acts of the Town Council shall be by Ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any Town department, office, board, commission or agency;

- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Regulate the rate charge for its services by a public utility;
- (4) Authorize the borrowing of money;
- (5) Convey or lease or authorize the conveyance or lease of any real estate of the Town;
- (6) Regulate land use and development, and adopt or amend a zoning Ordinance;
- (7) Enact, and amend, a personnel system in conformity with the provisions of this Charter;
- (8) Amend or repeal any Ordinance previously adopted; and
- (9) Adopt with or without amendment Ordinances proposed under the initiative provisions of this Charter.

Acts other than those referred to in the preceding sentence may be done either by Ordinance or by Resolution.

**Section 2.13. Ordinances in General**

(a) Form. Every proposed Ordinance shall be introduced in writing and in the form required for final adoption. No Ordinance shall contain more than (1) subject which shall be clearly expressed in its title. The enacting clause shall be “The Town of Smithfield hereby ordains . . .” Any Ordinance which repeals or amends an existing Ordinance or part of the Town Code shall set out in full the Ordinance, Sections or Subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. An Ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any Ordinance, the Town Clerk shall distribute a copy to each Council member and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk and such other public places as the Council may designate, and shall publish the Ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard.

After the hearing the Council may adopt the Ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the Ordinance or its amended Sections have been subjected to all the procedures herein before required in the case of a newly introduced Ordinance. As soon as practicable after adoption, the Clerk shall have the Ordinance and a notice of its adoption published and available at a reasonable price.

(c) **Effective Date.** Except as otherwise provided in this Charter, every adopted Ordinance shall become effective at the expiration of 30 (thirty) days after adoption or at any later date specified therein.

(d) **“Publish” Defined.** As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the Town or as required by state law:

- (1) the Ordinance or a brief summary thereof, and
- (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

### **Section 2.15. Codes of Technical Regulations**

Repealed in its entirety.

### **Section 2.16. Authentication and Recording; Codification; Printing**

(a) **Authentication and Recording.** The Town Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all Ordinances and Resolutions adopted by the Town Council.

(b) **Codification.** Within three (3) years after adoption of this Charter and at least every five (5) years thereafter, the Town Council shall provide for the preparation of a general codification of all Town Ordinances and Resolutions having the force and effect of law.

The general codification shall be adopted by the Council by Ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Rhode Island and

such Codes of Technical Regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Smithfield Town Code. Copies of the Code shall be furnished to Town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) **Printing of Ordinances and Resolutions.** The Town Council shall cause each Ordinance and Resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed Ordinances, Resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first Smithfield Town Code and at all times thereafter, the Ordinances, Resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or addition to the provisions of the Constitution and other laws of the State of Rhode Island, or the Codes of Technical Regulations and other rules and regulations included in the Code.

### **Section 3.04. 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.

**Section 4.02. Board of Assessment Review.**

(a) Organization. There shall be a Board of Assessment Review consisting of three (3) members appointed by the Town Council, each to serve a three (3) year term, all of whom shall be qualified voters and residents of the Town. No more than two (2) of the members of the Board of Assessment Review shall be members of the same political party at any one time, such political party allegiance to be verified in writing to the Town Manager by the Town Party Chairperson of such political party. The terms of the members of said Board shall be arranged in such a manner that the term of one member shall expire each year.

(b) Functions. The Board of Assessment Review shall receive, hear, consider, and dispose of all appeals from any property owner concerning the amount of assessed valuation as

determined by the Tax Assessor. The Town Council shall by Ordinance provide for the manner of receiving, considering, and disposing of appeals. Such procedure relating to appearances before the Board shall be informal and of a nature calculated to effect justice in as simple a manner as possible and conform to the following requirements:

(1) The Assessor shall attend all hearing[s] of the Board in order to explain the Assessor's valuation, but the Assessor shall have no vote.

(2) The Board shall keep an accurate record of its proceedings which shall be available for public inspection.

(3) No appeal shall be considered by the Board unless the tax due and payable has been paid under protest.

(4) If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the Board shall have the power to change the assessment and shall determine the correct valuation of such property. It shall be the duty of the Finance Director to make any refund that may be due to the property owner.

(c) Appeals to the Board of Assessment Review. Appeals to the local tax board of review are to be filed not more than thirty (30) days after the Assessor renders a decision and notifies the taxpayer, or if the Assessor does not render a decision within forty-five (45) days of the filing of the appeal, not more than ninety (90) days after the expiration of the forty-five (45) day period. The local tax board of review shall, within ninety (90) days of the filing of the appeal, hear the appeal and render a decision within thirty (30) days of the date that the hearing was held. Provided, that a city or town may request and receive an extension from the director of the Rhode Island Department of Administration.

(d) Judicial Appeal. Any taxpayer may appeal the decision of the Board of Assessment Review in accordance with R.I.G.L. 44-5-26.

#### **Section 4.16. Asset Management Commission.**

There shall be an Asset Management Commission appointed by the Town Council, the terms and membership to be set by the Town Council. Qualifications shall include, however not limited to, experience in construction and facilities management, architectural and civil engineering, real estate and finance. The Commission shall be responsible for the following:

- 1.) Compiling an inventory of all land and buildings owned by the Town.
- 2.) Assess the condition of all buildings and establish and prioritize the need for major repairs or renovations.
- 3.) Prepare and present to the Council a list of Town-owned property that could be sold or transferred. The Commission shall identify and recommend sites to be acquired for projects identified on the priority list.
- 4.) Prepare with input from all departments of Town government, a list of projected capital expenditures for five and ten year periods; prioritize the list and recommend sources of funding. The Commission shall annually report to the Town Manager and Town Council its recommendations.
- 5.) Any project for which a Town department seeks funding the initial review of the request including planning, cost estimates for the project, and future operating costs associated with the project shall be done by the Commission with assistance of the department making the request. Any building committee designated to build the project shall include representatives from the Asset Management Commission. All building committees shall be appointed by the Town Council.
- 6.) The Commission on request of the Town Council may perform other specified tasks. The Town Manager shall provide necessary resources to the Commission to carry out its responsibilities.

**Section 4.18. Creation of Departments, Offices, Boards, Commissions, or Agencies.**

The Town Council in order to make efficient use of Town resources may by ordinance establish Town departments, offices, boards, commissions or agencies in addition to those created by this Charter including reassigning functions assigned by this Charter to a particular department, office, board, commission or agency. The Town Council may by ordinance contract

with any private or public entity, or combination of entities, to perform a function or functions assigned in this Charter to a particular department, office, board, commission or agency.

**Section 4.20. Personnel System.**

- 1.) Organization. There shall be a Personnel Board consisting of three (3) members. The Board shall organize annually by electing a chairman, vice chairman and secretary.
- 2.) Appointments, Terms and Vacancies. The members shall be appointed by the Town Council for terms of three (3) years, initial appointment shall be for periods of one (1), two (2) and three (3) years. Appointees shall have experience in private or government personnel administration. No member shall hold or be a candidate for any other government office or position. No more than two (2) members of the Board shall be members of the same political party. The Council shall fill any vacancy in the Board within sixty (60) days of a vacancy. Compensation, if any, shall be set by the Town Council.
- 3.) Duties of the Personnel Board. It shall be the duty of the Personnel Board to recommend rules and regulations for:
  - (A) A position classification plan for all full time permanent employees who work thirty-five (35) hours per week. The Plan shall include classified and non-classified positions. The plan shall include a pay plan for both classified and unclassified positions. The plan shall define generally the duties, responsibilities and types of work involved for each class of position, the skills and knowledge necessary for each position.
  - (B) It shall determine the minimum qualifications necessary to qualify for appointment to each position. The plan shall identify positions to which competitive examinations shall apply and those to which non-competitive or qualifying

examinations shall apply. The pay plan shall establish pay grades that shall equalize pay for similar jobs for all Town employees, excluding certified employees of the School Department.

- 4.) Adoption by Ordinance. The Personnel Board shall submit its recommendations for the classifications and pay plans to the Town Manager who shall forthwith submit them to the Town Council, along with the Manager's comments and recommendations. The Town Council shall hold a public hearing upon the proposed ordinance and, after considering the recommendations of the Town Manager and those presented at the public hearing, adopt the plan as recommended or with modifications proposed by the Manager or at the Public Hearing.
- 5.) Recruitment and Hiring.
  - (A) The Personnel Board shall determine the process for recruitment and hiring for all positions in the classified and unclassified service after consultation with the Town Manager, except as may be specified in collective bargaining agreements.
  - (B) The Town Manager or his/her designee may provide to the Personnel Board whatever input he/she deems necessary to establish the skills, duties, responsibilities, background and experience, qualifications and the needs and requirements of the department to which the position will be assigned.
  - (C) Formulate and administer such tests that together with the qualifications previously determined for the position, that will establish an applicant's capability for positions in the classified and unclassified service.

- (D) Certify to the appointing authority candidates for appointment or promotion that possess the qualifications required by the position. Certification lists shall show the names of the three (3) persons rated highest in qualifications who are available for appointment or promotion. If there are less than three names on the list, those names may be certified. However, if the appointing authority determines that the candidates are unsatisfactory, he may request the Personnel Board to seek additional qualified applicants.
- 6.) The following positions shall be in the Unclassified Service:
  - (A) Town Manager;
  - (B) Department Directors;
  - (C) Confidential Secretaries;
  - (D) Positions appointed by the Town Council; and
  - (E) Any position determined by the Personnel Board and listed in the Classification Plan adopted by Ordinance.
- 7.) Assistance to the Personnel Board. The Human Resources Administrator shall provide technical and staff service to the Personnel Board. The service may include but is not limited to administering tests determined by the Board.
- 8.) Present employees continued in office. All persons, who at the time this change in the Charter takes effect, are holding full time positions in Town employment shall be placed in the Classified or Unclassified Service as set forth in the Classification Plan, and hold such positions as though appointed in accordance with the provisions hereof, but any vacancies thereafter occurring shall be filled in the manner herein provided.
- 9.) Collective Bargaining Agreements. Nothing in this article is to be interpreted as altering agreements reached through negotiations

between the Town and any recognized unions and associations of employees.

- 10.) Requests by Town Council. Whenever the Town Council determines that the special expertise of the Personnel Board can be of assistance in developing policies concerning personnel rules and procedure, serving as a search committee or designating a member to serve on such committee, the Council may vote to request such assistance.
- 11.) Personnel Policies. Nothing in this article shall limit the authority of the Town Council to adopt Personnel Rules and Policies that are not in conflict with this article.

**Section 5.01. Fiscal Year.**

The fiscal year of the Town shall begin on the first (1<sup>st</sup>) day of July and end on the last day of June or such other dates set by the Town Council by Ordinance.

**Section 5.02. Submission of Budget and Budget Message.**

On or before the second (2<sup>nd</sup>) Thursday in April of each year, the Town Manager shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying message. All departments, officials and agencies of the Town, including the School Committee, shall submit to the Town Manager and make available to the Council no later than the fourth (4<sup>th</sup>) Thursday of February of each year, estimates of operating expenditures for the fiscal year beginning on the subsequent July 1<sup>st</sup> (first).

**Section 5.06. Adoption – Financial Town Meeting.** The annual Financial Town Meeting shall convene on the second Thursday in June at such time and place as shall be prescribed by the Town Council for the purpose of considering the current operations section of the Town budget and acting on a proposed budget recommended by the Town Council. All Financial Town Meetings shall be conducted, and shall have the powers, as prescribed by State law, not inconsistent with the provisions of this Charter.

(a) Eighty-Percent (80%) rule. In the event any person shall desire to present a Motion or Resolution at the Financial Town Meeting, the purpose or effect of which is to make any appropriation or expenditure of money greater than the amount recommended for the various departments and Enterprise Funds in the budget proposed by the Town Council, that person shall first sign and present the Motion or Resolution in writing to the Town Council at the public hearing provided for in § C-5.05. In the event that this Motion or Resolution is rejected by the Town Council, the person may then present the same Motion or Resolution at the Financial Town Meeting in accordance with the rules of procedure established by the Town Moderator, providing that the person files in writing a copy of the Motion or Resolution with the Town Clerk at least ninety-six (96) hours prior to the Financial Town Meeting. The Motion or Resolution may then be considered by the Financial Town Meeting if, and only if, a minimum of eighty-percent (80%) of the qualified electors at the Financial Town Meeting give their consent to consider it.

(b) Failure to Adopt. If the Town Financial Meeting fails to adopt the operating budget before the last day of current fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Town Financial Meeting adopts a budget for the ensuing fiscal year.

#### **Section 5.08 Appropriation and Revenue Resolutions.**

To implement the adopted budget, the Town Council shall adopt, prior to the beginning of the ensuing fiscal year:

- (1) An Appropriation Resolution making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity;
- (2) A Tax Levy Resolution authorizing the property tax levy or levies and setting the tax rate or rates; and
- (3) Any other Resolutions required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

#### **Section 5.09 Amendments After Adoption.**

- (a) Supplemental Appropriations: Repealed.

(a) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Town Council may make Emergency Appropriations. Such appropriations may be made by Emergency Ordinance in accordance with the provisions of § C-2.14. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such Emergency Ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the Emergency Appropriation was made. Furthermore, the amount of the Emergency Appropriation cannot exceed two percent (2%) of the current operating budget.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the Town Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Manager and recommendations as to any other steps to be taken. The Council shall then take such further action to prevent any deficit and for that purpose it may by Ordinance reduce one or more appropriation, excluding the School Department.

(c) Transfer of Appropriations. At any time during the fiscal year, the Town Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing within fifteen (15) days.

(d) Limitation Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the encumbered balance thereof. The supplemental and Emergency Appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(e) Limitation Utility or Enterprise Funds. Furthermore, no utility or enterprise fund shall exceed its adopted budget or the income raised by it, whichever is lower, without the approval of the Town Council. Moreover, the Town Council shall not divert any funds collected by an enterprise fund without first adopting an Emergency Ordinance. Any such diverted funds shall be restored not later than the close of the ensuing fiscal year.

**Section 5.11 Administration of the Budget.** The Town Council shall provide by Resolution the procedures for administering the budget.

**Section 5.17 Banking.** The Town of Smithfield shall maintain any and all of its funds in Federally insured banks, savings and loan companies, credit unions, and/or in notes and securities issues by the United States Government or as otherwise provided by State Law.

**Section 5.18 Purchasing.**

(a) Central Purchasing. All supplies, materials and equipment required by any department, office, agency, board or commission of the Town, including the School Department, shall be purchased centrally under the direction of the Finance Director, provided, however, that items specific to instructional needs, including, but not limited to, textbooks, workbooks, and curriculum materials, may be purchased directly by the School Department with the costs thereof charged to the appropriate budget item. Central purchasing shall occur in such manner and under such procedures not inconsistent with the provisions of this article, as may be prescribed by the Town Council by Ordinance. Nothing in this section shall prohibit the Town from participating in a cooperative purchasing agreement with the State, other municipalities, agencies, or States.

(b) Competitive Bidding. No purchase of supplies, materials, or equipment, nor any contract for work performed for the Town whose costs shall exceed an amount set at the annual Financial Town Meeting, shall be authorized except after competitive bidding that will comply with state law.

Potential suppliers or contractors shall be notified publicly to submit bids in such a manner and under such general rules and regulations as the Town Council may prescribe by Ordinance. All such purchases and contracts shall be awarded to the lowest responsible bidder except that the Finance Director may be directed by the Town Manager to reject all bids and readvertise. Bids, specifications, and all other factors being equal, preference shall be given to the bidder whose place of business is in the Town. No transaction which is essentially a unit shall be divided into a series of orders for the purpose of circumventing this requirement or State Law. All contracts for municipal employment shall be approved by vote of the Town Council. Contracts for municipal employment, with the exception of the Town Manager, shall comply

with Charter provisions that provide that certain appointees serve at the pleasure of the Town Manager.

(c) Purchases and Emergencies. In the event of an emergency of sufficient gravity that compliance with the competitive bidding requirements set forth in subsection (b) of this section would endanger the health or welfare of the community or a portion thereof or would involve significant financial risk or loss to the Town, and upon certification by the Town Manager that such emergency conditions exist, a purchase whose cost would exceed the minimum bid limit may be made without competitive bidding. In any such case in which the gravity of the emergency permits, and in all cases of purchases whose cost shall exceed the minimum bid limit, three (3) or more verbal quotations followed by written confirmation shall be solicited and purchases made on the basis of the lowest feasible quotation received. Notation of said verbal quotations shall be entered in the record of each such purchase.

(d) Whenever any department, office, or agency of the Town shall purchase or contract for any supplies, materials, equipment or contractual services, independent and contrary to the provisions of this Charter or the rules and regulations made thereunder, such order or contract shall be voidable by the Town Council.

**Section 6.05 Vacancies, Forfeiture of Office, Filling of Vacancies.**

(a) Vacancies. The office of a School Committee member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Offices. A School Committee member shall forfeit that office if that member

(1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law;

(2) violates any express prohibition of this Charter; or

(3) is convicted of a crime involving moral turpitude.

(c) Any vacancy in the membership of the School Committee shall be filled by the Town Council within thirty (30) days, and such person shall serve until the next regular Town election, when the office shall be filled for the unexpired term thereof, provided that the person selected by the Council to fill said vacancy shall be a member of the same political party as the person whose position he/she is selected to fill, such political party allegiance to be verified in writing to the President of the Town Council by the Town Party Chairperson of such political party.

### **Section 8.02 Commencement of Proceedings, Petitioners' Committee, Affidavit**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing in it proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative Ordinance or citing the Ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee. Any such petition issued by the Clerk shall be filed with the Clerk within ninety (90) days of issuance.

### **Section 8.03 Petitions**

(a) Number of Signatures. Initiative and Referendum Petitions must be signed by qualified Town voters equal in number to at least ten percent (10%) of the total number of voters registered to vote at the last regular election.

(b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the Ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating the number of signatures thereon and affirming that he/she personally circulated the paper, that all the signatures were affixed in the presence of the circulator that he/she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the Ordinance proposed or sought to be reconsidered.

### **Section 10.02 Municipal Court**

(a) Creation. The Town Council may, by Ordinance, create a Municipal Court, consisting of one (1) Judge who shall be appointed by the Town Council at its first (1<sup>st</sup>) meeting in January to serve a term of two (2) years. All the jurisdiction, power, and authority of said court shall be vested in said Judge who need not be required to devote full time to the duties of the office.

(b) Qualifications. The Municipal Judge shall be an attorney-at-law in good standing who has been admitted to the practice of law in this State at least five (5) years prior to his/her appointment.

(c) Seal, Oaths. The Municipal Court shall have a Seal which shall contain such words and device as the Court shall adopt. Any Judge shall have the power to administer oaths and affirmations, compel the attendance of witnesses, punish persons for contempt, and impose fines and other penalties as provided by Ordinances, by-laws, and regulations of the Town and General Laws of the State of Rhode Island.

(d) Jurisdiction. The Municipal Court shall have jurisdiction of all offenses and violations against the Ordinances, by-laws, rules, and regulations of the Town and shall have jurisdiction as provided for under the laws of the State of Rhode Island.

(e) Costs. The Town Council may, by ordinance, assess court costs consistent with the General Laws of the State of Rhode Island.

(f) Compensation/Fees. The Municipal Court Judge shall receive such compensation as may be set by the Town Council at the time of the Judge's appointment.

Records shall be kept by the Clerk of the Municipal Court of all fees and money collected by said Court which shall then be remitted to the Finance Director.

(g) Clerical Assistance. The Town Council shall have authority to provide clerical assistance to the Municipal Court to record, copy, index, and attend to the usual duties and files of the court.

(h) Autonomy. The affairs of the Municipal Court shall not subject to supervision by the Town Council or any other Town agency official, provided, however, that the Town Council shall designate the location, dates, and times of the sessions of the Court.

(i) Vacancy. If during a term of office a Municipal Court Judge dies, resigns, or ceases to meet the qualifications of the office, the position shall thereupon be declared vacant by the Town Council and the vacancy shall be filled for the remainder of the term in the same manner as the original appointment by the Town Council.

#### **Section 11.02 Charter Review Commission**

In the fifth (5<sup>th</sup>) year following the year of the adoption of this Charter, and in each subsequent fifth (5<sup>th</sup>) year, the Town Council shall appoint, no later than the first month of the fifth year after the previous election proposing charter revisions, a Charter Review Commission of nine (9) members, all of whom shall be electors and residents of the Town and who shall be broadly representative of the community. Said Commission shall review the operation of the Charter of the Town, and propose to the Council such amendments, if any, as it may deem necessary and advisable. The Town Council may appoint additional Charter Review Commissions at any time in the same manner as aforesaid. A public hearing shall be held on any and all recommendations emanating from a Charter Review Commission, prior to any decision by the Town Council to accept or reject said recommendations.

#### **Section 12.06 Availability of Town Budget**

The Town Clerk's Office and the local libraries will make available a limited number of copies of the Town budget book to all residents at least ten (10) days prior to the public hearing

on the budget as prescribed in § C-5.05 of Article V of this Charter. The Town Budget will also be available on the Town's web site in its entirety.

**Section 12.07 Technical Changes**

The Town Clerk with the approval of the Town Solicitor may make technical and grammatical changes to the Charter provided they do not affect the substance of the Charter.

**Section 13.01 Separability**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.