



Scituate Charter Commission

Monday, September 25, 2017, 6:30 PM

Hope Elementary School, 391 North Road, Hope, RI 02831

Scituate Charter Commission membership

Appointed on June 12, 2017, by 6 - 0 decision of the Scituate Town Council

(1) Michael Marcello, Chair

Clerk, Gloria Taylor

(2) Sharon Johnson, Vice-Chair
Law)

Legal Intern, Blake Collins (RWU)

(3) David Campbell

(4) Ellis Hopkins III

(5) Susan Lessard

(6) Sacha Hummel

(7) Vincent Ferrera

Commission information

Town website: www.scituateri.org

- Meeting agendas
- Meeting minutes

Upcoming meetings: 10/2, 10/23, 11/6, & 11/27

All meeting are open to the public! As a matter of practice, the committee takes public comment at ALL our meetings!

Contact info: Gloria Taylor, Clerk: Scituate Town Hall 647-2822
Mike Marcello, Chair: 647-5905

What is a charter?

General: A charter is the fundamental governing document of a town/city.

At the federal level, we have the U.S. Constitution.

At the state level, we have the R.I. Constitution.

At the local level, we have a local charter.

A charter sets out the structure, powers, duties, qualifications and **limits** of the town and its elected or appointed officials.

What are the types of Charters?

There are two types of recognized Charters under Rhode Island law: Legislative and Home Rule Charter.

Providence v. Moulton 52 RI 236 (1932) - Under the 1842 RI Constitution, cities and towns have NO powers of self-government. All municipalities are creatures of the State and can be created, changed, or abolished by the state.

Evidence of Power: 1730 - General Assembly splits off Scituate from Providence at the Seven Mile Line (now known as Seven Mile Rd, Hope).

Therefore, cities and towns only have the powers over local government that the state grants them.

1952 Constitutional Convention

State Constitution is Amended to allow the people of cities and towns to adopt their own local charters per Article 13:

“Gave every City and Town the power to adopt and amend its charter and to enact and amend local laws related to its “property, affairs, and government” ***NOT INCONSISTENT WITH THE STATE CONSTITUTION OR LAWS ENACTED BY THE GENERAL ASSEMBLY***”

Patrick Conley and Robert G. Flanders, Jr. The RI Constitution

Home Rule v. Legislative

A difference in process but not result!

Home Rule

Step 1: Petition of 15 % of registered voters presented to town council

Step 2: Within 10 days of the submission, local board certifies if number of signatures is sufficient. If not, effort fails.

Step 3: If yes, within 60 days, town council calls an election to ask? “Shall a commission be appointed to frame a charter.”

Town Council sets by ordinance who can run for nine member charter commission, number of signatures needed, when to file, etc. Must run non-partisan and at town wide (no districts).

Home Rule (con't)

Step 4: Election held on Charter Question: Yes or No.

Step 5: If majority No - Effort ends = No Home Rule Charter

If majority Yes - then top 9 people get elected to write a charter.

Step 6: One year to propose a charter and submitted to town council for publication.

Step 7: Once submitted and published, voted on by voters at next general election. If majority says, YES = Home Rule; If no = no home rule

Legislative Charter

Step 1: Town Council, town's direct representatives, voted UNANIMOUSLY to appoint a 7 member legislative charter commission (Res 17-13).

Step 2: Town Council advertised for interested citizens and appointed bi-partisan committee and appointed members.

Step 3: Charge of Committee: Legislative Charter: Hold hearing, investigate and draft charter by **March 2018** to be approved by Town Council. All meeting to be open to the public

Step 4: General Assembly/Governor Approve subject to voter approval.

Step 5: Votes to vote on (ACCEPT OR REJECT) Legislative Charter at General Election (November 2018). If yes - Legislative Charter; If no: 1915 Act still governs

Which is better? A distinction without a difference?

Contrary to popular misconception, a . . . Home Rule Charter is not in and of itself a municipal declaration of independence from the General Assembly. Our Supreme Court has repeatedly and consistently held that notwithstanding the adoption of the Home Rule Charter by any municipality, the General Assembly retains its inherent sovereignty and control over municipal affairs in most government areas such as elections, taxes, borrowing of money; assessment and collection of taxes; school and education; police and firefighting services; licensing and licensing of business, to name those most prominently noticed.

- *Local No. 799, Int'l Ass'n of Firefighters AFL-CIO v. Napolitano*, 516 A.2d 1347 (R.I. 1986)

36 have Home Rule Charters

2 have legislative (North Providence & Warwick

Scituate has neither!

Scituate Governing Document

P.L. 1915, Chapter 1321: “An Act Fixing The Time for the Election of Town Officers in the Town of Scituate”

Key Provisions: Town Shall Elect Biennially . . . (every two years)

A district clerk and district moderator for each voting district in town

A town clerk

An overseer of the poor

A seven (7) member town council

Three (3) Assessors of Taxes

A town treasurer
(4 year term)

Three (3) School Committee

More 1915 law ...

Town Council to elect all town officers not set forth in previous section: (e.g. director of public works; police chief, building official . . .

Financial Town Meeting moved from:

First Monday in June at “Town House” to
Monday in April

First Tuesday after the First

All other provisions prior to 1915 repealed.

Amendments to 1915 Act: Keeping up with the times

1956 - Beginning in April 1957-Town Meeting moved from Town House to the “auditorium of the new junior-senior high school” District 1 moderator presides.

Change oversee of poor to director of public welfare

1956 Increase member of School Committee from (3) to (5) and increase staggered terms from (4) years to (6) years.

****Subject to the approval of the voters of the 1956 Financial Town Meeting*****

More Changers to 1915 Act

1958 -- Tax Assessor to be appointed by town council in Dec 1958 and every two years thereafter (abolished three member elected assessors).

Established three member Board of Assessment Review for staggered six year terms and vacancy to be filed by town council.

1958 - Established an elected Town Moderator (independent of the district moderators) to preside over the financial town meeting.

1990 - School Committee terms decreased from six (6) years to (4) years.

PRECEDENT TO AMEND EXISTING 1915 ACT! NOTHING NEW!

Council charge: Unanimous Resolution No. 17-12

Date: June 12, 2017:

Section 4: The Scituate Charter Commission shall meet, investigate, and hold public hearings with the purpose of proposing a legislative Charter to be approved by the Town Council, General Assembly**[and] the voters of the Town of Scituate.**

Section 7: Review existing charters “and to be guided in making their decisions and choices with consideration of only for what is the best long-term interests of the people of the Town of Scituate”

Date: No later than March 2018.

So far we have

Held 5 meetings. Tonight is our 6th

Until tonight, all have been held at Scituate Town Hall

Posted agendas and meeting minutes

Always open for public comment

So far we have

Invited special guests to better inform our discussion:

Former Council President Ted Richard

Former Council President Robert Budway

Former Town Manager Dennis Finlay (Smithfield)

Former Town Administrator Paulette Hamilton (North Smithfield)

Town Administrator Mark Stankiewicz (Charlestown)

City Councillor Jo-Ann Ryan (Providence)

Town Councillor David Place (Burrillville)

So far we have

Reviewed Charters from other cities and towns in R.I.

Reviewed information found on the State's division of Municipal Finance website
(good source of municipal data/facts)

Topics of discussion

Topics cover the range of powers and functions of municipal government

Discussion is meant to explore ideas and best practices

Town Executive

Town Manager/Mayor

1. Needed or Not needed
2. Appointed v. Elected
3. Minimum qualifications (residency; experience: M.P.A., or advanced degree or none)
4. Term of Office
5. Duties and Responsibilities
 - a. Appoint all lower officials with or without town council approval?
 - b. Removal/Hire of employees?
 - c. Budget Proposal/Finance Director
 - d. Non-interference by town council

Town Council

- Legislative Branch
- Number of seats (7) v. (5) or others
- Elected town-wide or by districts
- Term limits
- Partisan v. Nonpartisan
- Staggered terms
- Term of Office (2 v. 4 years)
- Recall or Not

School Committee

- Number of elected seats
- Election town-wide or districts
- Term limits
- Length and term of office

Town directors

- Enumerating duties
- Qualifications

Municipal Elections

- Partisan vs. nonpartisan
- Town-wide vs. Districts

Town Treasurer

- Budget process
- Financial Town Meeting

Town Clerk

- Election vs. appointment
- Tenure

Boards and Commissions

- Enumerated powers
- Appointment procedure

We want to hear from you

- Questions?
- Topics?

What is next?

- Committee will discuss/review public comment
- Continue fact finding as necessary
- Begin formulating working charter document

Thank You

Public participation is key!

Next meeting is 10/2, at Scituate Town Hall

Share with your friends, family, and neighbors