

**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X. shall have voted to approve the same, and thereupon all acts and parts of acts inconsistent herewith shall stand repealed.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laws enacted pursuant to the powers reserved to the General Assembly by the constitution of the state, are hereby superseded to the extent they are inconsistent with the provisions of this charter.

## ***Previous Charter Superseded***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

### ***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 city 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 qualified electors of the Town. The petition of each candidate for Town Council/District shall be signed by not less than fifty 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.

### ***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 his/her term of office or for the term for which he/she was elected, or for two years after the expiration of his/her term to a position existing or created in town government during his term of office.

### ***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 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

- b. 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.
- c. 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:

- a. For zoning; regulations for the platting and subdividing of land; and regulations concerning parking on town highways and also on town property.
- b. For the appropriation of money.
- c. For the levy of taxes and assessments.
- d. For the borrowing of money and the issuance of bonds, notes, or other evidence of indebtedness.
- e. 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.
- f. For the condemnation of land located within the town as permitted by the laws of this state.
- g. 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.
- h. 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.
- i. For granting, suspending or revoking licenses and permits in accordance with law.
- j. 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.

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 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 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.

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

### ***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. Alternative, a candidate with Project Management Professional (PMP) credentials may be considered in the absence of a 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.

### *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 nor 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 his/her 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**



## **TOWN SOLICITOR**

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.

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.

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.

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.

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.

- d. 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.
- e. 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.
- f. 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.
- g. Pay out funds by check, such payments being made only after compliance with the provisions of this section and authorization by the Council.
- h. 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.
- i. Prescribe uniform forms of receipts, vouchers, bills and claims to be used by all Departments, Offices and Agencies of the Town.
- j. Prepare a monthly statement of all receipts and disbursements in such detail as the Council may require.
- k. 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.
- l. 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,

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.

### ***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 degree with at least (3) to (5) years of experience and knowledge of billings, collections, accounting in either a private, public, 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.

## **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 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

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 PROCEDURE**

### ***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. (note: Dec 15)

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. (note: Jan 15).

Within fifteen days of the receipt of the Town Manager's proposed budget, the Town may accept or amend the proposed budget for presentation at at least (1) public hearing. Within 30 days of the receipt of the Town Manger's proposed budget, the Town Council will hold at least one 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 not 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 subscribes 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 official website for any proposed changes to this budget.

### ***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 an 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 fewer 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

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 (?)**

### **Compensation (?)**

### ***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



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. The School Committee shall hold not less than ten (10) regular meetings per year.

- c. 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.
- d. 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.
- e. The School Committee shall submit budget estimates, after at least two public hearings, in the same manner as other departments, and the budget estimates and appropriations shall be considered by the Finance Director. The allocation of the amounts appropriated shall be determined by the School Committee.

f. The Finance Department of the Town shall have the responsibility of maintaining records of all expenditures and obligations of funds by the School Department, of charging the same to the various line items in the school budget, and of keeping the school Department informed of the status of its various accounts.

- g. 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.
- h. 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



### ***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 MANAGMENT**

### ***Police Department***

There shall be a Police Department, the head of which shall be a Chief of Police. In addition to 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.

- d. Perform any other duties or functions as the Council may direct by ordinance or during any emergency as the Council President may direct.

### ***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 have, by training and relevant experience in the governmental or private sector of at least (3) three to (5) years 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

- 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 Council upon the recommendation of the Town Manager and the Building Official. The ZEO may serve on a full, part-time, or contract basis as determined by the Town Council after consultation with the Town Manager.

### ***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 issues of code interpretation, enforcement, planning or similar experience.

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

### **CHARTER AMENDMENT BY VOTER INITIATIVE**

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

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.

At the Town Council meeting, the Town Council shall ask one or more of the petitioners to explain the purpose of amendment. The Town Council may question one or more of the petitioners, and the Town Council may permit members of the public to question one or more of the petitioners. The Town Council shall make public the Town Solicitor's opinion at the meeting.

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.

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.

***Effective date***

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