

**PROPOSED CHARTER  
OF THE TOWN OF SCITUATE**

**AN ACT TO INCORPORATE  
THE TOWN OF SCITUATE**

**ENACTMENT**

Voter Approval and Ballot Question:

There shall be submitted to the qualified electors of the Town of Scituate, at the general election to be held on the Tuesday next after the first Monday of November, 2018, for their approval the following question: "Shall the act passed by the general assembly at its January, 2018, session, entitled, 'An act establishing a charter of the Town of Scituate, and in amendment of chapter 1321 of the public laws, 1915, entitled, 'An act fixing the Time For the Elections of Town Officer in the Town of Scituate as amended,' be amended?"

The local board of canvassers shall certify the results of said election to the secretary of state.

This Act shall take effect upon the passage of this act, and the remaining sections of this act shall take effect when the board of canvassers shall certify to the secretary of state that a majority of the qualified electors voting upon the question contained in section X. shall have voted to approve the same, and thereupon all acts and parts of acts inconsistent herewith shall stand repealed.

It is enacted by the General Assembly as follows:

**SECTION 1.** Chapter 1321 of the public laws, 1915, as amended entitled "An Act Fixing Time For the Election of Town Officers In The Town Of Scituate is hereby amended in its entirety to read as follows:

**CHAPTER 1 INCORPORATION**

***Incorporation of Inhabitants***

The inhabitants of Scituate, within the corporate limits as presently established, or as may hereafter be established in the manner provided by law, shall continue to be a body politic and corporate under the name of the Town of Scituate. They shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges, prerogatives and franchises and shall be subject to all the duties and obligations now pertaining to and incumbent upon the town as a municipal corporation or under the laws of this state. All laws relating to the Town of Scituate, except laws enacted pursuant to the powers reserved to the General Assembly by the constitution of the state, are hereby superseded to the extent they are inconsistent with the provisions of this charter.

## **CHAPTER 2 GOVERNMENT**

### ***Form***

The municipal government of the town shall be known as the "Council-Manager Government. All powers of the town are vested in an elected town council hereinafter referred to as the "Council," except those specific powers as vested in the Financial Town Meeting (FTM). The Town Council shall be the legislative body of the Town. The Town Council shall determine policies and shall appoint the Town Manager in accordance with section [insert section No.] of this Charter. The Town Manager shall execute the laws and administer the government of the Town under the authority of the Council.

## **CHAPTER 3 MUNICIPAL POWERS**

### ***Powers Authorized***

The Town shall have all powers of local self-government and all powers possible for a Town to have under the Constitution of this State, together with all the implied powers necessary to carry into execution all the powers granted. The Town shall have such additional powers as now or hereafter may be granted to the Town by the Constitution and laws of the State. All powers of the Town shall be exercised in the manner prescribed by this Charter and by State Law or if not so prescribed, then in such manner as shall be provided by Ordinance or Resolution of the Council.

### ***Property***

The town may acquire real property within or without its corporate limits for any purpose, in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require.

### ***State Law***

The laws of the State not inconsistent with this Charter, except those superseded by or declared inoperative by Ordinance or Resolution of the Council, shall have the force and effect of Ordinances of the Town. In the event of a conflict between any Town Ordinance or Resolution and any law of the State, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution and except in regard to questions of health, education and police power, the provisions of the Town Ordinance or Resolution shall prevail and control.

### ***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 the state or any municipality within the state or their authorized agencies, or with the United States or any agency thereof.

### ***Previous Charter Superseded***

This charter shall supersede all charters, public or special laws and amendments thereto previously granted to the Town of Scituate.

## **CHAPTER 4 ELECTIONS**

### ***General Election Date***

Municipal elections in the Town of Scituate shall occur in even-numbered years concurrent with state elections.

### ***Election Laws and Conduct of Elections***

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the Canvassing Authority and Registration, and the registering, listing, and returning lists of voters, and proof of their qualification to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting; and crimes, penalties and forfeitures under the election laws; and any and all other provisions of the laws of the State of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to preparation for, conducting, and management of elections, shall govern every town primary, general and special election, so far as they may be applicable, excepting those provisions which are inconsistent with this Charter.

### ***Non-Partisan Elections***

Whenever in said election laws and related matters reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, for the purpose of this Charter only each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this Charter.

All municipal elections in the Town of Scituate, whether primary, general or special, shall be non-partisan and there shall be no party mark or designation upon any declaration of candidacy, nomination, petition or list of candidates. By April 1 in even numbered years, the Canvassing Authority shall issue a schedule of the filing dates for the elections to be held that year.

### ***Nomination Petition; Signatures***

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition. The petition of each candidate for Town Council-District, Town Council Town-Wide, and School Committee shall be signed by not less than fifty (50) qualified electors of the Town. The petition of each candidate for Town

Council/District shall be signed by not less than fifty (50) qualified electors from the District from which the candidate is running. A voter may sign any number of nomination papers for any office the voter may lawfully vote for at the general election.

***Primary Election; Town Council***

At any primary election the two town council district candidates of each respective district receiving the highest number of votes shall be deemed and declared to be the candidates for the office of Town Council in their respective district in the general Town election. The candidates for Town Council town-wide receiving the highest number of votes, double the number for each respective office to be filled, shall be deemed and declared to be the candidates for the office of Town Council town-wide in the general Town election.

***Primary Election; School Committee***

At each primary election, the candidates for School Committee receiving the highest number of votes double the number for each respective office to be filled, shall be deemed and declared to be the candidates for the office of School Committee member.

***Primary Elections; Town Moderator***

At each primary election, the candidates for Town Moderator receiving the highest number of votes double the number for each respective office to be filled, shall be deemed and declared to be the candidates for said office.

***Ballot Order***

The position upon the ballot of the names of the candidates in any primary, general or special Town election shall be determined by lot and said names shall be so placed upon said ballot under title of the office to be filled. Said determination of said position by lots shall be conducted by the canvassing authority at which said candidates or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least (48) forty-eight hours in advance thereof and subject to the provisions of the Rhode Island Open Meetings Act as amended.

***Town Council Districts***

The Town shall be divided into three (3) districts for purposes of election of three (3) Town Councilors. The District lines shall be drawn by the Board of Canvassers in such a manner as to preserve as nearly as may be convenient, consistent with well-defined boundaries, with an equal number of residents in each district. This shall be done in each year when the General Assembly shall re-determine the state representative districts and senatorial districts or sooner if required by law, provided that the initial division of the town into three (3) town council districts shall be done no later than March of 2020.

## ***Board of Canvassers***

There shall be a Canvassing Authority appointed by the Town Council as provided by the constitution and laws of the State. Said Canvassing Authority shall be vested with all powers and duties vested by State law in the Canvassing Authority of the Town. In addition, it shall be the duty of said Authority to determine and review boundary lines of the districts for the election of members of the Town Council.

## **CHAPTER 5 TOWN COUNCIL**

### **ORGANIZATION AND FUNCTIONS**

#### ***Number, Selection, Term***

The council shall consist of seven (7) members elected from the town of Scituate. Four (4) members shall be elected town-wide and one member from each of the three (3) town council districts as established in accordance with section X of this Charter by the Board of Canvassers. Members of the town council shall be elected to serve two (2) year terms. The district-candidate with the most votes in each of three council districts shall be elected. The top four at-large candidates receiving the highest vote totals shall be elected to the town-wide council seats.

The term of office of any duly elected town council member shall begin at the regular December meeting of the council on the first Thursday after the first Monday in December immediately following the approval of the minutes by the out-going council as the first order of business. Prior to this meeting the outgoing council shall meet in work sessions with the in-coming council to plan an orderly transition.

#### ***Qualifications, Vacancy, Restrictions***

Members of the council elected by districts shall be qualified electors and residents of the district from which elected, and the members elected town-wide shall be a qualified electors and residents of the Town.

The oath of office shall not be administered to a member-elect nor shall any person continue to serve as a member of the council if the person holds any other elected or appointed position within the town, state or federal government or has been convicted of a crime of moral turpitude, except that of notary public, a member of a regional, state or federal advisory, investigatory or regulatory board, commission or similar agency, a member of the National Guard, a military reserve unit or a teacher in a school or college.

No member or member-elect of the council shall be appointed to any other position in the town government during their term of office or for the term for which they were elected, or for two years after the expiration of their term to a position existing or created in town government during their term of office.

A council member shall be deemed to have vacated his seat on the council due to death, resignation in writing filed with the Town Clerk, removal of his residence from the town, a removal from office in any matter authorized by law, acceptance of any position with the state or

federal government, other than as permitted in subsection (?) of this section, or has been convicted of a felony or of a crime involving moral turpitude. The vacancy shall be filled by a qualified elector from the same district or town-wide from which the council member resided as necessary.

### ***Forfeiture of office***

A Council member shall forfeit office if the member (1) lacks, at any time during the term of office, any qualifications for the office prescribed by this Charter, or by law; (2) violates any express provision of this Charter; or (3) is convicted of a crime involving moral turpitude.

### ***Term Limits***

No council member, whether elected in a council district or town-wide, shall be eligible to serve as an elected or appointed member of the council if said member has previously served on the town council for a total of (8) eight consecutive years during any (12) twelve- year period.

### ***Filing of Vacancies***

If a vacancy shall occur in the Town Council six (6) months or more prior to the next regular general election, a special election shall be called by the Town Clerk in the manner prescribed by law to fill such vacancy. If, by the thirtieth day after the vacancy occurs, the Town Clerk shall have failed to call such special election, then the Board of Canvassers shall call such election to fill such vacancy within forty-five (45) days of the date of occurrence of such vacancy.

If such vacancy shall occur less than six (6) months prior to the next regular election, the vacancy shall be filled for the unexpired term by the remaining members of the Town Council within thirty (30) days. The vacancy shall be filled by a qualified elector from the same district from which the vacancy occurred or by any qualified resident if the vacancy occurs in the town-wide council seat. The vacancy shall be posted in at least three (3) forms of local media including the Town's website as well as notifying the local political parties in the town.

### ***Judge of election and qualification of members***

The Town Council shall be the judge of the election and qualification of its members, and of the grounds for forfeiture of the office. For that purpose the Town Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

### ***Presiding officer***

The Town Council shall elect from among its members a president and a vice-president, each of whom shall serve at the pleasure of the Town Council. The president shall preside at meetings of the Town Council. The president shall have the right to speak and shall vote as any other member. The vice-president

shall act as president during the absence or temporary disability of the president.

The Town Council president shall be recognized as head of the town government for all ceremonial purposes and by the Rhode Island Governor for purposes of military law but shall have no administrative duties.

### ***Declare state of emergency***

The president of the Town Council shall have the power and authority (1) to declare a state of emergency in the event of a disaster, catastrophe, other similar event, or imminent danger thereof which endangers the public peace, health, safety, welfare, and the protection of property of the inhabitants of the town and (2) to take such lawful action as the president deems necessary.

### ***Compensation***

The Council members shall each receive an initial annual salary of \$2,500; an additional allowance of \$1,000 shall be paid to the president of the Town Council for submitted expenses.

The Town Council may, from time to time, fix the annual salary of each Council member and of the president of the Town Council; provided, however, that no such ordinance changing the salary of the Council members, or of the president of the Town Council, shall become effective during the current term of such Town Council and upon approval of the voters of the next regularly held Financial Town Meeting.

### ***Quorum***

Four (4) members of the Town Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to penalties prescribed by the rules of the Town Council. No action of the Town Council, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the Town Council. Upon the request of any member of the Town Council, a roll call vote shall be taken on any matter, and the ayes and nays shall be recorded in the minutes of the meeting.

### ***Regular meetings***

The Town Council shall meet regularly at least once in every month, and may meet more often, at such times and places as the Town Council may prescribe. The time and place of all regular meetings shall be set by the Town Council, by Resolution, at its first annual meeting after an election as set forth in section **X** and on the first regular meeting after the last date set by the initial Resolution.

## ***Agenda Items/Preparation***

Any council member shall have the right to request that item be placed on any agenda of the town council in accordance with the notice requirements of the Rhode Island Open Meeting's Act and the requirements of this Charter. Any request for any item to be placed on an agenda by any council member shall be made in writing and filed with the Town Clerk. Council agendas shall be prepared by the Town Clerk with the assistance of the Town Council President and/or the Town Manager.

## ***Live-Streaming***

All regular and special meetings of the Town Council shall be live-streamed and recorded and accessible to be viewed by the public at a later date. Nothing in this section shall prohibit the holding of a meeting upon the unavailability of live-streaming because of technical difficulties or its unavailability due to the location of the meeting.

## ***Public Comment***

All scheduled regular meetings, special meetings, and work sessions held by the Town Council shall require an agenda item for public comment. The council may adopt such rules and regulations necessary to carry out this provision.

## ***Work Sessions***

The town council, at the request of the Town Manager, the town Council President, or by the written request by four council members submitted to the Town Clerk, shall hold work sessions. The purpose of a Council work session is to research, gather information or take public comment, on any matter requested by the person or persons who shall have requested the work session. No motions or votes shall be taken at a work session.

## ***Special meetings***

Special meetings of the council may be held at the call of the president, or, in the absence of the president, at the call of the vice-president, or at the call of four (4) or more members. Notice of a special meeting shall be delivered to each member or left for the member at the member's home or place of business at least forty-eight (48) hours prior to the time fixed for the special meeting. Any member may waive the requirement of notice of a special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting. The purpose of a special meeting shall be stated in the notice of the meeting, and no business shall be transacted at any special meeting other than that stated in the notice.

## ***Open Meetings***

All regular, work session, emergency, or special meetings shall adhere to all the requirements of the Rhode Island Open Meetings Act and any amendments thereto.



## *Powers and duties*

Except as otherwise provided by law or by the provisions of this Charter, all powers of the town shall be vested in the Town Council. The Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by law. The Council shall be vested with the power to adopt, amend, and repeal ordinances for the preservation of the public peace, health, safety, welfare, and for the protection of persons and property; and with the power to provide for their enforcement by the enactment of appropriate penalties for the violation thereof. Without limiting the generality of the foregoing, the Town Council shall have and shall exercise the following specific powers, subject to the provisions of the constitution, and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly.

The Town Council may enact, reenact, amend or repeal ordinances and resolutions:

1. For zoning; regulations for the platting and subdividing of land; and regulations concerning parking on town highways and also on town property.
2. For the appropriation of money.
3. For the levy of taxes and assessments.
4. For the borrowing of money and the issuance of bonds, notes, or other evidence of indebtedness.
5. For the purchase, sale, lease, or the acceptance of a gift or device, of real or personal property located within or without the corporate limits of the town; for ordinances concerning the holding, management, control, sale, lease and conveyance of such property.
6. For the condemnation of land located within the town as permitted by the laws of this state.
7. For the control and management of any fund which has been or, in the future may be, given to the town by gift, bequest, or in any other manner, in accordance with the terms of such gift as expressed by the donor.
8. For the control and management of funds which have been or may be hereafter accepted by the town for the perpetual care of cemetery lots specified in the acceptance.
9. For granting, suspending or revoking licenses and permits in accordance with law.

10. For fixing the amount of official bonds of all officers of the town, who in the opinion of the Town Council shall be bonded, the premium of such bond to be paid by the town.
11. For the establishment and operation of a personnel classification system, fix the compensation of the Town Manager, and fix the compensation and provide rules and regulations with respect to the hours of employment and vacations of all officers and employees of the town. For purposes of this section, compensation shall include benefits including but not limited to medical benefits, vacation time and sick time.
12. To take any action necessary to give effect to any vote of the Financial Town Meeting or Special Referendum authorizing the issuance of bonds for any purpose and to complete all the details of the bond transaction in accordance with the General or Special Laws of the State
13. For the establishment and operation of any department, office or agency, in addition to those created by this Charter, which the Town Council may, from time to time, deem necessary to provide the services and functions not otherwise provided by the departments created herein. This provision is not to apply to elected officials.
14. To appoint committees of the Town Council which may investigate and report on any matter referred to it and make recommendations thereon. No committee shall have any executive or legislative powers, and final action on all matters shall be determined by the Town Council.
15. The Town Council may make investigations into the affairs of the town, and the conduct of any town department, office or agency. For this purpose it may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Town Council shall have the power, by ordinance, to provide for the punishment of any person who fails or refuses to obey a lawful order issued in the exercise of the powers set forth in this section.
16. No collective bargaining agreement between the Town of Scituate, and any labor organization shall become effective unless and until ratified by majority vote of the Scituate Town Council.

## **CHAPTER 6 ORDINACES**

### ***Ordinances***

The Council may act by Rule, Ordinance or Resolution, but in addition to the cases in which an ordinance is required by any specific provision of this Charter or any applicable law, any action creating or abolishing any department, office or agency of the Town government or any action taken under the provisions shall be by ordinance only.

### ***Ordinance Enacting Clause***

The enacting clause of all Ordinances shall be: "The Council of the Town of Scituate, County of Providence, State of Rhode Island hereby ordains:"

### ***Introduction/Passage of Ordinance***

Every proposed Ordinance shall be filed with the Town Clerk by a member of the Council not later than four business days previous to the day of the meeting at which it is to be introduced. The Town Clerk shall forthwith provide each member of the Council with a copy thereof and shall post one copy of such Ordinance in some place accessible to the public in the Town Hall and on the Town's website under the heading of "Proposed Ordinances". Every Ordinance, other than an emergency Ordinance, shall be read the first time by title and explained by its proponent at the meeting at which it is introduced and then referred to a subsequent regular or special meeting for action. A Public Hearing shall be mandatory on all ordinances, enactments and amendments, and no action shall be taken on the Ordinance until the conclusion of the hearing.

The affirmative vote of (4) Council members present shall be necessary for the passage of any Ordinance or amendment of any Ordinance. The vote upon any Ordinance shall be by roll call and entered on the record of proceedings.

### ***Zoning Ordinances **Excepted*****

Nothing in this section shall alter the method or procedure for the enactment of changes or amendments to the Zoning Code which shall in all respect conform to state law.

### ***Publication of Ordinance***

After passage, there shall be published within the (10) days in a newspaper with general circulation in the Town, a notice describing the Ordinance in brief and general terms and within the same period the entire Ordinance shall be made available for public inspection in the office of the Town Clerk, on the Town's official website, and distributed electronically to any member of the Town's list-serve or such similar service as the Town Clerk may use or subscribe.

### ***Effective Date of Ordinance***

Every Ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following passage.

### ***Emergency Ordinances***

In an emergency affecting the public peace, health, safety, comfort and welfare of the inhabitants of the Town and for protection of persons and property, the Council, by an affirmative vote of (4) four members, may adopt on the day of its introduction, without previous filing with the Town Clerk, an Ordinance

containing a declaration of emergency which shall take effect upon its passage. The nature of the emergency shall be specifically stated in the Ordinance and such declaration shall be conclusive as to the existence of such emergency. Such emergency Ordinances(s) shall be temporary and for the period of the emergency only and may authorize Departments, Offices and Agencies of the Town Government to act outside and beyond the usual requirement of Ordinances, Resolutions, Rules and Regulations.

### ***Authentication and Publication of Ordinances and Resolutions***

Upon its final passage, each Ordinance or Resolution shall be authenticated by the signature of the Town Clerk and shall be recorded in a book kept for that purpose. Within 10 days after final passage, each Ordinance shall be published at least once in such a manner as the Council may prescribe by Ordinance.

### ***Inspection of Proposed Ordinances and Resolutions by the Public***

After the introduction of any Ordinance or Resolution in the Council, the Town Clerk shall keep available a copy of such proposed Ordinance or Resolution, together with all amendments thereto, which copy shall be a public record.

### ***Codification***

The Council, within one (1) year of the effective date of this Charter, and at least every three (3) years thereafter, shall cause to be prepared and published a codification of the Ordinances of the Town.

## **CHAPTER 7 TOWN MANAGER**

### ***Search Committee***

A Town Manager shall be appointed according to the following procedure:

- a. The Town Council shall appoint a committee of at least three (3) members to recommend candidates for the position of town manager. The committee shall include at least one (1) Town Council member. All members of the committee shall be residents of the Town of Scituate. The committee shall not contain all members of the same political party.
- b. The committee shall advertise the position through professional organizations, in a publication of statewide or greater circulation, and through other methods of dissemination, and shall review applications and interview applicants.
- c. The committee shall submit the names of no fewer than three candidates to the Town Council. If the committee does not receive three or more applications, the committee shall forward the names of all qualified applicants received. The Town Council may appoint one (1) of the candidates as Town Manager by supra-majority vote as set forth in section X, may ask the committee to submit additional candidates, or may ask the committee to re-advertise the position.

### ***Appointment, qualifications, compensation***

The Town Council shall appoint a Town Manager for an indefinite term and fix the manager's compensation from those names submitted by the committee as set forth section X. The affirmative votes of at least (5) five out of the (7) seven town council members shall be necessary to appoint a town manager. The manager shall hold a master's degree in public administration, business administration or related master's degree from an accredited college or university as a minimum degree for the appointment, together with at least (3) three to five (5) years appropriate actual experience as a city, town or county government manager, assistant manager, or similar administrative position. Alternatively, a candidate with Project Management Professional (PMP) credentials may be considered in the absence of the appropriate master's degree stated.

### ***Prohibition against other employment***

The Town Manager shall devote the manager's entire time and attention to duties as Town Manager and shall not, during the appointment, be actively engaged in any employment, or business, or in the practice of any profession, or hold any public office other than the office of Town Manager of the Town of Scituate.

### ***Acting Town Manager***

By letter filed with the Town Clerk, the Town Manager shall designate, subject to approval of the Town Council, a qualified town administrative officer to exercise the powers and perform the duties of Town Manager during the manager's temporary absence or disability. During such absence or disability, the Town Council may revoke such designation at any time and appoint another officer of the town to serve until the Town Manager shall return or the manager's disability shall cease. No interim appointment shall last more than one hundred and eighty (180) days.

### ***Powers and duties of the Town Manager***

- a. The Town Manager shall be the chief administrative officer of the town. The manager shall be responsible to the Town Council for the administration of all town affairs placed in the manager's charge by or under this Charter. The manager shall have the following powers and duties:
- b. Appoint, when the manager deems it necessary for the good of the service, suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or by personnel rules adopted pursuant to this Charter.

- c. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- d. Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- e. Attend all Town Council meetings and shall have the right to take part in discussion but may not vote.
- f. See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.
- g. Prepare and submit the annual budget and capital program to the Town Council and monitor the approved budget, keeping the Council advised as to over-expenditures or improprieties by any commission, department, individual or agency.
- h. Submit to the Town Council and make available to the public a complete written report on the finances and administrative activities of the town as of the end of each fiscal year.
- i. Be informed about current federal or state funding or grants; and prepare and/or supervise all applications for federal or state funding and/or federal grants for which the Council might authorize and apply.
- j. Make such other reports as the Town Council may require concerning the operations of the town departments, offices, and agencies subject to the manager's direction and supervision.
- k. Keep the Town Council fully advised as to the financial condition and future needs of the town and make such recommendations to the Town Council concerning the affairs of the town as the manager deems desirable.
- l. Perform such other duties as are specified in this Charter or may be required by the Town Council by Resolution.
- m. Be responsible for the care and preservation of all town property and equipment, except property under the jurisdiction of the School Committee.
- n. Make recommendations to the Town Council concerning affairs of the Town
- o. Negotiate all municipal contracts and collective bargaining agreements provided that all such municipal contracts and collective bargaining agreements shall be approved by the Town Council and shall comply with the provisions that certain appointees serve at the pleasure of the Town Manager.

### *Assume duties of other town offices*

The Town Manager may assume, with the approval of the Town Council, in addition to the duties of the office of Town Manager, any other administrative office or offices, or part or all of the duties of any such office under the manager's supervision, but by reason thereof the manager shall not be entitled to any additional compensation.

### *Removal*

The Town Council may remove the Town Manager from office in accordance with the following procedures:

- a. The Town Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Town Manager from duty for a period not to exceed forty-five (45) days.
- b. A copy of the resolution shall be delivered promptly to the Town Manager.
- c. Within five (5) days after a copy of the resolution is delivered to the Town Manager, the manager may file with the Town Council a written request for a public hearing. This hearing shall be held at a Town Council meeting not earlier than fifteen (15) days or later than thirty (30) days after the request is filed.
- d. The Town Manager may file with the Town Council a written reply not later than five (5) days before the hearing. The Town Manager shall have a choice between a public or private hearing on the suspension.
- e. The Town Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of at least (5) five of its (7) members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Town Manager, if the manager has not requested a public hearing, or if, at any time after the public hearing, the manager has requested one.
- f. The Town Manager shall continue to receive their salary until the effective date of a final resolution of removal. The action of the Town Council in suspending or removing the Town Manager shall not be subject to review by any court or agency.

## **CHAPTER 8 OTHER TOWN OFFICERS**

### **TOWN CLERK**

#### ***Selection, term, qualifications***

There shall be a Town Clerk who shall be appointed by the Town Manager with the approval of the Town Council and who shall be considered an employee of the Town of Scituate. Provided, however, no person shall hold the position of Town Clerk who has not received or achieved the designation of a certified municipal clerk (C.M.C.) at the time of their appointment or within three years of their initial appointment.

#### ***Powers and duties***

- a. The Town Clerk shall be the Clerk the Town Council, Clerk of the Probate Court, Clerk of the Board of Canvassers, and the Recorder of Deeds. It shall be the duty of the Town Clerk to:
  1. Make a permanent record of all proceedings and certify by signature all actions of the aforesaid bodies;
  2. Be custodian of the Town Seal and of the official documents and records of the Town;
  3. Direct, supervise, and be responsible for the recording of deeds, mortgages, vital statistics, licenses and permits and such other records as shall by Ordinance and Law be required to be kept by the Town Clerk;
  4. Issue marriage licenses, burial permits, and such other licenses and permits as are required by Ordinance and Law to be issued by the Town Clerk;
  5. Oversee, manager, and maintain the town's official website and the live-streaming of town council meetings.
  6. Perform such other duties as may be prescribed by this Charter or by Law pertaining to Town Clerks, and such other duties appropriate to the Office as the Council may require by Resolution or Ordinance.

#### ***Compensation***

The Town Clerk shall only receive such annual salaries as included in the budget and approved by the FTM. All fees collected by either the Town Clerk or Deputy Town Clerk shall be transmitted to the Finance Director and deposited in the general funds of the Town unless otherwise directed by the laws of the State.



*Deputy town clerk*

There shall also be a Deputy Town Clerk appointed by the Town Clerk. When the Town Clerk is not available, the Deputy shall perform all the duties which are granted to the Office of the Town Clerk and perform such other duties as may be required.

**TOWN SOLICITOR**

*Appointment, selection*

There shall be a Town Solicitor who shall be appointed by the Council for an indefinite term by majority vote. The Council may also appoint one or more Assistant Town Solicitors as it may deem advisable from time to time to serve for indefinite terms. The Town Council shall solicit Requests for Proposals for the Town Solicitor at least every three (3) years commencing in January 2020.

*Qualifications/Other Employment*

The Town Solicitor and any Assistant Town Solicitor shall be attorneys-at-law in good standing who have been admitted to the practice of law in this State.

The Town Solicitor and any Assistant Town Solicitor need not be required to devote full time to the duties of their office. The Council, or in matters involving the school department, the School Committee, may authorize payment to the Town Solicitor, Assistant Town Solicitor or other counsel specially retained, within the limits of available appropriation.

*Powers; duties*

The Town Solicitor, with the assistance of any Assistant Town Solicitor, shall be attorney for the Town and legal advisor to the Council, the School Committee, Town Manager and all other offices, departments, boards and agencies of the Town.

The Solicitor or any Assistant Town Solicitor shall appear for and protect the rights of the Town in all actions, suits or proceedings, civil or criminal, brought by or against it or for or against any of its offices, departments or agencies, and shall perform such other duties as the Council or the School Committee may require.

The Town Solicitor or any Assistant Town Solicitor shall examine and approve the forms of all ordinances and resolutions and the forms of all invitations for bids, contracts and other legal documents sent out by any office, department or agency of the Town.

The Town Solicitor or any Assistant Town Solicitor shall provide to the town council and school committee, on an annual basis but not later than December 31 of any calendar

year, a written report on all pending cases, litigation, arbitrations, or controversy for the previous twelve-month period, including but not limited to, any settlements and the amount thereof, which occurred during the previous twelve months.

### *Special Counsel*

Nothing herein contained shall prevent the Town Council or the School Committee from retaining special counsel in such cases or other matters as each such body shall deem advisable. The retention of special counsel shall be made by Resolution of the Town Council or School Committee which shall state the terms, scope, conditions, and compensation of said special counsel.

## **CHAPTER 9 DEPARTMENT OF FINANCE**

### *Organization*

There shall be a Department of Finance, the head of which shall be the Director of Finance. The appointing authority for the position of Director of Finance shall be the Town Manager. The term "Town Treasurer" and "Director of Finance" where referenced in this Charter shall be considered synonymous. Further organization of this Department shall be as stated in this Charter and by Ordinances enacted by the Council to the end that the essential processes in the finances of the Town, namely, control and accounts, purchasing, assessment of property, collection of taxes and other revenues and payments may be properly administered. The Town Manger shall have the to authority to combine any office or office of the Department of Finance or assume any position with the approval of the Town Council by resolution consistent with the section X of this Charter.

### *Director of Finance*

The Director of Finance shall be a full-time position. The Director of Finance, subject to the provisions of this Charter and of Ordinances enacted by the Council, shall have and exercise all the powers and duties now and hereafter vested by law in the Town Treasurer. The Director of Finance shall have charge of the administration of the financial affairs of the Town and shall have and exercise all the powers and duties vested in this Article of the Charter.

### *Qualifications*

The Director of Finance shall be the Chief Financial Officer of the Town. The Director of Finance shall possess a four-year college degree from an accredited institution of higher learning. Said degree shall be in accounting, business management, budgeting, and or financial management. In addition, the director of finance shall have such three (3) to five (5) years of training and experience in accounting, budgeting or management, either in public or private business, to meet the required qualifications of the position as determined by the Town Manager.

## ***Compensation***

The Director of Finance shall receive such annual compensation as may be fixed from time to time by the Council in the municipal annual budget subject to the approval of the FTM, or as established by an employment contract, said contract which shall not exceed three years.

## ***Powers and Duties***

The Finance Director shall:

- a. Cooperate with the Town Manager and Council in compiling the expenditure and revenue estimates for the budget.
- b. Receive all fees, rents, funds, money receivable by the Town from the State or Federal Government, and any Department, Office or Agency of the Town, except as otherwise provided in this Charter or by law.
- c. Have custody of all public funds belonging to or under the control of the Town or any Department, Office or Agency of the Town and deposit all funds coming into the Director of Finance in such depositories as may be designated by the Council, or, if no such designation shall be made, in such depositories as may be chosen provided, however, that deposits in such depository are insured by an Agency of the United States. All interest received on deposits shall be the property of the Town and shall be accounted for and credited to the proper accounts.
- d. Have custody of all investments and invested funds of the Town or in the possession of the Town in a fiduciary capacity, and have the safekeeping of all bonds and notes of the Town and the receipt and delivery of Town bonds and notes for transfer, registration or exchange.
- e. Exercise control over all expenditures by pre-auditing all bills, invoices, payrolls, or other evidences of claims or charges against the Town, and seeing that budget appropriations are not exceeded by disbursements in any Department, Office or Agency of the Town.
- f. Pay out funds by check, such payments being made only after compliance with the provisions of this section and authorization by the Council.
- g. Prescribe and maintain an accounting system for the Town and adopt and require standard accounting procedures for all Departments, Offices and Agencies of the Town, which accounts shall include the amounts of all appropriations, and the amounts paid from each, and show in reasonable detail the person to whom and the purpose for which the payments were made, the unpaid obligations against each and the unencumbered balance.
- h. Prescribe uniform forms of receipts, vouchers, bills and claims to be used by all Departments, Offices and Agencies of the Town.

- i. Prepare a monthly statement of all receipts and disbursements in such detail as the Council may require.
- j. Prepare at the close of each fiscal year a complete financial statement and report in accordance with State Law for submission to the Council and the taxpayers of the Town.
- k. Perform the work of buying for the Town pursuant to Rules and Regulations established by Ordinance according to which the Director or an officer appointed or designated by the Director shall purchase or contract for all supplies, materials and equipment required by any Department, Office or Agency of the Town; establish and enforce specifications with respect to supplies, materials and equipment; be responsible for the inspection of deliveries of supplies, materials and equipment belonging to the Town; store, if necessary, and distribute all supplies, materials and equipment required by any Department, Office and Agency; transfer to or between Departments, Offices and Agencies surplus, obsolete and unused supplies, materials and equipment, and subject to the approval of the Council, dispose of any such, by sale if possible.
- l. Whenever any Department, Office or Agency of the Town shall purchase or contract for any supplies, materials, equipment or contractual services, independently and contrary to the provisions of this Charter or the Rules and Regulations made thereunder, such order or contract shall be voidable by the Town.
- m. The Town shall be allowed to enter into lease/purchase agreements as contractual obligations, to appropriate annually a sum sufficient to pay both principal and interest, subject to Council approval, and maintain a perpetual inventory of Town property.
- n. Maintain a current inventory of Town assets.
- o. Perform such other duties or responsibilities as the council

### ***Budget control***

If at any time during the fiscal year the Director of Finance shall ascertain that the remaining unexpended balance of appropriations for the fiscal year will be insufficient to cover the proposed work programs, the Director shall make that fact known to the Council for it to reconsider the work programs and allotments of the several Offices, Departments and Agencies and revise the allotments, other than the allotments of the School Department, so as to forestall the making of expenditures in excess of appropriations.

### ***Deputy Finance Director***

There may be a Deputy Finance Director appointed by Town Manager from within the staff of the Department of Finance upon recommendation of the Director of Finance. The Deputy Finance Director shall have all the powers and perform all the duties which are granted to the office of Finance Director by Resolution, Ordinance or Law in the Finance Director's absence, with the exception of administrative responsibilities. In no event shall the Deputy Finance Director have the power to sign the bonds, notes or other evidence of indebtedness of the Town except at the direction of the Council.

### ***Vacancy***

If a vacancy shall occur in the Office of Director of Finance, the Deputy Finance Director shall assume the duties of the Director of Finance prescribed by Resolution, Ordinance and Law. If there is no Deputy Finance Director, the Town Manager shall assume the role of interim Director of Finance. The interim Director of Finance shall assume the powers and duties of that office until such time as the Town Manager shall appoint a successor.

### ***Tax Assessor***

There shall be within the Department of Finance a Tax Assessor who shall be appointed by the Town Manager. The Tax Assessor shall be responsible for the fixing of an assessed evaluation for purposes of taxation on all taxable real estate and personal property and for the preparation of an assessment roll and a tax roll for the Town in the manner provided by Law and Ordinance.

### ***Qualifications***

The Tax Assessor shall have knowledge of and experience in the appraisal of real and personal property, and shall hold a certificate as a residential appraiser, or the equivalent, or acquire such certificate within one year of appointment. The Tax Assessor shall hold no other paid public Town office or employment in the service of the Town of Scituate.

### ***Compensation***

The Tax Assessor shall receive such compensation as may be fixed from time to time by the Council in the annual budget subject to the approval of the FTM.

### ***Powers and Duties***

The powers and duties of the Tax Assessor shall include but not be limited to:

- a. Apply to or apportion upon the assessed valuation of real estate and personal property the amount of tax ordered to be levied or imposed thereon;

- b. Make and prepare all regular and special assessment rolls and a tax roll for the Town in the manner provided by law;
- c. Establish a uniform and equitable system for assessing all classes and kinds of property;
- d. Prepare tax maps and land value maps;
- e. Give such notices of assessments and taxes and to perform such other duties as may be required by Law and Ordinance;
- f. Subject to the approval of the Director of Finance, employ from time to time within the limits of available appropriations such clerical assistants as may be necessary;
- g. Cooperate with the Board of Canvassers and Registration in the preparation of the lists of electors as may be necessary.

### ***Board of Assessment Review***

#### ***Membership***

There shall be a Board of Assessment Review consisting of three members, qualified electors of the Town appointed by the Council by Resolution for a term of six years, provided, however that the board shall not be composed of all members of the same political party. Upon their initial appointment, the council shall designate by Resolution one person whose initial term shall be two (2) years, one member to serve an initial term (4) years, and one member to serve (6) years.

***Qualification: Appointees who between three (3) and five (5) years of knowledge and experience with real estate values or assessments are preferred. Appointees must also be an elector or resident of the town.***

#### ***Vacancies***

Vacancies shall be filled by the Council for the unexpired term. Any member currently elected to the Board of Assessment Review at the time of the adoption of this Charter shall continue to serve in said elected position until the end of said elected term. If a vacancy occurs in during and elected term, a replacement shall be appointed by the Town Council by Resolution.

#### ***Duties***

The Board of Assessment Review shall hear and consider the appeal of any property owner concerning the amount of the assessed valuation as determined by the Assessor. The Board shall keep an accurate record of its proceedings which shall be available for public inspection.

### ***Correction in Assessment***

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the Board shall have the authority to order a correction. Such determination shall be certified by the Board to the Assessor, whose duty it shall be to make such corrections in the valuation as the Board may determine. If the tax roll has been certified by the Assessor, who shall then transmit the findings of the Board to the Council, which may cancel in whole or in part the tax based on such valuation in order to effect a correction.

### ***Procedure***

The Council shall provide by Ordinance for the organization and procedure of the Board of Assessment Review and for the manner of receiving, considering, and disposing of appeals.

### ***Right of Appeal***

The taking of an appeal to the Board of Assessment Review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the Assessor.

### ***Tax Collector***

There shall be within the Department of Finance the Office of Tax Collector, who shall be appointed by the Town Manager. The Town Manager, with the approval of the Town Council, may also appoint a Deputy Tax Collector, who in the absence of the Tax Collector shall have all the powers and perform all the duties which are granted to the Office of Tax Collector.

### ***Qualifications***

The tax collector shall possess a high school diploma with at least (3) to (5) years of experience and knowledge of billings, collections, accounting in a private, public, or government institution.

### ***Powers and Duties***

The powers and duties of the Tax Collector shall include but not be limited to:

- a. Collect and receive all taxes and special assessments for the collection of which the Town is responsible, and shall have all the rights, powers and duties prescribed by the laws of the State and by Ordinance.
- b. Conduct tax sales in accordance with Rhode Island General Laws.

- c. Send out annual tax bills, assessments, and other such notices necessary to collect any such tax, fee, or special assessment authorized by the municipal government.
- d. Report on at least a quarterly basis to the Finance Director the amount of taxes collected and outstanding by category and tax year.
- e. Any other duties as the Town Manager may assign.

## **CHAPTER 10 BUDGETING AND BUDGET PROCESS**

### ***Fiscal Year***

The fiscal year of the Town government shall begin on the first day of April and shall end on the last day of March of the next year. The fiscal year shall also constitute the budget and accounting year.

### ***Alignment of Fiscal Year with State within Four Years***

Within four years of the adoption of this Charter, the fiscal year of the Town shall be from the first day of July and shall end on the last day of June of the next year. The Town Council, with the assistance of the Town Manager and/or the Director of Finance shall implement the change in whole or in part by ordinance within the four-year period.

### ***Annual Audit***

The Town Council shall provide for an independent annual audit of all town accounts by a certified public accountant or by the state bureau of audits and may provide for such more frequent audits as it deems necessary. The audit shall cover all books, accounts, and other evidence of the financial transactions of the town. The audit shall conform with generally accepted auditing standards, including all procedures necessary for the auditors to express an informed opinion of the financial condition of the town. A copy of the audit report each year shall be filed with the Town Clerk and shall be a public record.

### ***Borrowing in Anticipation of Taxes***

Borrowing in anticipation of taxes shall require the approval of the Financial Town Meeting in accordance with state law.

### ***Issuance of Bonds; Limits***

The qualified electors of the Town may at an annual or special Financial Town Meeting authorize the borrowing of money and the issuance of bonds or notes pursuant to the statutes now or hereafter in effect. Provided, however, that any borrowing of money and the issuance of bonds or notes above the amount of \$2 million shall require the approval at a special or general election by all day referendum by Resolution of the Town Council.



### ***Competitive Bidding***

Before the Town makes any purchase of or contracts for supplies, material or equipment, ample opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the Town Council may prescribe by ordinance.

### ***Contracts and Expenditures Prohibited***

No office, department or agency, during any budget year, shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditures except as provided for in **section 1470** of this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing contained in this section shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds or notes or from the Capital Expenditure Funds nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

### ***1470 - Transfer of Appropriations***

The Town Manager may at any time authorize the transfer of any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency or board or commission, provided that the existence of the balance proposed to be transferred is certified in writing by the Finance Director.

All general fund appropriations except for capital improvements and restricted accounts shall lapse at the end of the budget year to the extent that they have not been expended and the balance thereof shall revert to the general fund consistent with State Law and Town Ordinance.

### ***Fees Paid to the Town***

All fees received in accordance with provisions of any State law or Town ordinance by any officer or employee shall belong to the Town and shall be paid to the Finance Director.

## **CHAPTER 11 BUDGET PROCEDURES**

### ***Budget Preparation/Schedule***

The Town Manager, with the assistance of the finance director, shall prepare a budget based on the submissions of Department Heads, Boards, Commissions, School Department and outside agencies. Each Department shall submit their proposed

budgets to the Town Manager at least 108 days prior to the date of the Financial Town Meeting.

The Town Manager, with the assistance of the Finance Director, shall submit the proposed budget to the Town Council at least 75 days prior to the date of the Financial Town Meeting.

Within fifteen (15) days of the receipt of the Town Manager's proposed budget, the Town may accept or amend the proposed budget for presentation at least (1) public hearing. Within thirty (30) days of the receipt of the Town Manger's proposed budget, the Town Council will hold at least one (1) public hearing.

The town council may revise the budget after submission by the Town Manager and at least one public hearing and shall adopted a recommend budget to be presented to the voters of the Financial Town Meeting no later than 45 days after receiving the initial proposed budget from the Town Manager.

The Town Clerk shall be responsible for the distribution of the proposed budget as approved by the Town Council, including posting said budget on the Town's website, transmitted to subscribers to the town's list serve or similar devise, and by publication and/or distribution by mail to households within the Town.

The proposed budget shall contain the following language:

**“The following budget proposal is approved by the Town Council and is subject to amendment by that qualified electors at the Financial Town Meeting (FTM). Any new proposed expenditure or budget amendment by any elector at the FTM that exceeds \$100,000 and/or changes any line item by more than 10% (increase or decrease) must be submitted and filed with the Town Clerk at least X number of days prior to [insert date of the FTM or date] in accordance with section X of the Charter. Please check the Town Clerk's Office and the town's official website for any proposed changes to this budget.”**

#### ***Public Hearing on Recommended Budget***

The Town Council shall hold a public hearing on the recommended budget at least thirty (30) days prior to the Financial Town Meeting and the Town Clerk shall prepare sufficient copies of the budget to be available for public distribution prior to the hearing. The budget copies made available shall include final audited figures for the previous three years.

#### ***Publication of Budget***

A copy of the budget, as finally adopted by Financial Town Meeting, shall be certified by the Town Clerk and filed in the Office of the Town Treasurer. Sufficient copies of the budget shall be made available by the Town Clerk for the use of all offices, departments and agencies and for the use of interested persons. The adopted budget shall also be posted on the Town's official website within five days of its adoption.

## **CHAPTER 12 FINANCIAL TOWN MEETING**

### ***Time and purpose of meeting***

The electors of the Town of Scituate, qualified to vote upon any proposition to impose a tax or for the expenditure of money in said Town, shall assemble annually in a Financial Town Meeting (FTM) on the first Tuesday after the first Monday in April at 7:00 p.m., for the purpose of exercising the powers specified next herein. The place of said meeting shall be set by Resolution of the Town Council at least 30 days prior to the meeting.

When the Town's fiscal year ends on June 30, the electors of the Town of Scituate, qualified to vote upon any proposition to impose a tax or for the expenditure of money in said Town, shall assemble annually in Financial Town Meeting on the second Tuesday after the first Monday in June at 7:00 p.m., for the purpose of exercising the powers specified next herein. The place of said meeting shall be set by Resolution of the Town Council at least 30 days prior to said meeting.

### ***Powers***

The said electors of the Town of Scituate in Financial Town Meeting assembled shall have and exercise the powers vested in the Town to raise by a tax upon real and personal estate such sums of money as may be required for the payment of the Town's debts and interest thereon, for the support of the various departments, offices, agencies and boards of the Town, for the maintenance and improvement of the Town's property and for all necessary charges and expenses whatsoever arising within said Town, whether incidental or not to the above; to lease or authorize the leasing of the Town's property; to grant and vote such sums of money as they shall deem necessary for all expenses of the Town for the ensuing year; to authorize the borrowing of money and the issuance of bonds pursuant to the statutes now or hereafter in effect; and to transact all such other business as may be exercised by a Financial Town Meeting under applicable provisions of law.

### ***Notice of meetings***

The Town Clerk shall cause the electors of the Town to be notified of every Financial Town Meeting which shall be legally called. The Town Council shall provide by ordinance for the manner of calling such meeting and all other matters relating thereto which are not otherwise prescribed by this Charter, by provisions of state law or by vote of the Financial Town Meeting.

### ***Moderator***

The electors of the Town of Scituate assembled at the Annual Financial Meeting held on the second Monday in May, shall at the commencement of the Town Meeting elect a Moderator by secret nonpartisan ballot to serve for one year from the adjournment of that meeting to the adjournment of the next Financial Town Meeting and until his or her successor is elected and qualified. Nominations for the office of Town Moderator shall be

filed with the Town Clerk at least 15 days prior to the Financial Town Meeting. The Moderator shall be as elector of the Town qualified to vote in Financial Town Meeting. Whenever a vacancy shall occur in the office of Moderator, by death, removal out of Town, resignation, neglect or refusal to qualify, or for any other cause, the Town Council may fill the same until the next election for the election of such office; provided that if on the date and hour set for any annual or special Financial Town Meeting the office of Moderator be vacant or he/she be absent the qualified electors present shall elect a Moderator to preside at such meeting.

### ***Duties of Moderator***

The Town Moderator shall preside at all Financial Town Meetings and shall have power to conduct, manage and regulate the business of each meeting conforming to law and shall maintain peace and good order therein. If any person shall conduct himself or herself in a disorderly manner in any Town Meeting, the Moderator may order that person to withdraw from the meeting; and, on his or her refusal, may order a Town of Scituate police officer, to take that person from the meeting.

### ***Canvass prior to meeting***

Prior to any Town Meeting prescribed by law or Special Town Meeting called by request in the manner hereinafter provided, the list of electors qualified to vote in such Town Meetings shall be made out and canvassed in the same manner as provided by Rhode Island State law with respect to elections.

### ***Quorum***

One hundred qualified electors shall be necessary to constitute a quorum at any Financial Town Meeting. Immediately after the call to order to the Financial Town Meeting, the clerk of the Board of Canvassers shall certify to the Town Moderator the number of eligible electors present and the Town Moderator shall announce the certified number present. If less than a quorum of 100 electors is certified, the budget as proposed by the Town Council shall be adopted as submitted along with any bond or borrowing measures with no debate or changes permitted and the Financial Town Meeting shall be automatically adjourned.

### ***Procedure at Financial Town Meeting***

In all matters arising in the conduct of the Financial Town Meeting, Roberts Rules of Order shall apply; provided, however, whenever any question shall be pending involving any expenditure of money, or the incurring of liability by the Town, or the disposition of Town property, the same shall be taken by ballot, if a ballot be called for, and the call be seconded by at least 1/5 of the electors present who are qualified to vote on the pending question. All questions shall be decided by a majority of those voting, unless otherwise provided by law.

### ***Record of proceedings as evidence; certificate of Clerk***

A copy of the record of the proceedings of any Financial Town Meeting, duly certified by the Town Clerk, shall be evidence of any act or vote of such Town in Town Meeting assembled, recited in such copy; and the certificate of the Town Clerk that no Town Meeting has been held to consider any subject in said certificate mentioned, or that no vote of the Town has been taken upon such subject, shall be evidence of the fact therein stated.

***Recessed meetings***

Any Financial Town Meeting, by majority vote of the electors voting on the motion duly made and seconded, providing that the hour of 11:00 p.m. has arrived, shall refer to a recessed meeting, any unfinished business to be transacted. Such a recessed meeting shall be held on the following day, at 7:00 p.m.

***Special meetings***

Whenever the Town Council by resolution, or whenever 10% of the electors of the Town qualified to vote on a proposition to impose a tax or for the expenditure of money shall make a request in writing, for the calling of a special Financial Town Meeting and direct the same to the Town Clerk, he/she shall cause the electors to be duly notified of the time and place of such meeting and of the business proposed to be transacted therein. No special Financial Town Meeting shall be called without the consent of the Town Council if the subject or any of the subjects proposed to be considered at such special Town Meeting shall have been acted upon by a Town Meeting within six months previous to the time of such proposed call.

***Procedure for Amending the Proposed Budget at the Financial Town Meeting***

No motion for the expenditure of money, other than the budget proposed by the by the Town Council, shall be in order at a Financial Town Meeting, unless it shall have been filed in writing with the Town Clerk and signed by at least 25 electors qualified to vote at the Financial Town Meeting not less than 10 calendar days previous to the date of such meeting at which such motion is to be considered; the Town Clerk shall include in the call for such meeting a notice that said motion shall be considered at said Financial Town Meeting.

No motion increasing or decreasing an appropriation by more than 10% of the appropriation's dollar amount set forth in the budget recommended by the Budget Board, or \$100,000, whichever amount is less shall be in order at the Financial Town Meeting unless it shall have been filed in writing with the Town Clerk not less than 10 calendar days previous to the date of such meeting at which such motion is to be considered; the Town Clerk shall include in the call for such meeting a notice that said motion shall be considered at the Financial Town Meeting. [Other than as set forth in this section, provided, however, that nothing contained in this Charter shall be construed to prevent the increase or decrease of any appropriation which is lawfully contained in the warrant or which is recommended by the Town Council.]

***Resolutions and reports filed with the Town Clerk***

All reports, recommendations and resolutions to be offered at any Financial Town Meeting by an agency of the Town government or any person qualified to vote at the said meeting, shall be filed with the Town Clerk not less than 10 calendar days prior to the meeting and read at the opening of the meeting on the order of the Moderator.

## **CHAPTER 13 DEPARTMENT OF EDUCATION/SCHOOL COMMITTEE**

### ***School Committee, Membership***

The School Committee shall have five (5) members who shall be elected town-wide for (4) year-terms. The candidates receiving the highest number of votes for the number of seats available shall be elected to the school committee.

The members in office when this Charter shall take effect shall continue in office until their terms shall expire and their successors are elected and qualified. The school committee shall continue to serve staggered terms.

### ***Term***

The term of office of any duly elected school committee member shall begin at the regular December meeting of the school committee on the first Thursday after the first Monday in December immediately following the approval of the minutes by the outgoing school committee as the first order of business. Prior to this meeting the outgoing school committee member(s), if applicable, shall meet in work sessions with the incoming member(s) to plan an orderly transition.

### ***Term Limits***

No school committee member shall be eligible to serve as an elected or appointed member of the school committee if the member has previously served on the school committee for a total of (8) eight consecutive years during any (12) twelve- year period.

### ***Compensation***

The members of the school committee shall each receive an initial annual salary of \$2,500; an additional allowance of \$1,000 shall be paid to the Chair of the School Committee for submitted expenses.

The Town Council may, from time to time, fix the annual salary of each school committee member and of its chair by Ordinance; provided, however, that no such ordinance changing the salary of the school committee members shall become effective during the current term of such Town Council and upon approval of the voters of the next regularly held Financial Town Meeting.

### ***Filling vacancy***

If a vacancy shall occur in the School Committee twelve (12) months or more prior to the next regular election, a special election shall be called by the Town Clerk in the manner prescribed by law to fill such vacancy. If, by the thirtieth

day after the vacancy occurs the Town Clerk shall have failed to call such special election, then the Board of Canvassers shall call such election to fill such vacancy within forty-five (45) days of the date of occurrence of such vacancy. If such vacancy shall occur less than twelve (12) months prior to the next regular election the vacancy shall be filled for the unexpired term by the Town Council. The vacancy shall be filled by a qualified elector. The vacancy shall be posted in at least three (3) forms of local media including the Town's website as well as notifying the local political parties in the town.

### ***Qualifications***

A member of the School Committee shall hold no other public office or employment in the service of the Town of Scituate, the State of Rhode Island, or of the government of the United States, except as **provided in section X**

A member of the School Committee shall not be eligible for appointment to any paid office in the town during the term for which the member was elected to the School Committee or for two years thereafter.

### ***Chair and clerk***

The School Committee shall elect one of its members as chair who shall sign any orders or official papers of the committee, and shall elect a clerk who, under the direction of the committee, shall keep a journal of the proceedings of the committee. The clerk need not be a member of the committee. Either the chairman or the clerk may be removed at the pleasure of the committee.

### ***Meetings; Live-Streaming; Public Comment***

The School Committee shall adopt its own rules and order of business and shall hold at least ten (10) regular meetings in every year, at such time and place within the town as the committee shall, by general or special order, fix and determine.

All meetings are to be open to the public in accordance with the provisions of state's Open Meetings Act. The school committee agenda shall provide for a period of public comment and each meeting of the school committee shall be live-streamed, and archived for public view and available on the town and/or school department website. Nothing in this section shall prohibit the holding of a meeting upon the unavailability of live-streaming, because of technical difficulties or its unavailability because of the location of the meeting.

### ***Powers and duties***

The School Committee shall have the following powers and duties:

- a. The School Committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools and shall have all the powers and be subject to all duties

prescribed by the laws of the State and may provide rules and regulations for the use, operation, and maintenance of public school properties, and for vacations of all officials and employees of the School Department.

- b. The School Committee shall appoint, and establish the compensation of a Superintendent of Schools as its chief administrative agent, who shall have, under the direction of the School Committee, the care and supervision of the public schools. No person shall be employed as Superintendent of Schools unless such person holds a certificate of qualification issued by, or under the authority of, the State Board of Regents for Education. The Superintendent shall be subject to removal at the discretion of the School Committee by vote of a majority of all members of the School Committee, with a public hearing, if the Superintendent shall request the same. There shall be no right of appeal from the decision of the School Committee.
- c. The appointment and removal of all school employees and fixing of salaries shall be made by the School Committee upon recommendation of the Superintendent of Schools, except as may be provided otherwise by the laws of the State. Except for the purpose of inquiry, the School Committee, as far as is consistent with the laws of the State, shall deal with the administration of the public schools solely through the Superintendent of Schools and neither the School Committee nor any member thereof shall give orders to any subordinate of the Superintendent of Schools, either publicly or privately. All details of administration shall be handled by the Superintendent or other administrative officers to whom he delegates the work.
- d. The School Committee shall submit budget estimates, after at least two (2) public hearings, in the same manner as other departments, and the budget estimates and appropriations shall be considered by the Town Manager. The allocation of the amounts appropriated shall be determined by the School Committee.
- e. The School Committee shall prepare a complete report of its finances and activities annually and make available for public inspection copies of the report at the offices of the School Committee and of the Town Clerk.
- f. At the request of the School Committee, the Town Manager may direct appropriate departments under his or her jurisdiction and control to maintain, care for, or otherwise provide services for school buildings, grounds, motor vehicles and equipment, provided that the costs be charged against the appropriation for the public schools, such costs to be determined by the Town Manager and paid at the direction of the School Committee.
- g. The School Committee shall [have] the power to issue subpoenas to compel witnesses to testify and produce records as prescribed by State law.



- h. The School Committee shall make the facilities under its jurisdiction available to the Town Recreation Commission for the use of said commission in its programs upon request, provided that the making available of such facilities, or of any specific facility, does not interfere with same scheduled use for school purposes, and provided further that the Recreation Commission shall reimburse the School Department for any costs incurred in the use of such facilities.
- i. The School Committee shall exercise such other powers and perform such other duties as prescribed by State law and as are not inconsistent with this Charter.

## **CHAPTER 14 PROBATE COURT**

### ***Judge***

There shall be a Judge of Probate who shall exercise and perform the powers and duties of a probate court for the town. The Town Council may appoint an associate probate judge who shall exercise all powers of the Probate Judge in the absence or unavailability of the Judge of Probate.

### ***Appointment and term***

The Judge of Probate shall be appointed by the Town Council to serve for a term of two (2) years. The appointment shall be made by the first regular meeting of the Town Council as set forth in section X of this Charter. The Judge of Probate shall serve until the judge's successor is appointed and qualified.

### ***Qualifications***

The Judge of Probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state. The judge need not be a resident of the town.

### ***Absence or disability***

In the absence, disability, or disqualification of the Judge of Probate so that the judge is unable to fulfill the judge's duties, or there is a vacancy in such office, the duties of the Judge of Probate shall be performed by the associate judge of probate.

### ***Clerk***

The Town Clerk shall be the clerk of the probate court.

### ***Fees***

All fees collected by the clerk of the probate court shall inure to the benefit of the town and shall be paid over to the Town Treasurer unless otherwise directed by the laws of the state.

## **CHAPTER 15 PUBLIC SAFETY/EMERGENCY MANAGEMENT**

### ***Police Department***

There shall be a Police Department, the head of which shall be a Chief of Police. In addition to the Chief of Police there shall be such other Subordinate Officers and Patrol Officers as shall from time to time be determined by the Council by Ordinance. The Chief, Subordinate Officers and Patrol Officers, subject to such probationary requirements as may hereinafter be set forth, shall constitute the permanent Police Department of the Town.

### ***Chief of Police, Qualifications, & Appointment***

The Chief of Police shall be appointed by the Town Council and shall have at least five years' experience above the rank of Lieutenant in any organized Police Department and have expertise in the organization, administration, management and direction of police personnel and shall possess such other qualifications as the Council may prescribe by Ordinance.

All police officers below the rank of Chief shall be appointed or promoted as the case may be by the Council upon recommendation by the Chief of Police, provided that they shall have satisfactorily passed such qualifying tests as the State may require concerning standards and training for police officers and such other qualifying tests as the Chief of Police and/or the Council may require by Ordinance. All members of the force shall, at the time of their permanent appointment, have served for a period of not less than one year in a probationary status after completion of the required training during which period they may be removed at any time by the (Town Manager or) Council upon recommendation of the Chief of Police, with or without cause.

### ***Compensation***

The Chief of Police shall receive such compensation as may be fixed from time to time by the Council in the annual budget subject to the approval of the FTM or as established by an employment contract, said contract which shall not exceed three years.

### ***Powers and Duties***

The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and the enforcement of the statutes of the State and the Ordinances of the Town. The Police Department shall also be responsible for

assisting other Town Departments and Officials in the performance of their duties where required.

### ***Constables; Abolishment***

There shall be no Constable appointments by the Town Council, and any person having been appointed constable at the time of the effective date of this Charter shall cease to hold said position.

### ***Animal Control Officer and Appraiser of Dog Damage***

There shall be one or more Animal Control Officers appointed by the Chief of Police, to serve upon approval of the Town Council, who shall be responsible for the supervision and enforcement of Laws and Ordinances pertaining to dogs and other animals, and who shall have such other powers and duties as are prescribed by Law or Ordinance. The Animal Control Officer(s) shall receive such compensation as the Council may fix, within the limits of the amount appropriated in the budget, subject to the approval of the FTM.

The Council shall appoint one or more appraisers of dog damage, one of whom may be an Animal Control Officer, who shall serve at the pleasure of the Council and who shall have such powers and duties as are prescribed by Law or Ordinance.

### ***Director of Emergency Management***

#### ***Power & Duties***

There shall be a Director of Emergency Management appointed by the Council who may serve on a full, part-time, or contract basis as determined by the Town Council after consultation with the Town Manager. The Director of Emergency Management shall:

- a. Prepare a Comprehensive Plan for the utilization of Town facilities, equipment and personnel during any emergency.
- b. Assist the Council in any declared emergency.
- c. Be the liaison with the State Office of Emergency Management and the State Health Department.
- d. Perform any other duties or functions as the Council may direct by ordinance or during any emergency as the Council President may direct.

### ***Qualifications***

The Director of the EMA shall possess at least (5) years experience in supervising and/or managing police, emergency services, or military operations and shall hold such other qualifications as the Council may prescribe by Ordinance. Qualifications may be awarded through appropriate FEMA and/or RI EMA training courses.

***Compensation***

The Director of Emergency Management shall receive such compensation as may be fixed from time to time by the Council in the annual budget subject to the approval of the FTM or as established by an employment or consulting contract which shall not exceed three years.

**CHAPTER 16 PUBLIC WORKS**

There shall be a Department of Public Works which shall be headed by the Director of Public Works who shall be appointed by the Council upon recommendation by the Town Manager. The Director shall be responsible for the supervision and administration of the work of the Department and shall have all the powers, rights, and duties prescribed by the Laws of the State for Highway Supervisors and such other duties as the Council may require.

***Qualifications***

The Director of Public Works shall preferably possess at least an associate's degree in a related field necessary to perform the duties prescribed herein, and/or at least three (3) to five (5) years training and relevant experience in the governmental or private sector to be qualified to administer the duties and responsibilities described in the Chapter.

***Compensation***

The Director of the Department of Public Works shall receive such compensation as shall be fixed by the Council, subject to the approval of the FTM, which compensation shall be paid from the appropriation for the Department of Public Works the Council in the annual budget subject to the approval of the FTM or as established by an employment contract which shall not exceed three years.

***Functions***

- a. The Department of Public Works shall be responsible for the functions and services of the town relating to:
- b. Streets, highways, sidewalks, bridges, water courses and storm sewers;
- c. The construction, maintenance, repair, and operation of all public buildings and other properties, other than those of the School Department, belonging to or used by the town;

- d. The regulation of weights and measures;
- e. The overseeing of trash collection, recycling and other solid and liquid waste disposal; and
- f. The upkeep, maintenance of town recreation fields, parks, and athletic facilities (exception those used and maintained by the school department) unless request to do so pursuant in accordance with Chapter Z, section X of this Charter.
- g. Any other functions as the Town Council may prescribe by Ordinance.

***Cooperation with other departments***

The Department of Public Works, under the direction of the Town Manager, shall cooperate with other departments, offices, or agencies of the town by furnishing labor, materials, and equipment provided that the cost of such cooperative effort is charged to the appropriation of the agencies thus served.

***Town Engineer***

From time to time, there may be a Town Engineer(s) hired on a consultant basis by the Council, upon the recommendation of the Town Administrator. The Council, by Ordinance, may provide for the hiring of an engineer as a full or part time employee of the Town who shall be a licensed professional engineer by the State of Rhode Island.

**Department of Building & Zoning**

***Establishment***

There shall be a Department of Building and Zoning headed by a Building Official who shall be appointed by the Town Manager. The building official may serve on a full, part-time, or contract basis as determined by the Town Council after consultation with the Town Manager. Any contract shall not exceed the period of three years.

***Qualifications***

The Building Inspector shall have the following qualifications:

- a. Have working knowledge of all aspects of construction (as well as electrical and plumbing knowledge) of commercial and residential buildings.
- b. Have actively participated in construction for at least five (5) years prior to appointment.
- c. Have successfully passed a state examination and be certified for building inspection.

### ***Powers, functions and duties***

It shall be the duty of the Building Inspector to:

- a. Issue all building permits, and any other permit in accordance with existing ordinances or future ordinances passed by the Council.
- b. Maintain a record of all business transacted by him/her in the course of his/her duties and turn in to the Finance Director all fees collected within two (2) business days of receipt.
- c. Enforce the provisions of the State Building Code and other ordinances relating thereto as shall from time to time be ordained by the Council, and to institute legal proceedings, both civil and criminal, on behalf of the town for violation of these provisions.
- d. Examine all buildings in the course of erection, alteration or repair, and all buildings reported dangerous, whether from fire or from other cause, and all buildings under application to raze, enlarge or build upon, and make a record of the condition of them.
- e. Provide information to the Tax Assessor(s)' office and the within five (5) calendar days, regarding any permits issued for new construction, demolition, renovation or additions to existing structures and all zoning decisions.
- f. Serve as Minimum Housing Inspector and be vested with all the powers and authority prescribed by the Rhode Island Housing, Maintenance and Occupancy Code.
- g. Supervise the Electrical Inspector and the Plumbing Inspector, if applicable.
- h. Serve as Fence Viewer.

### **ZONING ENFORCEMENT OFFICER**

There shall be a separate Zoning Enforcement Officer (ZEO) who shall be appointed by the Town Manager. The ZEO may serve on a full, part-time, or contract basis as determined by the Town Council after consultation with the Town Manager. Said contract not to exceed (3) years.

### ***Qualifications***

The Zoning Enforcement Officer shall have at least a high school diploma or GED and two (2) to (4) years experience in municipal, county, or state government with experience in code interpretation, enforcement, planning or similar fields.

### *Compensation*

The ZEO shall receive such compensation as may be fixed from time to time by the Council in the annual budget subject to the approval of the FTM or as established by an employment or consulting contract which contract shall not exceed three years.

### *Power and Duties*

The ZEO shall have the duty to:

- a. Enforce the provisions of the Zoning Code and other ordinances relating thereto as shall from time to time be ordained by the Council, and to institute legal proceedings, both civil and criminal, on behalf of the town for violation of these provisions;
- b. Issue zoning certificates
- c. Upon the request of the Building Official, serve as a minimum housing inspector
- d. Exercise all powers given the ZEO under state or local law.

## **CHAPTER X BOARDS AND COMMISSIONS**

### *General Provisions*

It is the policy of the town of Scituate to utilize citizen boards and commissions to aid the process of effective government. These citizen groups provide expertise and insight available in the town to complement the judgment of the Town Manager and Council, and broadening the base of citizen participation in the process of government. When assigning citizens to boards, commissions, and groups, the Town Council will consider the best personal and professional individual qualities, regardless of race, gender, and/or other affiliation. In all cases, all boards or commissions shall consist of members of both political parties.

### *Appointment, Terms, and Compensation*

Unless other provisions are made elsewhere by the provisions of this charter by state law or by ordinance in compliance with such law, members of all boards and commissions shall be appointed by the Town Council to serve without compensation for a stated term commencing at a specified time and expiring at a specific time by Resolution. The appointing Resolution shall contain the following information:

The name and address of the person appointed;

The term and duration of the appointment. If no duration specified upon appointment, then members shall serve for their term and until their successor is qualified and appointed.

The name of the person or person(s) who the appointee is replacing, if applicable.

The name of the Board of Commission to which the person is being appointed.

All citizens appointed to boards, commissions, and groups will be identified by name and address via the town website.

In addition to those boards and commissions for which provision is made by this charter, the Town Council may, by ordinance, provide for such other boards and commissions and all matters related thereto as it deems appropriate for the operation of the town government, but no compensation shall be paid to its members unless required by law.

### **QUALIFICATIONS:**

All members of boards, commissions, and groups shall be qualified electors and residents of the Town of Scituate for at least thirty (30) calendar days prior to assuming their positions and shall remain a domiciliary and resident of the town throughout their tenure of office. Upon the determination of the Town Council, a non-resident may serve on a board or commission if the town council finds that unique or specialized knowledge is necessary or advisable for the board or commission to carry out its charge. The non-resident member, however, shall serve in an advisory capacity only with no right to vote.

### ***Attendance; Vacancy***

Failure of a member of any board, commission, or group to attend three (3) consecutive regular sessions, without excusal from the chairperson, who shall record such excusal in the official minutes of the Board or Commission shall result in a vacancy of their membership thereon.

The chairperson and/or clerk of the board or commission will report the lack of attendance to the Town Council by written communication to the Town Clerk. After receiving written notification from the chair/clerk of the board or commission of the absences, the appointing authority shall fill such vacancy for the unexpired portion of their term by the appointment of another person.

### ***Organization and Records***

At its organizational meeting each board, commission, or group shall determine a chairman, if not already appointed by the Town Council, from among its members who shall serve until the succeeding organizational meeting. Each board or commission shall choose a clerk, who need not be a member of the Commission, and if not a member, the clerk shall be compensated for serving as a Clerk in accordance with an amount as established by the Town Council by Ordinance.

Each board and commission shall keep a record of its proceedings in accordance with the requirements of the Rhode Island Open Meeting's Act.

A copy of all proceedings and a copy of any report prepared and submitted to the Town Council by any board or commission shall also be submitted to the office of the town clerk where it shall remain as a permanent public record. The Town Clerk shall also post any report



on the official town's website for at least six months, or longer, if necessary at the town clerk's discretion.

### ***Promulgation of Rules***

Before any board or commission promulgates any rules or regulations other than those relating to their internal operation or discipline, notice shall be given to the public by publication in a newspaper of general circulation in the town at least five (5) days prior to a hearing and a hearing shall be held thereon by the board, commission or other agency. Such rules and regulations shall then be recommended to the Town Council, which shall enact them by ordinance in accordance with section X, with any appropriate modifications, to make them effective.

### ***Powers of Boards and Commission Created by the Town Council***

A board, commission, or group shall serve to advise the Town Council, Town Manager, or a Department Director.

The Council shall provide a written charge to a newly created board or commission prior to their first organizational meeting. This written charge shall set forth the specific role of the group and its responsibilities, the work to be done, and any requirement for reporting to the Town Council. Said written charge and or reporting requirement shall be a public record and entered into the official record of each board or commission upon its first meeting as well as recorded in the proceedings of the Town Council.

Appointments of members to boards or commissions shall be by a majority vote of the Town Council after prospective members apply in writing for membership. The Town Council, by a majority vote, may appoint a chair for a board or commission, and if no person is so designated, may select a chair pro tem for the organizational meeting after which, a board or commission may elect the chairperson. Any such designation shall be done by Resolution.

All town departments, through the Town Manager or Town Council President, shall also be responsive to requests by commissions, boards, and groups for information that will improve their ability to serve and fulfill their charge.

All meetings conducted by all boards, commissions, and groups provided for in this Charter or established by the Town Council shall be posted and conducted in accordance with applicable state law including the Rhode Island Open Meetings Act.

All regularly scheduled public meetings held by all boards and commissions will require an agenda item for public comment.

All commissions, boards and committees shall file an annual report to the Council and the Town Manager at the start of each fiscal year. These reports shall detail the accomplishments of the previous year; the goals of the next year;

how many meetings held; attendance by each member; and any other significant information.

**Required Boards and Commissions:**

The Town Council shall provide by ordinance for the establishment and additional responsibilities of the following boards and commissions, as well as any other board, commission, or group it determines to be necessary for the orderly and efficient management of the Town.

**A Building Code Board of Appeal** consisting of five (5) members appointed in the manner prescribed by the laws of the State of Rhode Island. The Building Code Board of Appeal shall hear appeals from determinations of the Building Inspector and grant relief from the provisions of the building code. The Building Code Board of Appeal also shall serve as the Housing Board of Review. Members shall serve without compensation.

**A Conservation Commission** appointed by the Town Council. The Conservation Commission shall promote and develop the natural resources, protecting watershed resources, and preserving natural aesthetic areas in the town pursuant to R.I.G.L. 45-35-1 et. seq. The Conservation Commission shall also provide advice and information to the Town Council and other Town officials and departments. The Conservation Commission shall consist of seven (7) members, all of whom shall be residents and qualified electors of the town. The members of the commission shall be appointed by the town council for terms of three (3) years and the initial appointees shall serve staggered terms. Members shall serve without compensation.

**An Economic Development Commission** appointed by the Town Council. The Economic Development Commission shall provide advice and information to the Town Council, other Town officials and departments, and to the business community to promote the industrial and commercial vitality of the Town in a manner consistent with the environmental policies contained in the Comprehensive Community Plan. Members shall serve without compensation.

**A Land Trust** established by the Town Council. The Land Trust shall have the authority to acquire, hold, and manage real property and interests therein including development rights situated in the town consisting of open, residential, agricultural, recreational, historical or littoral property, including existing and future wellfields and aquifer recharge areas, fresh water marshes and adjoining uplands, wildlife, habitats, land or buildings providing access to or views of water bodies, or for bicycling and hiking paths, or for future public recreational use, and land for agricultural use, or air space thereof. The Land Trust shall consist of seven (7) trustees to be appointed by the town council, four (4) of whom shall be serving members of the Conservation Commission. The trustees shall be appointed for a term of office of five (5) years, except that all vacancies occurring during a term shall be filled for the unexpired term. Members shall serve without compensation.

**A Planning Board** consisting of seven members who are residents of the town, to be chosen in the following manner three (3) to be appointed by the Town Manager, one from each district, and four (4) to be appointed by the Council, for three year staggered

terms so arranged that the terms of three members shall expire each year. The Planning Board shall prepare updates to the Comprehensive Community Plan; shall adopt and administer land development and subdivision regulations; and shall undertake any other duties required by the laws of the State of Rhode Island, R.I.G.L. 45-22-1 et seq. and the ordinances of the Town. Members shall serve without compensation.

**A Recreation Commission** appointed by the Town Council. The Recreation Commission shall provide advice and information to the Director of Recreation and or Town Council and other Town officials and departments about recreational facilities and programs to serve the citizens of all age groups within the Town. Members shall serve without compensation.

**A Zoning Board of Review** consisting of five (5) full members and three (3) alternate members appointed by the Town Council. The Zoning Board of Review shall have the authority and duties prescribed by the laws of the State of Rhode Island, R.I.G.L. 45-24-56 et seq, and the ordinances of the Town. The Zoning Board of Review also shall serve as the Planning Board of Appeals. Members shall serve without compensation. Public comment at meeting of the zoning board shall be permitted to the extent that such comment does not interfere with the quasi-judicial nature of the proceeding before the Board.

## **CHAPTER 17 CHARTER AMENDMENTS/CHARTER COMMISSION**

### **A. Charter Commission**

#### ***Frequency, appointment***

No less frequently than every third year after adoption of this Charter, the Town Council shall appoint a Charter Review Commission of no fewer than seven (7) qualified electors of the Town. A quorum of said Charter Commission shall be five (5). The members of the Charter Commission shall not be composed of all members from the same political party. The Charter Review Commission shall examine the utility of the Charter in its current form and shall recommend to the Town Council any amendments its members, by a majority vote of those present, believe are necessary for the efficient operation of the Town government. Said recommendations, if any, shall be made no later than 365 days from the date of the appointment of the Charter Commissions.

#### ***Review Procedure, votes required***

Upon receipt of the approved recommended changes to the Charter from the Charter Commission, the Town Council shall hold at least (1) public hearing on the proposed changes within 30 days of receipt from the Charter Commission.

Within 30 days of the end of the last scheduled public hearing, the town council shall hold a separate meeting to adopt or reject the recommended charter amendments as proposed by the Charter Commission. Only those recommendations receiving a vote

of the majority of the town council present shall be presented to the voters of the town for consideration at the next regular general election of the town in accordance with section X.

## **B. Town Council**

### ***Amendment by Council;***

The Town Council may at any time propose amendments to the Charter. Amendments shall be submitted to the qualified electors of the Town for approval at any regular or special election. Said amendments shall follow the procedure for the adoption of ordinances as set for in section X of this Charter.

The Town Council shall have the authority to enact an ordinance consistent with this Charter that provides a procedure for Charter amendment. The ordinance may provide that proposed amendments need not appear in their entirety on the ballot if any only if the full text of any proposed charter amendment along with an explanation of the proposal as prepared by the board of canvasser appears in a newspaper of general circulation, on the town website, posted in at least three public places in each of the town council districts or is otherwise mailed to each household in an informational bulletin

## **C. CHARTER AMENDMENT BY VOTER INITIATIVE**

The qualified electors of the Town shall have the right to initiate amendment of this Charter.

### ***By petition***

An amendment shall be initiated by submitting to the Board of Canvassers a petition containing a number of signatures of qualified electors equal to (10%) ten percent of the number of votes cast in the most recent general election. Each signature shall be accompanied by an address. Each person who obtains signatures on a petition shall swear or affirm under oath that the persons who signed the petition did so in the presence of the person who obtained the signatures. A copy of the Charter section or sections proposed for amendment, with text to be repealed struck through and text to be added underlined, shall be attached to the petition. A separate petition shall be required for each amendment or each group of related amendments.

Within ten (10) business days of receipt of the petition, the Board of Canvassers shall certify the number of valid signatures. If the petition contains the sufficient number of signatures, the Board of Canvassers shall forward the petition to the Town Clerk. The Town Clerk shall include a discussion of the proposed amendment on the agenda of the next regular Town Council meeting, and shall forward a copy of the petition to the Town Solicitor, who shall render a written opinion to the Town Council as to the legality of the proposed amendment which shall be public.

The petitioners may withdraw the petition by submitting to the Board of Canvassers a request for withdrawal signed by 20 percent or more of the persons whose signatures on the petition were certified as valid.

If the petition is not withdrawn, the proposed Charter amendment or amendments shall appear as a referendum question or questions on the ballot at the next scheduled general election. A summary of the proposed amendment shall appear on the ballot as written and shall be accompanied by the words “Proposed Charter Amendment Initiated by Voter Petition.” If a majority of qualified electors approve the amendment, it shall take effect no more than (30) thirty days after the Board of Canvassers certifies the result of the referendum or later if such effective date is contained in the amendment.

#### **D. VOTER APPROVAL NECESSARY**

All proposed amendments to this Charter shall be submitted to the voters of the Town for approval thereof at a general or special election, as required by this Charter, and said amendments shall not become effective unless a majority of the persons voting upon said question shall approve said amendment or amendments.

### **CHAPTER 18 SUCCESSION IN GOVERNMENT**

#### ***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 thereto. 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 thereto. The Council shall proceed to enact or adopt as promptly as possible any Ordinances, Rules, Resolutions and Orders which are necessary to implement the provisions of this Charter.

#### ***Continuation of the tax obligation***

All taxes which have been levied or assessed but not collected at the time this Charter becomes effective shall be collected, with any penalties thereon, by the Town government hereby established in accordance with law.

#### ***Continuation of government***

All Committees, Commissions, Boards, Departments and Offices of the Town shall continue to perform the duties until reappointed or reelected or until

successors to the respective positions are appointed or elected in the manner provided by this Charter.

***Continuation of administrative personnel***

All persons holding an office or position in the Town or any person serving as a member of any Board, Commission, or Committee at the time this Charter is adopted shall retain such office or position and continue in the performance of duties for the term originally designated at the time of the appointment or election, or until provision shall have been made, in accordance with this Charter, for the performance of such duties by a person or body thereunto authorized or the discontinuance of such office, unless as otherwise established in this Charter.

***Transfer of records and property***

All records, property and equipment whatsoever of any Office, Department or Agency or any part thereof, the powers and duties of which are assigned in whole or in part thereof to another Office, Department or Agency by this Charter, shall be transferred and delivered forthwith to the Office, Department or Agency to which such powers and duties are so assigned.

***Continuation of contracts and obligations***

All leases, contracts, franchises and obligations entered into by the Town or for its benefit prior to this Charter taking effect, shall continue in full force and effect.

***Pending actions and proceedings***

No action or proceeding, 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 or Agency or Officer thereof, shall be affected or abated by the adoption of this Charter or by anything contained in said Charter.

***Transfer of accounts and appropriations***

The Town Manager, with written notification to the town council, shall have the authority to restructure the accounts and redistribute the appropriations for the fiscal year in which the Charter shall take effect for the operation of the Town government under the provisions of this Charter.

***Ordinance to implement Charter***

The Town Council shall proceed to enact, adopt, or amend as promptly as possible all Ordinances, Resolutions, and Rules which may be necessary to implement the provisions of this Charter.

***Right of Home Ruled Preserved***

Nothing in the Chapter section shall be construed or intended to divest the electors of the Town of Scituate of their right to enact a Home Rule Charter as established in Article (?) of the Rhode Island Constitution.

***Severability***

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect the remainder of this Charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply, and if any section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the Laws of the State of Rhode Island shall apply.

***Effective date***

This Charter shall become effective on January 1, 2020 only upon approval of the majority of voters of the Town of Scituate at the general election of November 6, 2018.

