

# TOWN OF WEST GREENWICH

## TOWN CHARTER



Adopted November 5, 1996  
Effective January 1, 1997

Amended November 6, 2001  
Amended November 4, 2003  
Amended November 2, 2010  
Amended October 22, 2013

# TOWN OF WEST GREENWICH

## TOWN CHARTER



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## **PREAMBLE**

We the people of West Greenwich, desiring to maintain the open and participating government that we now enjoy, and wanting to continue the management of our affairs in an honest, forthright and efficient manner with minimum dependence upon interference from State and Federal government, do enact this Home Rule Charter for the Town of West Greenwich

## ARTICLE I

### INCORPORATION AND POWERS OF THE TOWN

#### Section 101. Incorporation.

The inhabitants of the Town of West Greenwich in the State of Rhode Island, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate, under the name of the Town of West Greenwich in perpetuity, to be governed under the provisions of this Home Rule Charter as adopted and as it may be amended.

#### Section 102. Powers of the Town.

The Town shall have all powers possible for a town to have under the Constitution and laws of this State, now or as amended in the future, as fully and completely as though they were specifically enumerated in the Charter. All powers which the Town may exercise shall be construed liberally in favor of the Town, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article.

#### Section 103. Town Property.

The Town may acquire property within or without its corporate limits for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and within its limits by condemnation as such takings maybe authorized by law, and may sell, mortgage, exchange, hold, manage and control such property as its interests may require, provided that all such acquisitions, or any sale, mortgage, exchange or lease of real property shall be approved by the electors at the Financial Town Meeting.

#### Section 104. Intergovernmental Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more towns or civil divisions or agencies thereof, or any other state, or the United States or any agency thereof, provided that any such contract or agreement is in accord with the applicable State law and Constitutional provisions and is approved by the electors at the Financial Town Meeting upon recommendation of the Town Council.

## ARTICLE II

### ELECTIONS

#### Section 201. Election Laws and Conduct of Elections.

The provisions of the Constitution and General Laws of the State, now or hereafter in effect, pertaining to elections, special, general and primary, and also any special acts pertaining to elections in the Town of West Greenwich, now or hereafter in effect, shall govern all Town elections, special, general and primary, excepting those provisions which are inconsistent with the provisions of this Charter.

#### Section 202. Recall.

An elected official, \*having been in office for 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 completed petition with the Town Clerk.

D. The petition shall be submitted immediately by the Town Clerk to the Board of Canvassers for certification forthwith. If the petition shall be found to be sufficient, the Board shall submit the same with its certificate to the Town Council without delay. The Town Council shall order an election to be held on a Tuesday fixed 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.

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\* Amendments made on November 2, 2010.

**Section 203. Canvassing Authority.**

The Town Council shall appoint three (3) electors to the Board of Canvassers. Political party representation on the Board shall be qualified in accordance with Section 17-8-1 of Rhode Island General Laws.

A. The terms of the Board members shall be six (6) years with the terms so arranged that the term of no more than one member shall expire and no more than one appointment be made in any year.

B. All qualified electors of the Town, regardless of their political affiliation or the lack thereof, are eligible to serve. The Town Council, in making the appointments, shall strive to select a board whose membership shall be representative of all citizens of the Town and of their diverse points of view. The Board of Canvassers shall be vested with all the powers and duties now or hereafter vested by law in the Board of Canvassers of the Town. All members of said board now in office shall continue in said position as members thereof until the expiration of the terms for which they were chosen.

**Section 204. Initiative and Referendum.**

A. The electors of the Town shall have the right to participate directly in the making of policy decisions by petition and direct vote, in the following ways:

(1) Initiative.

The electors of the Town may propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed, to have the authority to adopt said ordinance at a special or general election; provided however, that such power shall not extend to the capital program, budget, comprehensive plan or zoning;

(2) Referendum.

The electors of the Town shall have power to request reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal the ordinance upon such request, to repeal it at a special or general election; provided however, that such power shall not extend to the capital program, budget, comprehensive plan or zoning.

B. Any five (5) electors of the Town may commence action pursuant to one of the procedures outlined in Subsection A above by filing with the Town Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state the name and the addresses of said electors, specify the address to which all notices to the committee are to be sent, and set out in full the proposed initiative or referendum that is the subject of their petition. Promptly after the affidavit is filed, the Town Clerk shall issue the appropriate petition blanks to petitioners' committee.

C. The petitions shall be signed and filed and Council action taken thereon in the following manner:

(1) All such petitions must be signed by fifteen percent (15%) of the electors registered to vote on the date of which the petition blanks are issued to the petitioner's committee by the Town Clerk. The petitioners shall have thirty (30) days from the date of issue to collect the necessary signatures and file the completed petition with the Town Clerk, who shall transmit it immediately to the Board of Canvassers for signature verification. If the petition is determined to have sufficient valid signatures, the Board shall submit the same with its certificate to the Town Council without delay. All petitions provided for under the terms of this Section for which sufficient signatures have not been gathered shall be null and void.

(2) When an initiative or referendum petition has been certified as having sufficient signatures, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance, in the same manner as provided for adoption of an ordinance proposed by a member of the Council. If the Council fails to adopt a proposed initiative ordinance or fails to repeal the referred ordinance, as the case may be, within forty-five (45) days after the date the petition is certified, the Council shall cause the proposed initiative ordinance or referred ordinance to be placed before the electors of the Town for a vote as provided in Subsection D below.

D. Any petition to initiate an ordinance or to repeal an ordinance upon which the Council has not acted favorably shall be placed before the electors for a vote at the next general election if one is scheduled to be held ninety (90) days or less following Council action thereon, or at a special election called for the purpose. Any such special election shall be scheduled to take place no less than forty-five (45) nor more than sixty (60) days following Council action.

E. The results of the vote of the electors on any petition placed before them under the terms of this Section shall be as follows:

(1) If a majority of the electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results, and it shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council; provided however, that any ordinance enacted pursuant to the initiative procedure shall not be repealed, or amended as to substance, less than one (1) year following its adoption. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) If a majority of the electors voting on a petition to repeal an ordinance vote for repeal, it shall be considered repealed upon certification of the results of the election. No ordinance so repealed shall be reenacted by the Council less than one (1) year following its repeal.

## ARTICLE III

### FINANCIAL TOWN MEETING

#### Section 301. Date and Purpose of Financial Town Meeting.

A. The electors of the Town of West Greenwich shall assemble annually a Financial Town Meeting at a date, time and place to be established by the Town Council, said date and time to be set by the Council no later than February 1st of each year, with the meeting to take place no later than the third Monday in June. The purpose of the annual Financial Town Meeting shall be for the imposing of a tax, for providing for the expenditure of such sums of money as may be necessary to pay the Town's debts and interest thereon, for the support of Town services for the ensuing fiscal year, for the expenditure of funds from any source for all other lawful purposes, and for transacting such other business as may lawfully come before such meeting.

B. No money shall be drawn from the general fund, nor from moneys in any other Town fund, during the fiscal year, except pursuant to appropriations made by the electors at the annual or at a Special Financial Town Meeting, subject to the exception provided for emergency appropriations in Section 507 below. This prohibition shall not be interpreted to restrict the Town Treasurer from making transfers of funds for investment purposes. The general fund is hereby defined as the general Town account into which all receipts are deposited and from which moneys are withdrawn pursuant to Town meeting appropriations, as distinguished from any and all specially designated accounts established by or with the approval of the Town meeting as the depository for moneys received and to be expended for specifically designated purposes.

#### Section 302. Recessed and Special Town Meetings.

The annual Financial Town Meeting may be recessed to a subsequent date by vote of the electors present; provided however, that if any such recess is for more than fifteen (15) days, the warrant or so much thereof as remains to be considered, shall be reposted in the manner provided by law for the original posting. Special town meetings may be called by the Town Council or by petition of ten percent (10%) of the electors of the Town and shall be warned and limited as to subjects to be considered as provided in Sections 45—3—6 and 7 of the Rhode Island General Laws, as amended.

#### Section 303. Notice and Agenda for Meetings.

The warrant for any Town meeting shall be prepared and the meeting shall be warned as provided by law. Warrant items may be grouped to be moved and voted on as a unit; provided however, that the electors may amend or vote separately on individual items in such grouping. The order of items to be considered at the meeting may be changed by a two thirds vote of the electors present and voting. The listing and text of the warrant items to be voted on shall be posted with the warrant.

**Section 304. Conduct of Meetings.**

The Town Moderator shall have all of the authority conferred upon moderators by state law in conducting and managing the business of Town meetings. The Moderator shall conduct town meetings in accordance with a parliamentary manual which the Moderator shall designate prior to the meeting. The quorum for any Town meeting shall be not less than twenty-five (25) of the electors of the Town of West Greenwich. Pursuant to the State open meetings law, the Moderator shall grant permission for the admission of persons who are not electors of the Town; provided however, that all such persons may be seated in an assigned area apart from the seating for electors, and shall have no right to vote, and no right to speak except with the specific permission of the Moderator.

**Section 305. Proposals for Expenditure Outside of Budget.**

No motion which increases or reduces an appropriation recommended by the Town Council by \$10,000.00 or more, shall be in order at the Financial Town Meeting unless notice of intention to include such motion has been presented to the Town Clerk at least fifteen (15) days prior to the date set for the meeting at which such motion is to be considered. The warrant of the Financial Town Meeting shall include notice of any such motion.

## **ARTICLE IV**

### **TOWN COUNCIL**

#### **Section 401. Composition, Election and Terms.**

There shall be a Town Council of five members, elected at large by the electors of the Town, each to serve for a term of two (2) years, and until his or her successor is elected and qualified.

#### **Section 402. Manner of Election: Qualifications**

The election of members of the Council shall be held on the first Tuesday after the first Monday in November in each even numbered year, in the manner provided for in the election laws of the State. All candidates for Council member shall be qualified electors of the Town, and residents thereof, and must remain qualified electors and residents throughout their term of office. The terms of members of the Council shall begin upon the issuance of their certificates of election. The five candidates receiving the greatest number of votes shall be elected. Outgoing Council members shall offer full cooperation to their successors and shall observe the principle that all files, records and documents defined as public records in the open records laws of the state, which they used during their tenure, are the property of the Town and are to be conveyed in good order to their successors.

#### **Section 403. Compensation and Expenses.**

The members of the Council shall receive such compensation and benefits as shall be fixed by the Financial Town Meeting as a separate budget line item, pursuant to the provisions of this Charter.

#### **Section 404. President and Vice President.**

The Council shall elect from among its members a President and a Vice President, each of whom shall serve at the pleasure of the Council. The President shall preside at all meetings of the Council and shall be recognized as the head of the Town government for ceremonial purposes and by the Governor for purposes of military law. The Vice President shall act as President during the absence or disability of the President.

#### **Section 405. Eligibility of Council Members: Town Employment**

No person, with the exception of members running for reelection, shall be eligible for election to the Council if he or she holds any paid public office or employment in the Town as of the certification of his or her election. A Council member shall not be eligible for appointment to any paid office or employment in the Town during the term for which he or she was elected to the Council nor for one (1) year thereafter. A Council member may hold an elective Town office immediately succeeding his or her term on the Council.

**Section 406. Council Vacancies.**

In the event that the office of a Council member shall become vacant from any cause within the first year of the term of office, such vacancy shall be filled at a special election scheduled by the Board of Canvassers for that purpose. In the event that any such vacancy shall occur during the second year of the term of office, the Council shall appoint a qualified elector of its choice to fill the vacancy. The Council shall by ordinance make necessary rules and regulations for the conduct of special elections schedules pursuant to the requirements of this section, not inconsistent with State law.

**Section 407. Forfeiture of Office.**

The grounds and procedures for forfeiture of Council office shall be as follows:

A. A Council member shall be required to forfeit his or her office if he or she: ceases at any time to fulfill any of the qualifications for the office prescribed by this Charter or by State law; is disqualified from holding office under the terms of Section 1007 of this Charter; or attends no regularly scheduled Council meeting for a period of three (3) consecutive months without being excused by vote of the Council. The remaining members of the Council shall fill any vacancy caused by such forfeiture or disqualification from office in the manner set forth in Section 406 above.

B. The Council shall be the judge of the qualifications of its members, or as to whether grounds for forfeiture of the office of any member exist, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member, whose qualification for office or forfeiture of office is at issue, shall be entitled to a public hearing, and notice of such hearing shall be published at least one week in advance. Decisions made by the Council under this section shall be subject to review by the courts.

**Section 408. Meetings and Procedures.**

The first meeting of a newly elected Council shall be held on the first Wednesday following the certification of the election of a majority of its members by the canvassing authority. The Town Clerk shall preside until the selection of a Town Council President. The Council shall determine and give notice of the time, place and dates of its regular meetings for the ensuing calendar year, which shall be at least once each month. The posting of notice of all meetings, including special meetings, shall be in accordance with State law. The Town Clerk shall serve as clerk of the Council. The Council President shall at all times have the same right to vote on matters before the Council as any other member, and may make and second motions. The Council shall adopt and may amend its own rules, and shall make reasonable provision to allow persons in attendance at its meeting opportunity to speak. A quorum for Council meetings shall consist of three members; and a minimum of three affirmative votes shall be required for the adoption of any ordinance.

The Council may adopt a designated parliamentary manual for use to supplement its own rules. Special meetings of the Council may be called by the President, and shall be called by the President upon receipt of written requests for a special meeting from two Council members. All Council members shall be notified of any special meeting and of the business to be conducted there at by certified letter, facsimile or messenger at their places of residence or business delivered at least forty-eight (48) hours in advance, unless an emergency requires the more rapid convening of a meeting. In the event that the special meeting is called at a Council meeting, those members present shall be considered to have been duly notified.

**Section 409. Legislative Powers: Ordinances.**

The Council shall have the power to enact, amend or repeal ordinances for the preservation of the public peace, health, safety, comfort and welfare, and for the protection of persons and property, to provide reasonable penalties as allowed under State law for the violation of any ordinance; and to exercise all additional powers, consistent with this Charter and the laws and Constitution of the State. All the legislative powers vested in the Town by State law and the Constitution shall be exercised by the Town Council, except those reserved to the Financial Town Meeting and to the people through the initiative and referendum procedures.

**Section 410. Procedure for Adopting Ordinances.**

Ordinances of the Town and amendments thereto shall be adopted by the Council in accordance with the following procedure and any additional procedures required by State law:

A. A proposed ordinance or amendment to an existing ordinance may be introduced by any member of the Council at any regular or special meeting; provided that every proposed ordinance or amendment is filed with the Town Clerk no later than four (4) business days previous to the day of the meeting at which it is to be introduced. The Town Clerk shall provide each member of the Council and the Town Solicitor with a copy thereof, shall post one copy in the Town Hall for public inspection, and shall publish a summary thereof in a newspaper of general circulation in the Town, such summary to appear no less than five (5) days prior to final passage of said ordinance or amendment in accordance with subsection B below.

B. Every ordinance or amendment which is subject to the provisions of this section, other than an emergency ordinance governed by Section 411 below, shall be read the first time and explained by its proponent upon its introduction, but no final action may be taken thereon until a subsequent regular or special meeting held no less than seven (7) days after the introduction of the proposed ordinance or amendment. This subsequent meeting shall constitute a second reading and final passage may follow.

C. Within ten (10) days following passage, a summary of the provisions of every ordinance or amendment passed pursuant to this section shall be posted by the Town Clerk in the Town Hall for public inspection.

**Section 411. Emergency Ordinances.**

The following ordinance procedure may be used in times of public emergency:

A. The Council may adopt one or more emergency ordinances when necessary to protect life, health, property and the public peace. An emergency shall be defined as a situation wherein the public health, safety and/or general welfare of the Town are immediately imperiled by an unusual or unforeseen circumstance. In such a case, the Council may suspend the provisions of Section 410 above in whole or in part to deal with the emergency by ordinance. Any such ordinance shall define clearly and specifically in its text the nature of the emergency at which it is directed and the necessity for the action provided for. Only emergency ordinances clearly essential to deal with the situation shall be enacted under suspension of Section 410.

B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally and may be adopted with or without amendment or may be rejected at the meeting at which it is introduced. Adoption shall require the vote of at least three (3) members of the Council.

C. All emergency ordinances shall become effective upon adoption or at such later time as may be specified therein and shall automatically stand repealed as of the sixty-first (61st) day following the date on which they took effect, but may be reenacted in the manner specified in this Section for a period of no more than sixty (60) additional days if the emergency still exists. An emergency ordinance may also be repealed by a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

**Section 412. Investigations.**

The Council may in the interest of the Town make investigations into the affairs of the Town and the conduct of any Town department, office or agency, with the exception of the Regional School Committee and Regional School District, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

### **Section 413. Additional Council Responsibilities.**

It shall be the duty and responsibility of the Council to:

A. Approve every proposal for borrowing moneys for which the credit of the Town will be pledged, including any and all proposals which call for the issuance of bonds or notes, or the entering into of any lease purchase or similar agreements which extend beyond a single fiscal year, and shall arrange for approval thereof by the electors of the Town either at a Regular or Special Financial Town meeting or at a town wide referendum held at a general or special election, as may be appropriate or required by State law. The credit of the Town shall not be pledged unless a majority of the electors present and voting at such Town meeting or voting at such referendum shall have approved thereof; provided however, that the Council may, as permitted by State law, authorize borrowing in anticipation of taxes or of Federal or State grants, subject to any limit for such borrowing set by the electors at a regular or special Town meeting.

B. Provide for an independent annual audit by a certified public accountant of all Town accounts, and the Louttit Library and the Volunteer Fire and Rescue Companies accounts which are funded by the Town, such audit to conform with the requirements of State law for such annual audits, with generally accepted auditing standards, and shall require the inclusion by the auditors of their informed opinion of the financial practices and accounts of the Town. Such annual audit shall be completed and filed with the Town Council no later than six (6) months after the close of the fiscal year, and a copy shall be filed with the Director of Administration and with the Auditor General of the State. The Council may provide for such additional audits as it may deem appropriate and for which the electors at the Financial Town Meeting may have made appropriation.

C. Serve as licensing authority of the Town and as such to exercise all authority conferred upon towns, or which may be exercised by towns, under State law, to issue licenses and permits for the conduct of businesses or professions, or for all other purposes as authorized by law, and to make necessary rules and regulations pertaining thereto.

D. The Council shall also be empowered to: specify the title of Town departments and appointed officials; define the responsibilities of Town departments and appointed officials; make interdepartmental changes of employee work assignments; and specify the duties and work hours of all appointed officials and employees.

## **ARTICLE V**

### **FINANCIAL PROCEDURES**

#### **Section 501. Fiscal Year.**

The fiscal year of the Town shall begin on the first day of July and end on the last day of the following June; provided however, that the electors at the Financial Town Meeting, upon recommendation of the Town Council may change the dates of the fiscal year.

#### **Section 502. Preparation of the Budget.**

All budget requests from Town officials, departments and agencies shall be submitted to the Council no later than February 15th through the Town Clerk. Each such request shall be accompanied by a breakdown of its proposed expenditures with appropriated supporting information and, if applicable, estimates of revenues during the fiscal year. The Council may from year to year appoint a Budget Committee to assist in the development of the Council's recommended budget.

#### **Section 503. Public Hearings on Budget.**

The Town Council shall hold a public hearing on its preliminary recommended budget prior to final adoption for presentation at the Financial Town Meeting, which hearing shall take place no less than forty-five (45) days prior to the date for said meeting.

At least ten (10) days prior to the date for the Financial Town Meeting the Council shall cause to be published in a newspaper of general circulation in the Town a summary of the proposed budget as adopted for presentation at the Financial Town Meeting, and as prescribed in the State Property Tax and Fiscal Disclosure Law. The Council shall insure compliance with all other provisions of said Law, and the provisions of State law pertaining to the maximum tax which towns may levy, as the said laws may be amended from time to time with. Copies of the Town Council's proposed budget as it is to be presented at the Financial Town Meeting shall be available to the electors at the Town Hall no later than ten (10) days prior to the date of said meeting.

#### **Section 504. Capital Program.**

The Council shall provide by ordinance for the orderly review and preparation of a program for capital expenditures by the Town. Such ordinance shall specify a six-year plan for the acquisition, development and/or improvement of the Town's facilities, infrastructure and capital projects. Such ordinance shall also provide for projections and planning by all Town departments, offices, boards, commissions and other agencies.

### **Section 505. Purchases and Accounting Control.**

The Council shall appoint a purchasing agent for the Town by designating a present Town official, other than the Town Treasurer or Deputy Treasurer, to assume this additional responsibility. The Council shall also provide by ordinance policies and procedures to govern the making of purchases by and on behalf of the Town, in conformity with Title 45, Chapter 55 of the Rhode Island General Laws, as amended, relating to the award of municipal contracts, and other applicable provision of State law. Such policies and procedures shall be designed to insure that Town funds are expended in the most efficient and economical manner possible, and to provide maximum value per dollar expended in all purchases of goods and services.

A. The purchasing procedures shall require that all purchases and contracts executed on behalf of the Town be made pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued until the Treasurer shall have certified that there is sufficient unencumbered appropriation balance to the credit of such office, department or agency to pay for the supplies, material, equipment or contractual services for which the contract or order is to be issued. The Council shall not authorize final payment in any such instance until it is satisfied that proper procedures have been followed and payment is in order.

B. All applicable requirements of State law, specifically Title 45, Chapter 55 of the Rhode Island General Laws, as amended, shall be observed by the Town and shall be incorporated into its formal purchasing procedures; provided however, that all purchases for a single item or order in an amount exceeding five thousand dollars (\$5,000), or for a single construction project to cost an amount exceeding ten thousand dollars (\$10,000), shall be made or the contract let through the sealed bid process or one of the alternative procedures provided in Title 45, Chapter 55 of the Rhode Island General Laws. All purchases for amounts between one thousand dollars (\$1,000) and five thousand dollars (\$5,000) shall be made on the basis of the solicitation of at least three telephone bids, written record of which shall be filed with each purchase order, and purchases in amounts less than one thousand dollars (\$1,000) may be made pursuant to such small purchase ordinance as the Council shall adopt.

C. Any contract, verbal or written, made in violation of any provision of this Charter or of any ordinance made under the authority thereof, or of applicable State law, shall be null and void, and any cost incurred thereby shall be borne by the Town official or employee responsible for such violation unless he or she acted upon the legal advice of the Town Solicitor.

### **Section 506. Budget Administration: Lapse of Appropriations.**

Every appropriation, except those for capital expenditure, or those authorized from specially dedicated funds, shall lapse at the close of a fiscal year and any unexpended or unencumbered balance revert to the general fund, unless re-appropriated at the Financial Town Meeting. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

**Section 507. Emergency Appropriations.**

To meet a public emergency as defined in Section 411, subsection A above, the Council may make emergency appropriations using the emergency ordinance procedure set forth in Section 411 to the extent that there are insufficient funds available to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time. The Council shall include a proposed liquidation plan in its budget proposal for the fiscal year next succeeding that in which the emergency appropriation was made

**Section 508. Fees Paid to the Town.**

All fees received by any office, department or employee of the Town shall belong to the Town and shall be recorded, receipted for and conveyed at such intervals as the Council by ordinance may require to the Town Treasurer for deposit in the general account or accounts or in such specifically designated accounts as may have been established by the Financial Town Meeting, except as otherwise provided in this Charter or in the General Laws of Rhode Island.

**Section 509. Contingency Fund.**

There shall be included by the Town Council in the budget to be proposed at the Financial Town Meeting a line item to provide a contingency fund to be used by the Council to meet unanticipated expenses for which there is no provision or insufficient provision in the budget as adopted, or to meet emergency needs for expenditure which might arise during the fiscal year.

## ARTICLE VI

### TOWN OFFICIALS

#### Section 601. Appointment, Tenure and Compensation.

All Town officials, whose appointment is not otherwise provided for in this Charter, 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 five (5) years for each subsequent term. All such Town officials 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 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.

A. In the event that the office of a Town official shall become vacant from any cause within the term of office, the Council shall appoint a qualified person of its choice to the vacated office. If the vacancy has occurred in the office of an elected official, the Council appointee shall serve until an official is elected at the next general election.

B. The Town Council is hereby granted the authority to adopt by ordinance a Personnel Policy, or to amend the same. Such policy shall include, but need not be limited to employee classifications, wages/salary, benefits, office hours, leave and procedures for termination.

#### Section 602. Town Clerk.

There shall be a Town Clerk who shall be \*appointed by the Town Council. The Town Clerk shall have all the duties and responsibilities of Town Clerks as provided by State law, shall be Clerk of the Council, Clerk ex—officio of the Board of Canvassers, and Clerk of the Probate Court, and shall perform such other duties and responsibilities not in conflict with State law. The Town Clerk shall give bond for the office of Town Clerk. The Town Clerk shall have the authority to employ a Deputy Town Clerk with the approval of the Council, and such Deputy Town Clerk shall in the absence or inability of the Town Clerk, discharge all of the duties and responsibilities of that office. The Deputy Town Clerk shall also be bonded by the Town. The Town Clerk shall be responsible for the good conduct of the Deputy, and may revoke the appointment of the Deputy at the Clerk's discretion.

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\* Amendments made on October 22, 2013.

### **Section 603. Town Treasurer.**

There shall be a Town Treasurer who shall be appointed by the Town Council. The Town Treasurer shall have all of the duties and responsibilities conferred upon Town Treasurers by State law, and give bond for the office of Town Treasurer. The Town Treasurer may appoint a Deputy Town Treasurer with the approval of the Council and any such Deputy Treasurer shall, in the absence or inability of the Town Treasurer, have all the powers and responsibilities of the Town Treasurer; provided however, that in no case shall the Deputy have the power to sign the bonds, notes, or other evidences of indebtedness of the Town except with the approval of the Council. The Deputy Treasurer shall also be bonded by the Town. The Town Treasurer shall be liable for any misconduct, neglect, or default of the Deputy, and may revoke the appointment at his or her discretion.

### **Section 604. Town Solicitor.**

There shall be a Town Solicitor, who shall be appointed by the Council, and who shall serve at the pleasure of the Council for a term concurrent with that of the Council. The Solicitor shall be appointed from among persons admitted to the bar in Rhode Island who have had significant experience in the various aspects of municipal law and who have practiced before the various courts of the State. The Solicitor need not devote full time to his or her office and shall not be required to be a resident of the Town. The Council in its discretion may retain the services of a law firm to provide the legal services of Town Solicitor and may retain or authorize the retention of special counsel for the Town or for a board or commission, department or officer for extra or unusual services. The Town Solicitor shall be the legal advisor of, and attorney and counsel for, the Town and for all boards, commissions, departments and officers thereof.

### **Section 605. Town Tax Assessor.**

There shall be a Town Tax Assessor, who shall be appointed by the Town Council and who shall serve until his or her successor is appointed. The Tax Assessor shall have all of the duties and responsibilities conferred upon Town Tax Assessors by State law.

### **Section 606. Town Sergeant.**

There shall be a Town Sergeant, who shall be a qualified elector of the Town and shall be elected at the general election in each even numbered year to serve for a two (2) year term, or until his or her successor is elected. The Town Sergeant shall have such powers and duties as are prescribed by State law and such compensation as may be fixed at the Financial Town Meeting.

### **Section 607. Inspections and Inspectors.**

The Town Council shall make provision for the conduct of all inspections which are required, or shall in the future be required of towns to make, including but not limited to zoning inspections, building, electrical, plumbing and related inspections, minimum housing inspections, and the like, and shall appoint a person or persons to conduct such inspections who are qualified by training, experience and/or license where applicable, in the various professions and specialties involved. Where appropriate the same individual may be appointed with responsibilities of conducting two or more types of inspections.

### **Section 608. Probate Judge and Probate Court.**

There shall be a Probate Court for the Town with the powers and responsibilities prescribed by State law, and the Town Council shall appoint a judge for said Court from among attorneys who have been admitted to the bar in Rhode Island, and who shall have had at least five (5) years experience in active practice of law in the courts of this State, to serve for a term of two (2) years, or until a successor is appointed and qualified. The Council may make provision for a deputy or alternate to serve as judge in the absence or inability of the Probate Judge.

### **Section 609. Human Services Director.**

There shall be a Human Services Director, who shall be appointed by the Town Council and who shall serve until his or her successor is appointed. The Human Services Director shall have such duties and responsibilities as are assigned to the office by State law.

### **Section 610. Town Planner.**

There shall be a Town Planner, who shall be appointed by the Town Council and who shall serve until his or her successor is appointed and qualified. The Town Planner shall develop and make recommendations for the maintenance and updating of the Comprehensive Plan, as required by State law. The Planner shall also be responsible for recommending amendments to zoning ordinances and subdivision regulations, applying for Federal and State grants, managing subdivision applications, inspecting land suitability for development proposals, making recommendations to the Planning Board and Zoning Board, and such other duties as may be assigned by the Town Council.

### **Section 611. Town Tax Collector.**

There shall be a Town Tax Collector, who shall be appointed by the Town Council to serve until his or her successor is appointed and qualified.

The Town Tax Collector shall have all of the duties and responsibilities conferred upon Town Tax Collectors by State law, and shall give bond for the office of Town Tax Collector before assuming his or her duties, as provided by State law. The Town Tax Collector may appoint a Deputy Tax Collector with the approval of the Council, and any such Deputy Tax Collector shall, in the absence or inability of the Town Tax Collector, have all the powers and responsibilities of the Town Tax Collector. The Deputy Tax Collector shall also be bonded by the Town. The Town Tax Collector shall be liable for any misconduct or neglect of the Deputy.

### **Section 612. Town Moderator.**

There shall be a Town Moderator, who shall be a qualified elector of the Town and shall be elected at the general election in each even numbered year; to serve for a term of two years and until his or her successor is elected and qualified. The Town Moderator shall preside at all regular and special Town meetings.

### **Section 613. Other Council Appointments.**

The Town Council shall be empowered to appoint a Rescue Person, Animal Control Officer, Corder of Wood, Tree Warden, 911 Coordinator, Sealer of Weights and Measures, not more than four (4) Bonded Constables and such other appointments, as may be required from time to time by State law. The Council shall also be empowered to appoint any person, without compensation, to any positions that the Council deems appropriate.

### **Section 614. Town Administrator.**

#### 1. Office and Appointment.

There shall be a Town Administrator who shall be appointed by and serve at the pleasure of the Town Council.

#### 2. Qualification.

The Town Administrator shall be chosen by the Town Council solely on the basis of character, and executive and administrative qualifications. No paid employee or official of the Town shall hold the office of Town Administrator. The Town Administrator shall not be eligible to accept any other paid Town of West Greenwich office or employment during tenure of office, and shall devote such time to the duties of office as shall be determined by the Town Council.

#### 3. Compensation.

Compensation for the Town Administrator shall be fixed at the Financial Town Meeting, Section 301 of this Charter.

#### 4. Powers and Duties.

The Town Administrator shall be head of the administrative branch of Town government and shall see that the laws and ordinances of the Town are faithfully executed; supervise the activities of all Town officials, departments and agencies under his or her jurisdiction; and recommend such measures to the Town Council for consideration as deemed appropriate for the welfare of the Town. In addition to the foregoing, the Town Administrator shall:

(a) Recommend to the Town Council for appointment all Town officials and department heads whose appointment is not otherwise provided for in this charter. All other employees of the Town shall be appointed, promoted or dismissed by the Town Administrator with concurrence of the cognizant department head and Town Council, or such other authority as this Charter or the Town Council may provide. The Town Administrator shall search for Town citizens to fill vacancies on Town Boards and Commissions and such other Council appointments as set forth in Section 613 of this Charter, and shall make recommendations for their appointments to the Town Council.

(b) Supervise and coordinate the development of the annual budgets of the Town departments. Review the annual budget requests of the volunteer fire and rescue companies and the Louttit Library. Prepare recommended rates of compensation for town office holders and employees. He or she shall not recommend rates of compensation of himself or herself, or members of the Town Council.

- (c) Submit the annual budget recommendations, as developed in (b) above, to the Town Council, and attend Town Council budget workshops, the public budget hearing and the Financial Town Meeting.
- (d) Attend regularly scheduled Town Council meetings, and such other meetings that the Council may require.
- (e) Be responsible for the operation of the Town Transfer Station.
- (f) Serve on all labor contract-negotiating committees, in the capacity assigned by the Town Council.
- (g) Award all contracts for purchase on behalf of the Town subject to the procedures and limitations set forth in this Charter or prescribed by the council. He or she shall see to it that the terms of all such contracts are carried out.
- (h) Have final responsibility for the care and preservation of all Town property and equipment, except that under the jurisdiction of the Land Trust or the volunteer fire and rescue companies.
- (i) Have the power and authority to declare a state of emergency in the Town in the event of a disaster or imminent danger thereof, which endangers the health, safety or welfare of the people, and to take such lawful action as he or she deems necessary under the circumstances, or exercise such emergency powers as may have been conferred upon the Town by the state, or upon the Town Administrator by the Town Council.
- (j) Perform such other duties as may be prescribed by the Charter or required of him or her by the Town Council.

#### 5. Temporary absence or disability.

During temporary absence or disability the Town Administrator with concurrence of the Town Council may designate by letter with the Town Clerk a qualified administrative officer of the Town to perform his or her duties. In the event of failure of the Town Administrator to make such designation the Council may appoint an officer of the Town to temporarily perform the duties of the Town Administrator. If any such absence or disability lasts more than sixty (60) days, the Town Council may either grant an extension or declare a vacancy in the office of Town Administrator.

## ARTICLE VII

### BOARDS AND COMMISSIONS

#### Section 701. Planning Board.

There shall be a Planning Board for the Town made up of five (5) members each to serve for 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 \* 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 advise 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.

#### Section 702. Zoning Board of Review.

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 \* two (2) years. \*Alternate members shall also be appointed to staggering 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.

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\* Amendments made on November 2, 2010.

### **Section 703. Conservation Commission.**

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 of 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 \* 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.

### **Section 704. Board of Assessment Review.**

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.

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.

### **Section 705. Land Trust.**

The Town Council shall be empowered to establish, by ordinance, a Municipal Land Trust entitled the Town of West Greenwich Land Trust (hereinafter called the 'Trust'), a body corporate and politic and a public instrumentality. The Trust shall have the authority to acquire, hold and manage real property and interest therein, including the development rights of property, situated in the Town and consisting of open, agricultural, recreational, historical or littoral lands, including existing and future well fields and aquifer recharge areas, freshwater wetlands and adjoining uplands, wildlife habitats, land for bicycling and hiking paths and for future recreational use, and lands for agricultural use. The Trust shall hold all property or development rights solely as open space or for agricultural uses or for water purposes or for public access or to prevent the accelerated residential or commercial development thereof, as the trustees may determine.

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

The Louttit Library of West Greenwich shall be a 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<sup>1</sup> 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<sup>th</sup> of each fiscal year. The Town shall also provide electric power, heating oil and custodial services to the Library.

**Section 707. Juvenile Hearing Board.**

There shall be a Juvenile Hearing Board for the Town of five (5) 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 one (1) the third year. Members of the Juvenile Hearing Board shall be appointed by the Town Council from among qualified electors of the Town, all of whom shall have been resident for at least three (3) years with the Town and none of whom shall be attorneys admitted to the practice before the Supreme Court of the State of Rhode Island. Terms of members shall end on the first day of December of each year unless that member is reappointed to the Commission for an additional term. No member of the Juvenile Hearing Board shall be entitled to receive any compensation by reason of his or her service on the Board.

The Juvenile Hearing Board shall hear all cases referred to the Board by the Chief of Police of the Town with respect to persons resident in the Town under the age of 18 who are charged with violating the criminal laws of the State of Rhode Island or the Town.

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1. Auditable records shall include, as a minimum, cash receipts journal, cash disbursement journal and a general ledger with all supporting documents.

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\* Amendments made on November 2, 2010.

## **ARTICLE VIII**

### **SCHOOLS**

#### **Section 801. Regional School District Committee.**

Three (3) School Committee members shall be elected from West Greenwich to the Regional District School Committee. All candidates shall be qualified electors of the town. Members shall be elected to four (4) year terms. The terms shall be staggered so that one (1) member shall be elected at the presidential-general election and two (2) shall be elected at the next general election. In the event that the office of a School Committee member shall become vacant, the Town Council shall appoint a qualified elector of the Town to serve until the next general election, at which time a new member shall be elected to serve either the remaining two (2) year portion of the vacated office or to a full four (4) year term as appropriate to maintain staggered terms.

## ARTICLE IX

### OTHER TOWN DEPARTMENTS

#### Section 901. Police Department.

There shall be a Police Department, the head of which shall be the Chief of Police, who shall be appointed by the Town Council from among qualified applicants with at least five (5) years experience above the rank of corporal and ten (10) years total experience in any organized police department. The appointee shall be given a contract for no less than three (3) nor more than five (5) years which may be renewable and which shall contain a provision that the Chief may be removed, suspended or demoted by the Council for good and sufficient cause during any such contract period following notice and a public hearing if requested. The Chief of Police shall be the chief administrative officer of the Department and the final departmental authority in all matters of policy, operations, and discipline, subject to applicable provisions of State law. He or she shall exercise all lawful powers of the office and issue such lawful orders as are necessary to assure the effective performance of the Department and shall be responsible for the care and custody of all property used by the department.

A. There shall be such other subordinate officers, patrolmen, special police officers and employees as shall be determined from time to time and such organization of the Department into divisions or offices or grades, as the Council determines upon recommendation of the Chief of Police.

B. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the State and the ordinances of the Town.

#### Section 902. Volunteer Fire and Rescue Companies.

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 of 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 statement along with the entity's annual tax return shall be submitted to the Town Treasurer no later than October 15<sup>th</sup> 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 Meeting.

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.

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\* Amendments made on November 2, 2010.

I. All Fire Companies and Rescue Companies receiving Town funds shall maintain auditable<sup>1</sup> 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<sup>th</sup> 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.

**Section 903. Highway Department.**

There shall be a Highway Department, the head of which shall be the \*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 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 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.

**Section 904. Emergency Management Agency.**

There shall be an Emergency Management Agency in the Town headed by an Emergency Management Director, who may be the Council President or any of the Town officials, who shall be appointed by the Council and who shall serve with no additional compensation. The Emergency Management Agency shall be comprised of all available resources of the Police Department, Fire and Rescue Companies and Highway Department, which shall be activated upon the declaration of an emergency condition by the Council President.

The Town's Emergency Management Agency shall prepare for and respond to any declared emergency in accordance with Rhode Island General Law 30—15 (Defense Civil Preparedness) and applicable portions of the State Emergency Operation Plan, as promulgated by the State Emergency Management Agency.

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<sup>1</sup> Auditable records shall include, as a minimum, cash receipts journal, cash disbursement journal and a general ledger with all supporting documents.

\* Amendments made on November 2, 2010.

## **ARTICLE X**

### **GENERAL PROVISIONS**

#### **Section 1001 Open Records.**

The public shall be entitled access to all records and proceedings of all agencies of the Town government of West Greenwich, including but not limited to those of the Town Council, all Boards and Commissions, Departments and Offices, as the same are defined and set forth in State law pertaining to open records. The types of records to which the public is entitled access, and the times, places and conditions under which such access shall be made available shall be as provided in said Title 38, Chapter 2 of the Rhode Island General Laws as the same may be amended from time to time.

#### **Section 1002. Open Meetings.**

The public has a right to have the public business performed in an open and public manner and to be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. To these ends, the Town Council and all Town departments, agencies, commissions, committees, boards, and all subdivisions thereof, shall conduct all business in accordance with the provisions of the open meetings laws, Title 42, Chapter 46 of the Rhode Island General Laws, and as the same may be amended from time to time. The public shall have the right to attend all meetings of such Town public bodies, subject only to the limitations specifically allowed by said law.

#### **Section 1003. Ethics.**

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 responsive, 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 elected and appointed officials 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.

#### **Section 1004. Amendments of Charter.**

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 Charter amendments 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 purpose 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.

\* Amendments made on November 2, 2010.

B. The electors of the Town may propose amendments or revisions to the Charter by petition filed with the Town Clerk for certification 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 town wide 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 \* 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 recommend 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.

#### **Section 1005. Charter Construction and Severability.**

The powers of the Town under this Charter shall be construed liberally in favor of the Town. If any article, section or provision of this Charter shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected thereby.

#### **Section 1006. Appointments and Qualifications.**

\*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.

#### **Section 1007. Disqualification from Office.**

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

#### **Section 1008. Meaning of Publication.**

When in this Charter the Town Clerk or other Town official is required to publish the text of a proposal, document, public notice; publication shall mean to post it in the Town Hall and in one other prominent place in the Town, \*and, at a minimum, to post it on the Secretary of State's and Town's website.

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\* Amendments made on November 2, 2010.

## ARTICLE XI

### TRANSITIONAL PROVISIONS

#### Section 1101. Effective Date of Charter.

This Charter shall take effect on the first Monday in January, 1997, 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 Monday in January, 1997.

#### Section 1102. Transitional Elections and Appointment.

This Charter shall be placed before the electors of the Town of West Greenwich at the general election to be held on the first Tuesday after the first Monday in November, 1996, for their approval or rejection.

A. At said election, all Town offices which had been filled by vote of the electors of the Town or appointed by the Council heretofore, shall be filled in the same manner as previously, and all persons so elected or appointed shall serve the terms set for their offices regardless of whether or not this Charter is approved. In the event of such approval, those so elected whose offices have been made appointive under this Charter, shall upon completion of their terms, have their offices filled by appointment approved herein.

B. Offices heretofore filled by Council appointment shall continue to be so appointed as provided in this Charter. Offices previously filled at the general election, and which under the terms of this Charter are to be filled by Council appointment, shall be so appointed upon the expiration of the terms they were serving as of the general election of November, 1996.

#### Section 1103. Transfer of Appropriations.

In the event that it proves necessary to make any changes or transfers of funds appropriated in the budget for the fiscal year during which this Charter takes effect, to facilitate the operation of the Town Government under the provisions of the Charter, the Council shall have the power to make such changes or transfers accordingly.

#### Section 1104. Continuation of Laws and Ordinances.

All Town ordinances, resolutions, orders, and regulations which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter, or of ordinances, resolutions, orders and regulations adopted pursuant hereto. To the extent that the Constitution and laws of the State permit, all general laws or special acts relating to or affecting the Town or its agencies, officers, or employees which are in effect when this Charter becomes effective, are superseded to the extent they are inconsistent with or interfere with the effective operation of this Charter, or of ordinances, resolutions, orders, and regulations adopted pursuant hereto. The Council shall proceed to enact or adopt as promptly as possible any ordinances, rules, resolutions and orders which are necessary to implement the provision of this Charter.

**Section 1105. Continuation of Obligations.**

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

**Section 1106. Pending Actions and Proceedings.**

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

**Section 1107. Continuation of Agencies.**

All commissions, boards, departments, or offices, whether elective or appointed, shall continue in the performance of their powers, duties and functions as heretofore, subject to the provision of this Charter.

**Section 1108. Continuation of Present Personnel.**

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