

**PROPOSED AMENDMENTS TO TOWN CHARTER**

**QUESTION 5**

**(Section 202, Recall)**

**Ballot Question:      Shall all elected officials of the town, regardless of term of office, be subject to removal procedures after at least six (6) months in office?**

Charter Language:      An elected official, ~~who has been elected to a four (4) year term and~~ having been in office at least six (6) months, may be removed from office by a recall petition prepared and approved by the electors of the Town in the manner hereinafter provided for recall procedure:

- A. Upon application by an elector of the Town, the Town Clerk shall issue the recall petition with signature blanks. The petition issued by the Clerk shall be dated, demand the removal of the designated elected official, and state the cause upon which the removal is sought.
- B. The petitioner may duplicate the petition form as needed to record the required number of signatures. Each petition signer shall add his or her signature, as it appears on the Board of Canvassers' records, and provide place of residence giving the street and number or other sufficient designation if there be no street and number. One of the signers or the petition circulator shall take an oath before an officer competent to administer oaths that the statement therein made is true, as he or she believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.
- C. The recall petition shall be signed by at least thirty (30%) percent of the electors registered to vote on the date that the Town Clerk issued the petition blanks. The petitioners shall have thirty (30) days from the date of issue to collect the required signatures and file the by them not more than seventy-five (75) days after the date of the Board of Canvassers' certificate that a sufficient petition is filed; provided, however, that if any other Town election is to occur within one hundred twenty (120) days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election.

Explanation:      This proposal would eliminate the requirement that only officials elected to four (4) year terms are subject to removal. Thus, any elected official, regardless of term-of-office, would be removable pursuant to this section.

**QUESTION 6**

**(Section 601. Appointments, Tenure & Compensation)**

**Ballot Question:** **Shall all appointed town officials, including currently serving officials, be considered regular employees after serving an initial two-year term and one subsequent five-year term?**

**Charter Language:** All Town officials whose appointment is not otherwise provided for in this chapter, shall be appointed by the Town Council. Initial appointment to Town offices shall not exceed two (2) years. Such officials may be eligible for reappointment to the same office with a term ~~not to exceed~~ **of** five (5) years ~~for each subsequent term. All such~~ **After such time**, Town **those** officials **shall be considered regular employees and** may be removed from office at any time by the Town Council for good and sufficient cause. ~~Reappointment in excess of five (5) years shall not be granted to any Town official or Town employee; however, the~~ **The** Town Clerk, Highway Supervisor, Tax Collector, and Human Services Director, who are incumbents as of May 30, 1996, shall have tenure, in accordance with Chapter 73 of the 1994 Public Laws of the State of Rhode Island, unless removed for good and sufficient cause. Compensation for all Town officials and Town employees shall be fixed at the Financial Town meeting, Section 301 above.

**This Section shall apply to the following officials:**

- \* **Treasurer**
- \* **Planner**
- \* **Assessor**
- \* **Town Clerk**
- \* **Building Official**
- \* **Public Works Director**
- \* **Human Services Director**

**Explanation:** This proposal eliminates restrictions on reappointments and provides that all appointees become regular employees subject to removal for good and sufficient cause by the Town Council, and specifically enumerates to which Town appointees this provision applies.

**QUESTION 7**

**(Section 701. Planning Board)**

**Ballot Question:**      **Shall alternate members of the Planning Board serve two (2) year terms?**

Charter Language:      There shall be a Planning Board for the Town made up of five (5) members each to serve a term of five (5) years or until his or her successor is appointed and two (2) alternate members appointed by the Town Council each to serve for a term of ~~one (1) year~~ two (2) years or until his or her successor is appointed. All members shall be qualified electors of the Town.

The Terms of the members **and alternates** of the Board shall be so arranged that the term of one member shall expire and one appointment be made each year. The Council shall during the month of April of each year, make appointments to fill prospective vacancies. The terms of members shall expire on the last day of May, and of newly appointed members shall begin on the first day of May. Vacancies on the Board shall be filled by the Council for the unexpired term.

- A. The Board shall advice the Council on all matters concerning the growth and development of the Town and the effects thereof on the health safety and welfare of the inhabitants. The Board shall have the duties and responsibility provided by State law for Planning Boards, and in particular those conferred on Planning Boards under the Rhode Island Comprehensive Planning and Land Use Regulation Act and related legislation as amended from time to time.
- B. The Board shall play such role in long range capital planning and the preparation of the Town capital budget as the Council may direct; shall submit recommendations on all matters referred to it relative to the Town zoning ordinance, land subdivision, and proposals for development in the Town as requested by the Council; and shall conduct such studies and other activities related to its general area of responsibility as the Council may direct.

Explanation:      This proposal would extend the term of alternate members of the Planning Board to two (2) years from one (1) year.

**QUESTION 8**

**(Section 702. Zoning Board of Review.)**

**Ballot Question:**      **Shall alternate members of the Zoning Board of Review serve two (2) year terms?**

Charter Language:      There shall be a Zoning Board of Review of five (5) members appointed by the Town Council each to hold office for a term of five (5) years with their terms so arranged that the term of one member shall expire and one appointment be made each year. All members shall be qualified electors of the Town. The Council shall determine when appointments are to be made and the date upon which terms shall expire. The Board shall also include two (2) alternates to be designated as the first and second alternate members each to be appointed by the Council for a term of ~~one (1) year~~ **two (2) years. Alternate members shall also be appointed to staggered terms.** These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the Board is unable to serve at a hearing and the second shall vote if two members of the Board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the Board unless that member has attended all hearings concerning that matter. The Council shall fill vacancies on the Board for the unexpired term. The Board shall have all the powers and duties now or hereafter conferred upon Zoning Boards of Review by State Law.

Explanation:      This proposal would extend the term of alternate members of the Zoning Board of Review to two (2) years from one (1) year.

**QUESTION 9**

**(Section 703. Conservation Commission)**

**Ballot Question:** **Shall the term for the alternate member of the Conservation Commission be two (2) years?**

**Charter Language:** There shall be a Conservation Commission for the Town of seven (7) members appointed by the Town Council for three (3) year terms, with said terms so arranged that the terms of two (2) members shall expire in one (1) year, the terms of two (2) the second year, and three (3) the third year. Members of the Conservation Commission shall be appointed by the Town Council from among qualified electors of the Town. Terms of members shall end on the last day of April each year unless that member is reappointed to the Commission for an additional term. The Town Council may also appoint an alternate member, to serve as an active member, whenever required, who shall serve a ~~one year term~~ two (2) year term.

The Conservation Commission shall act in an advisory capacity to the Town Council and Zoning Board of Review in all matters concerning: wetlands planning and mapping, environmental planning, review of development proposals affecting the environment before the Planning Board, preservation of farmlands and open spaces, erosion control, earth removal operations and control, such other areas of study as may be requested by the Planning Board or Town Council. The Commission shall also serve to inventory, promote and develop the natural resources of the Town.

**Explanation:** This proposal would extend the length of the term of the alternate member of the Conservation Commission that is appointed by the Town Council from one (1) year to two (2) years.

**QUESTION 10**

**(Section 704. Board of Assessment Review)**

**Ballot Question:**      **Shall tax appeals be heard by the Board of Assessment Review only if the taxes due have been paid?**

**Charter Language:**      There shall be a Board of Assessment Review to receive and consider appeals from property owners regarding the amount of tax assessments as determined by the Town Tax Assessor. The Town Council shall appoint three (3) regular members and one (1) alternate member to the Board. Board members shall be qualified electors of the Town and not more than one (1) member shall belong to the same political party.

**No Appeal shall be considered by the Board unless the tax levied on the valuation appealed or such portion of the tax as is due and payable has been paid under protest.**

Except for the foregoing provision of this Charter, Council appointments to the Board and the powers of the Board shall be determined in accordance with Chapter 13 of the 1992 Public Laws of the State of Rhode Island.

**Explanation:**      This proposal would require that protested taxes, valuations or portions of taxes being appealed to the Board of Assessment Review first be paid before they can be appealed.

**QUESTION 11**

**(Section 706. The Louttit Library of West Greenwich.)**

**Ballot Question:** **Shall the Louttit Library be required to compile an annual financial statement, prepared by a Certified Public Accountant and submitted to the Town Treasurer?**

**Charter Language:** The Louttit Library of West Greenwich shall be public library operated and controlled by the Louttit Library Board of Directors. The Board shall appoint its members. The library may be financed from funds raised by the Board and from the Town general fund. The amount of Town money allocated to the Library shall be discussed between the Board and the Town Council, and the Council's recommended amount shall appear, as a separate line item, on the Council's proposed budget document that is presented to the electors at the Financial Town Meeting, where such amount shall be approved or disapproved by vote of the electors. The Library shall maintain auditable records of all income and expenditures of Town funds and these records shall be made available for audit. **The Library shall also have a compiled financial statement prepared annually by a licensed Certified Public Accountant. That financial statement, along with the Library's annual tax return, shall be submitted to the Town Treasurer no later than October 15 of each fiscal year.** The Town shall also provide electric power, heating oil and custodial services to the Library.

**Explanation:** This proposal would require the Louttit Library to have an annual financial statement, prepared by a Certified Public Accountant, for its annual finances, which will be reviewed by the Town Treasurer along with the Library's annual tax return. This proposal allows for greater oversight by the Town of the Library's finances.

QUESTION 12

(Section 902. Volunteer Fire and Rescue Companies.)

**Ballot Question:** Shall the Fire Board of Engineers and each individual Fire Company and Rescue Company receiving town funds be required to compile an annual financial statement, prepared by a Certified Public Accountant and submitted to the Town Treasurer?

Charter Language: Fire prevention, fire fighting and emergency medical rescue services may be provided to the Town by Volunteer Fire and Rescue Companies as directed by the Town Council and which shall be governed by a Board of Engineers. The Board shall consist of six (6) members constituting the chiefs from each of the Companies as follows: West Greenwich Vol. Fire Co. #1, Lake Mishnock Fire/Rescue, West Greenwich Community Rescue, and Hianloland Fire/Rescue; as well as the Chief of Police and one member (1) appointed by the Town Council. The Companies shall not be departments of the Town. Each Company shall retain the autonomy provided in its charter subject to governance by the Board of Engineers.

- A. The governing duties of the Board of Engineers shall be as follows
  - 1. Prepare a budget on behalf of all the Companies for submission to the Town Council on an annual basis.
  - 2. Prepare recommendations to the Town Council on the purchase of all necessary fire and rescue apparatus and fire –fighting equipment and any other equipment necessary and proper for the operation and maintenance of fire and rescue protection services.
  - 3. Maintain auditable records for each of the Companies **and shall compile a financial statement for each company, prepared annually by a licensed Certified Public Accountant. That financial statements along with the entity’s annual tax return shall be submitted to the Town Treasurer no later than October 15 of each fiscal year.**
  - 4. Meet on a regular basis to consider issues related to fire and rescue protection within the Town.
- B. All Companies may be financed from funds raised by the Companies and from appropriations approved by the electors at the Financial Town Meetings.
- C. All Companies seeking Town funds to support annual operations shall present their requests through the Board of Engineers to the Town Council at a budget workshop, which shall be called by the Council and where minutes shall be recorded. The proposed budget shall be discussed and

agreed to by the Council and the Board of Engineers in joint session. The council shall include this recommended amount for the fire companies and rescue companies in its proposed budget document.

- D. All requests for new capital expenditures for fire fighting or rescue equipment shall be discussed at the joint budget workshops. The Council shall require concurrence by majority vote from, the Board of Engineers before voting whether or not to place any new capital expenditure request before the electors. All such requests shall appear as a new line item identified by Company on the Council's proposed budget document and thereafter shall be retained as a separate budget line item until paid for in full.
- E. No Fire Company or Rescue Company receiving Town funds shall pledge anticipated Town funds for any capital purchase or to secure a loan over ten thousand dollars (\$10,000.00) for any purpose unless first complying with the procedures set forth in subsections C and D above and the electors have appropriated the funds for that specific purchase or loan.
- F. Subsections D and E above notwithstanding, the Council shall be empowered to approve emergency expenditures to repair or replace fire and rescue equipment; provided that the expenditures are vital to public safety, such emergency expenditures are recommended by the Board of Engineers and the need for which becomes known subsequent to the joint budget workshop, described in subsection D above.
- G. No capital fire or rescue equipment that is or has been purchased in whole or in part using Capital Equipment funds shall be sold or disposed of in any manner without first obtaining Town Council approval. The Council shall receive all proceeds from any sale of such equipment and, at its sole discretion, the Council may return the money so received, in whole or in part, to the Town's general fund or to the Company that has sold the equipment.
- H. In the event that any of the Fire and Rescue Companies shall cease to exist or function, all of that Company's capital equipment that was purchased using Capital Equipment funds shall become the property of the Town.
- I. All Fire Companies and Rescue Companies receiving Town funds shall maintain auditable records of all income and expenditures of these funds and these records shall be made available for audit. **Each entity shall also have a financial statement prepared annually by a licensed Certified Public Accountant. That financial statement, along with the entity's annual tax return, shall be submitted to the Town Treasurer no later than October 15 of each fiscal year.**
- J. Each fire and Rescue Company receiving Town funds shall adopt and maintain provisions in its bylaws to ensure compliance with this Section 902.

Explanation:

This proposal would require the Fire Board of Engineers and each Fire Company and Rescue Company receiving Town funds to prepare an annual financial statement by a Certified Public Accountant for its annual finances, which will be reviewed by the Town Treasurer along with the entity's annual tax return. This proposal allows for greater oversight by the Town of the entities.

**QUESTION 13**

**(Section 903. Highway Department)**

**Ballot Question:**     **Ballot Question:**     **Shall the position of Highway Supervisor be known as Public Works Director.**

**Charter Language:**     There shall be a Highway Department the head of which shall be the ~~Highway Supervisor~~ **Public Works Director**, who shall be appointed by the Council from among persons with administrative or management experience in public works, highway maintenance, or highway construction. ~~The Highway Supervisor shall be a resident of the Town in accordance with Section 1006 of this Charter.~~ The ~~Highway Supervisor~~ **Public Works Director** may be appointed to serve full time or part time as the Council shall determine, and may hold another position in the service of the Town; provided however, that he or she shall not receive more than one salary. The ~~Highway Supervisor~~ **Public Works Director** shall be responsible for the operation of the Department and the discharge of its responsibilities which shall include the functions and services of the Town relative to highways and snow removal, the trimming of brush and trees along streets and roads and on Town property, trash disposal and the Town transfer station and recycling facilities, the maintenance of public buildings and public property, custodial services to the Town Hall and Louttit Library, and such other responsibilities as shall be assigned to the Department by the Council.

**Explanation:**             This proposal would change the title of the supervisor of the Highway Department to Public Works Director, and eliminate the requirement that the Public Works Director be a resident of the Town of West Greenwich, giving the Town Council greater freedom in selecting the best-qualified candidate for the position.

**QUESTION 14**

**(Section 1003. Ethics)**

**Ballot Question:** **Shall Town Officials, elected or appointed, be specifically prohibited from voting on propositions that may financially benefit them?**

**Charter Language:** All public officials and employees of the Town of West Greenwich shall adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, and responsible, avoid the appearance of impropriety, and not use their position for private gain or advantage. Accordingly, **members of the Town Council shall not be permitted to vote on any proposition that may, directly or indirectly, benefit the member.** ~~all~~ **All** elected and appointed official of the Town, and all Town employees, shall be subject to and comply with the Code of Ethics laws as set forth in Title 36, Chapter 14 of the Rhode Island General Laws, and all rules, regulations and opinions promulgated by the Rhode Island Ethics Commission from time to time.

**Explanation:** This proposal would add language to the ethics provision that specifically prohibits members of the Town Council from voting on proposals from which they may derive some financial benefit, directly or indirectly.

**QUESTION 15**

**(Section 1004. Amendments of Charter).**

**Ballot Question:**

**Ballot Question: Shall a Charter Review Commission be appointed to review the Town Charter and make recommended amendments or revisions to it every six (6) years?**

**Charter Language:**

A. The Town Council may propose amendments or revisions to this charter at any time, to be put to referendum of the electors of the Town at a general or special election pursuant to the provisions in Article XIII of the Constitution of the state- It shall not be necessary for the full text of the charter amendments to be printed upon the ballot, however, the full text shall be available at the Town Hall. Any digest or description thereof or any question or statement which substantially expresses the purposes or identifies the subject matter to be voted upon shall be sufficient. Any digest or description of such amendment or revision shall be published by the Town Clerk no less than thirty (30) days prior to the date of the referendum, and the Council shall schedule a public hearing thereon no less than ten (10) days prior such date. Notice of any such hearing or hearings shall be given no less than seven (7) days prior to the date they are scheduled to be held.

B. The electors of the Town may propose amendments or revisions to the Charter by petition filed with the Town Clerk for certificate by the Board of Canvassers. The petition signed by the electors of the Town shall equal to at least fifteen percent (15%) of the number of persons registered to vote at the time of the last townwide election. Upon certification, the Town Clerk shall present the Charter amendment along with the certified petition to the Town Council, who shall cause the amendment or amendments to be put to referendum of the electors as set forth in subsection A above.

C. Commencing in April of the year 2000 and in that month no less often than every ~~five (5)~~ **six (6)** years thereafter, the Council shall appoint a charter review commission of no less than seven (7) members as the Council deems appropriate, whose duty it shall be to review the Charter and commend to the Council amendments or revisions to the Charter. The Council shall act with respect to any such recommended amendments or revision in accordance with the requirements of subsection A of this section.

**Explanation:**

This proposal would require that the Charter Review Commission be appointed to review and make recommended revisions and amendments to the town charter a minimum of every ten (10) years instead of every five (5) years.

**QUESTION 16**

**(Section 1006. Appointments and Qualifications)**

**Ballot Question:** **Shall the Town Council fill with qualified electors any vacancies that arise on town boards or commissions for the balance of the unexpired term?**

**Charter Language:** All appointments to Town boards and commissions shall be made from among persons who are qualified electors and residents of the Town, and all such appointees shall remain qualified electors and residents throughout their terms of service in the positions to which they were appointed and may be removed by the Council for good and sufficient cause.

~~Appointments to Town offices may be made from among persons who are not at the time electors and residents of the town, but any person so appointed while a nonresident shall within a reasonable time following appointment become an elector and resident of the town; provided however, that the Council by an affirmative vote of four (4) of its members may grant an exception to this residence requirement to a particular appointee on the ground that no appropriately qualified Town resident could be found for such appointment, and the residence requirement would work a special hardship on the personnel appointed.~~ **Any vacancy on a board or Commission shall be filled by the Council for the balance of the unexpired term. Vacancies on boards and commissions shall be posted in the Town hall, library and the Town's website.**

**Explanation:** This proposal would allow the Town Council to, in its discretion, immediately fill any vacancies that arise on boards of commissions with qualified electors of the Town.

**QUESTION 17**

**(Section 1008. Meaning of Publication)**

**Ballot Question:** Shall publication of a proposal, document or public notice, as required by this Charter, mean, at a minimum posting it in the town hall and on the Secretary of State and Town's website?

**Charter Language:** When in this Charter the Town Clerk or other Town official is required to publish the text of a proposal, document or public notice, publication shall mean ~~to cause the same to be printed one time in a newspaper of general circulation in the Town,~~ to post it in the Town hall and in one other prominent place in the Town, ~~and to have copies available for distribution to interested citizens~~ **and, at a minimum, to post it on the Secretary of State's and Town's website.**

**Explanation:** This proposal would spare Town resources by eliminating the necessity of posting of proposals, documents or public notices in newspapers, the Town Hall and other prominent places by only requiring postage on the Secretary of State's and Town's websites.