

Chapter C. Charter

[HISTORY: Adopted 5-19-1958; amended 6-1-1965; amended 11-15-1969; approved 2-7-1974; adopted 3-1-1974; amended 11-8-1983; amended 11-3-1992; amended 11-21-1994; amended 11-2-2004; amended 11-4-2014. Other amendments noted where applicable.][¹]

GENERAL LAWS OF RHODE ISLAND (AS AMENDED)

Cemeteries — See § 23-18-1 et seq.

Code of Ethics — See § 36-14-1 et seq.

Councils and governing bodies — See § 45-5-1 et seq.

Free public libraries — See § 29-4-1 et seq.

Home rule for cities and towns — See Constitution of Rhode Island, Article XIII.

Ordinances — See § 45-6-1 et seq.

Probate Courts — See § 8-9-2.3 et seq.

School committees and superintendents — See § 16-2-1 et seq.

Special charters controlling — See § 45-5-18.

Towns and cities generally — See Title 45.

[¹] *Preamble*

The people of the Town of Barrington, in order to secure the right of self-government in all local matters, pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter. [Amended 11-4-2014]

Title 1. Basic Provisions

Chapter 1. INCORPORATION

1-1-1. INHABITANTS INCORPORATED AS TOWN WITH POWERS AND DUTIES OF A TOWN.

The inhabitants of the Town of Barrington, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of Barrington," and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent on or appertaining to the town as a municipal corporation, or by virtue of the laws of this State so far as the same shall not be altered by this Charter or amendments hereof.

Chapter 2. FORM OF GOVERNMENT

1-2-1. COUNCIL-MANAGER GOVERNMENT.

The municipal government by this Charter shall be known as "Council-Manager Government."

1-2-2. ALL POWERS IN TOWN COUNCIL; APPOINTMENT OF MANAGER.

Subject only to the limitations imposed by the State Constitution and to the restrictions and exceptions contained in this Charter, all powers of the Town shall be vested in an elective council, to be known as the "Town Council," hereinafter referred to as the "Council." The Council shall be the legislative body of the Town. The Council shall determine policies and shall appoint the Town Manager. The Town Manager shall execute the laws and administer the government of the Town under the authority of the Council.

Chapter 3. POWERS OF TOWN

1-3-1. POWERS GRANTED TOWN.

[Amended 11-4-2014]

The Town shall have all the powers now or hereafter granted to towns by the home rule and other provisions of the Constitution and General Laws of this State together with all such additional powers as have been granted or hereafter may be granted to the Town by the laws of the State, and shall have complete powers of legislation and administration in relation to its municipal functions together with all powers fairly implied in or incident to the powers expressly granted. The Town Council shall have power to enact ordinances and to make rules and regulations necessary and proper for carrying into execution its powers; and such ordinances may be made enforceable by the imposition of fines, forfeitures and penalties not exceeding five hundred (\$500.00) dollars and by imprisonment for a period not exceeding thirty (30) days for any one offense. Subject to approval by the Town Council, all other boards, agencies or commissions of Town government shall have the power to adopt rules and regulations necessary and proper for carrying into execution the powers granted to such boards, agencies and commissions by the charter, the ordinances of the Town or the laws of Rhode Island.

1-3-2. ACQUISITION AND HOLDING OF REAL AND PERSONAL ESTATE, INCLUDING TRUST PROPERTY.

The Town may acquire real and personal estate within or without its corporate limits in fee simple or any lesser interest or estate, by purchase or lease, by condemnation for public use, or by gift or devisee, and may hold and manage the same; and may also take, hold and manage the same in trust for any charitable, other than religious, uses.

1-3-3. DISPOSITION OR CHANGE IN USE OF REAL ESTATE.

[Amended 11-2-2004; 11-4-2014]

The Town Council by ordinance enacted by the Council specifying at least generally the terms, conditions, manner of sale, lease or change in use and describing at least generally the particular property to be sold, leased, conveyed or its use changed, may from time to time sell, lease, convey or use for any other public or municipal purpose or purposes, or for any purpose whatsoever (subject in the case of a sale or a lease of more than two years to approval thereof by a vote of the Financial Town Meeting at which the special mention thereof has been made, and notice given of the proposal in the warrant issued for the public notice of the meeting), any real estate or interest therein (other than that dedicated or devoted to school uses) owned by the Town which has been purchased, acquired, used or dedicated in any manner, whether public or proprietary, for municipal or other public purposes, whenever in the opinion of the Council, and the Financial Town Meeting, if required, such real estate or interests therein has become unsuitable or has ceased to be used for such purposes. Subject to ratification by the Town Council by resolution, the School Committee may lease any real property over which it shall have jurisdiction for a term of not more than one year but may not otherwise sell, transfer, lease, or dispose of any interest in real property no longer required for school use. Notwithstanding anything in this Section to the contrary, the Town Council by ordinance shall have the power to grant and to abandon any utility and access easements without the approval of the Financial Town Meeting.

1-3-4. DISPOSITION OR CHANGE IN USE OF PERSONAL ESTATE.

[Amended 11-2-2004]

By like ordinance of the Council, but without vote of the Financial Town Meeting, the Town Council may authorize the sale, lease, change in use, or other disposition by the Town Manager or any officer or department, of personal estate whether used for municipal or other public purposes or held in its proprietary capacity, provided, however, that such authority concerning personal estate devoted to school use shall be granted by recorded vote of the School Committee taken at a regular public meeting, which vote shall specify at least generally the terms, conditions, manner of sale, lease or change in use, and describe at least generally the particular property to be sold, leased, or its use changed.

1-3-5. FULL USE OF TOWN PROPERTY.

The Council by ordinance or by general or special rule may from time to time authorize, or grant any elected or appointed official, committee or board of the Town power to authorize such incidental use of the real and personal estate of the Town for conventions, tournaments, performances, meetings, and other business; social and recreational events as has been granted in the past or may hereafter be desirable, and as may reasonably contribute to the public use, service or welfare of the people, and which the Council or the official, committee or board find will not interfere with any essential business or function of the government for which the property may be held, provided that the use of property devoted to school use shall be subject to such consent and additional rules and regulations and charges of the School Committee as are not inconsistent with any vote or appropriation of a Financial Town Meeting. The Council or the official, committee, or board under authority of the Council, may from time to time grant or retain priorities in use for inhabitants of the Town or for certain organizations or public uses, may establish rules and regulations and fix charges for the various uses and users, or, subject to any expenses being within an appropriation of the Financial Town Meeting, may omit the charge for such use, provided, however, that no use shall be granted for purely private purposes without charge. The School Committee at any regular public meeting by recorded vote may declare any real property controlled by it to be excess and no longer necessary for school uses, and shall give notice of such vote by filing a certified copy thereof with the Town Clerk, whereupon the School Committee shall have ceded jurisdiction over such property to, and all jurisdiction with respect to the management and disposition of the same, shall, subject to the provisions of this Charter, be vested in the Town Council.

1-3-6. ADMINISTRATION AND DISPOSITION OF TRUST PROPERTY.

Property held by the Town upon charitable uses shall be held, administered and disposed of in the name and on behalf of the Town, by the body now or hereafter entrusted with its administration, or if none is specified, then by the Council, in accordance with the terms of the gift and the laws of the State with respect to property held upon charitable trusts.

[1] *Editor's Note: Spelling of "admintration" corrected.*

1-3-7. PUBLIC HIGHWAYS.

Public highways not owned by the Town in fee simple absolute may not be sold, but may be abandoned in accordance with the laws now or hereafter in effect on such abandonment.

1-3-8. FRANCHISES.

Public franchises shall be granted only in accordance with the laws now or hereafter in effect on such grants.

1-3-9. ALL OTHER POWERS.

Except as prohibited by the Constitution of this State or restricted by this Charter, the Town shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

1-3-10. ENUMERATED POWERS NOT EXCLUSIVE.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter specifically to enumerate.

1-3-11. (Reserved)

[1] *Editor's Note: Former Section 1-3-11, Effect of state law, was repealed 11-4-2014.*

1-3-12. CONFLICT BETWEEN ORDINANCE AND LAW.

In the event of conflict between any Town ordinance or resolution and any law of the state, except a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of the State, the provisions of the town ordinance or resolution shall prevail and control.

1-3-13. EXISTING ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS TO CONTINUE IN EFFECT.

Except insofar as they are inconsistent with this Charter, all the ordinances, rules, regulations and resolutions heretofore made by the Council or any board or commission, shall continue in effect until superseded by action of the Council, board or commission.

1-3-14. SUPERSEDING INCONSISTENT LAWS, EXCEPTIONS.

All laws relating to the Town of Barrington are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws as are enacted in accordance with the powers reserved to the General Assembly by the Constitution of the State.

1-3-15. SPECIFIC PROVISIONS TO CONTROL.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

1-3-16. MANNER OF EXERCISING POWERS.

All powers of the Town shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

1-3-17. DUAL OFFICE HOLDING.

No employee of the Town or any person holding paid Town public office during the course of employment or tenure in office shall be eligible to stand for election to, or to hold, elective office within, the Town. The term "paid town public office" shall include membership on the Board of Assessment Review. The term "elective office" shall include membership on the Committee on Appropriations, the Town Council, the School Committee and Moderator. The elective office of any person within the Town who accepts paid Town public office shall, upon such acceptance, become vacant.

Chapter 4. CODE OF ETHICS

[Approved at referendum 4-9-2002]

1-4-1. APPLICABILITY OF STATE CODE OF ETHICS.

[Amended 11-4-2014]

The State of Rhode Island Code of Ethics, R.I.G.L. § 36-14-1, et seq., as amended from time to time, shall apply to all Town of Barrington elected and appointed officials, employees of the Town of Barrington, and all boards, commissions, and agencies as defined in the Rhode Island Code of Ethics, and they shall be subject to the jurisdiction of the Rhode Island Ethics Commission.

1-4-2. DECLARATION OF POLICY AND PURPOSE.

[Amended 11-4-2014]

The proper operation of democratic government requires that actions of public officials and employees be impartial; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

1-4-3. CONFLICT OF INTEREST.

No appointed or elected official or employee of the Town shall use his or her official position for personal gain, or shall engage in any business or transaction or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties as set forth in the Rhode Island Code of Ethics. Additionally, no Town official/appointee/employee shall act for compensation as an agent or attorney for any person or organization before the Town Council or any Town Board, commission, or committee.

1-4-4. REMOVAL PROVISIONS.

Any appointed official of the Town may be removed from his or her office and any employee may be terminated by the Town Council upon its determination by a preponderance of the evidence to its satisfaction after a public hearing thereon that a violation of this code has been committed by such official or employee.

1-4-5. CONTRARY AGREEMENT VOIDABLE.

Any contract or agreement entered into in violation of the Barrington Code of Ethics shall be voidable by the Town Council.

Title 2. Town Council

Chapter 1. COUNCIL

2-1-1. NUMBER, SELECTION, TERM.

[Amended 11-21-1994; 11-4-2014]

The Council shall consist of five (5) members elected from the Town at large by the electors (hereinafter "registered voters") of the Town of Barrington as hereinafter provided at the regular biennial elections held on the first Tuesday after the first Monday in November. At the 1996 election, the three (3) candidates who, among

the five (5) winning candidates, who receive the most votes, shall be elected to serve for terms of four (4) years, and the two (2) candidates who, among the five (5) winning candidates, receive the fewest votes, shall be elected to serve for terms of two (2) years. At the 1998 election, and every fourth year thereafter, two (2) members shall be elected to serve for terms of four (4) years (and thereafter until their successors are elected and qualified), and at the 2000 election, and every fourth year thereafter, three (3) members shall be elected to serve four (4) year terms (and thereafter until their successors are elected and qualified).

2-1-2. QUALIFICATIONS.

[Amended 11-4-2014]

Members of the Council shall be qualified electors (hereinafter "registered voters") of the Town of Barrington. No member of the Council shall be eligible to be employed by the Town or to hold any other paid town office during the member's tenure on the Council or for a period of one year thereafter; provided, however, a member of the Council may hold elective town office immediately preceding^[1] tenure on the Council.

[1] *Editor's Note: Spelling of "preceeding" corrected.*

2-1-3. PRESIDING OFFICER.

The Council shall elect one of its members as President of the Council and another member as Vice President. The President shall preside at meetings of the Council and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law. The Vice President shall have all the powers and duties of the President during periods of absence or disability of the President. The President and Vice President shall have the same right to speak and vote as any other member.

2-1-4. COMPENSATION.

[Amended 11-2-2004]

Members of the Council shall receive such annual compensation as shall from time to time be fixed by the Financial Town Meeting. The President of the Council shall receive such additional annual compensation as shall from time to time be fixed by the Financial Town Meeting.

2-1-5. INVESTIGATION.

[Amended 11-4-2014]

The Council shall have power to inquire into the conduct of any officer, department, or agency of the Town, and to investigate relating to town affairs and for such purposes may subpoena witnesses, administer oaths or affirmations, and compel the production of books, records, papers and other evidence.

2-1-6. POWERS.

All legislative powers of the Town shall be vested in the Council except such powers as are or may be vested in the Financial Town Meeting by the State Constitution, by this Charter, and by laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council may enact and amend ordinances relating to the Town's property, affairs and government not inconsistent with the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council shall have, under this Charter, and may exercise all such additional powers and authority as are consistent with this Charter and have now been granted or may hereafter be granted to it under the Constitution or Laws of the State or by the Financial Town Meeting. The Council, by ordinance, may create, change and abolish offices, departments, or agencies other than those established by this Charter. The Council, by ordinance, may assign additional functions or duties to officers, departments or agencies established by or under this Charter. Without

limiting the generality^[1] of the foregoing, the Council shall have and exercise the following specific powers, subject to the provisions of this Charter and all applicable provisions of general and special laws:

- a. To enact, amend or repeal ordinances for the preservation of the public peace, the health, safety, comfort and welfare of the inhabitants of the Town and for the protection of persons and property.
- b. To provide reasonable penalties for the violation of any ordinance not to exceed imprisonment for thirty (30) days and a fine of Five Hundred (\$500.00) Dollars.
[Amended 11-4-2014]
- c. To amend, after notice as prescribed by statute and public hearing, the Zoning Ordinance.^[2]
[2] *Editor's Note: See Ch. 185, Zoning.*
- d. To adopt rules governing the conduct of its meetings and to appoint regular, standing or special committees.
- e. To appoint the Town Manager for an indefinite term and to remove the Town Manager at the discretion of the Council, by vote of a majority of all members of the Council, with a public hearing, as the Council in its discretion shall determine. There shall be no right of appeal from the decision of the Council.
[Amended 11-4-2014]
- f. To take any action necessary to give effect to any vote of the Financial Town Meeting 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.
- g. To provide by ordinance for a personnel classification system^[3] not inconsistent with applicable General or Special Laws or the provisions of this Charter.
[3] *Editor's Note: See Ch. 33, Personnel Policies.*
- h. To have the powers and authority conferred upon it by General Laws and applicable Special Laws concerning the speed, management and control of all vessels on the public waters within the confines of the Town of Barrington, and to regulate the size, type, location and use of all anchorages and moorings, and collection of fees for the same, within the waters or harbors of the Town, provided, nevertheless, that the harbormaster shall be appointed by the Town Manager.^[4]
[4] *Editor's Note: See Ch. 148, Public Waters, Use of.*
- i. To provide for the audit at any time of the accounts of the Town or any of its departments and to provide for an annual audit as hereinafter prescribed.
- j. In the event that the Town Manager shall at any time be absent or unable to perform the duties of office, for a period in excess of twenty one (21) consecutive calendar days, or in the event that the Town Manager shall resign or be removed from office, or if for any other reason a vacancy shall exist, to designate an officer of the Town, other than a Council member, to serve as Town Manager, with all the powers and duties of the Town Manager, until such absence or disability shall have terminated or until a successor Town Manager shall have assumed the duties of the office.
[Amended 11-4-2014]
- k. To fix the amount of the official bonds of all officers of the Town, who in its opinion should be bonded, the premium on such bonds to be paid by the Town.
- l. To fix by ordinance, in accordance with a classification plan, the salary of the Town Manager and the compensation of all officers and employees of the Town, except the employees of the school department.^[5] The Town Council shall conduct an annual performance review of the Town Manager to be completed no later than March 1.
[Amended 11-2-2004]
[5] *Editor's Note: See Ch. 45, Salaries and Compensation.*
- m. To elect such numbers of constables to serve civil process as it shall from time to time determine, and to charge and collect for licenses issued to such constables such fees as the Council shall fix by ordinance.

- n. To provide rules and regulations with respect to vacations of town officials and employees, except those of the school department.
- o. To enact all ordinances which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested in the Council by this Charter, the Constitution and laws of the State of Rhode Island in the Town or any department, or officer thereof.

[1] *Editor's Note: Spelling of "generaltiy" corrected.*

2-1-7. COUNCIL TO JUDGE QUALIFICATIONS OF MEMBERS.

The Council is to be judge of qualifications of its members, and for such purposes, shall have power to subpoena witnesses and require the production of records.

2-1-8. VACANCIES.

[Amended 11-4-2014]

Any vacancy in the Council shall be filled for the unexpired term by a vote of the registered voters of the Town. Such vacancy shall be filled at the next regular or special election to be held in the Town or the Council may call a special election for the purpose of filling the vacancy. If a vacancy in the Council shall occur more than nine (9) months prior to the time for the holding of an election, the Council shall, within thirty (30) days after the vacancy occurs, call a special election for the purpose of filling such vacancy.

2-1-9. MEETINGS.

The first meeting of a newly elected Council shall be held at eight (8) P.M. on the first Monday of the month following the regular Town election. The Town Clerk, or in the absence, the Deputy Town Clerk, shall preside until the President is elected. The Council shall determine the time and place of its regular meetings and shall meet regularly at least once each month. Meetings of the Town Council, except when in executive session, shall be open and accessible to the public.

2-1-10. 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 of Sections 2-1-6, subsections a, b, c, g and h of this Charter shall be by ordinance only.

2-1-11. DUTY TO PROVIDE MANAGER.

It shall be the duty of the Council to use all reasonable diligence to secure a qualified Town Manager as soon as possible after this Charter shall go into effect, and in like manner thereafter in every case when a vacancy shall occur by reason of resignation, removal or any other cause.

2-1-12. QUORUM.

Three members of the Council shall constitute a quorum.

Chapter 2. ORDINANCES

2-2-1. PASSAGE OF ORDINANCES.

[Amended 11-4-2014]

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 Clerk shall forthwith post one copy of such ordinance in some place accessible to the public in the Town Hall, post it electronically on the Town's website, and shall provide each member of the Council with a copy thereof.

2-2-2. PUBLIC HEARINGS.

[Amended 11-4-2014]

Every ordinance, other than an emergency ordinance, shall be read a first time by title and explained and discussed by its introducer at the meeting at which it is introduced and then referred to a subsequent regular or special meeting for action. If, in the meantime, a petition signed by twenty registered voters be filed with the Town Clerk requesting a public hearing, one shall be held at the meeting next following its introduction, and no action shall be taken on the ordinance until the conclusion of the hearing.

2-2-3. ACTION ON ORDINANCES.

A public hearing shall be mandatory on any ordinance amending the Zoning Ordinance, granting a franchise or creating or amending a personnel classification system, and no such ordinance shall be passed as an emergency ordinance.

2-2-4. VOTE REQUIRED FOR PASSAGE.

The affirmative vote of a majority of the Council Members present shall be necessary for the passage of any ordinance or the transaction of any business, provided a quorum is present. The vote upon any ordinance shall, upon the request of any two members of the Council, be taken by roll call and entered upon the record of the proceedings.

2-2-5. 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 three members may adopt, on the day of its introduction, 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 an emergency.

2-2-6. ORDINANCE ENACTING CLAUSE.

The enacting clause of all ordinances shall be: "The Town Council of the Town of Barrington hereby ordains:".

Title 3. Town Manager

Chapter 1. MANAGER

3-1-1. QUALIFICATIONS.

The Town Manager shall be chosen by the Council solely on the basis of character, and executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in

respect to the duties of office as hereinafter set forth. At the time of appointment, the Town Manager need not be a resident of the Town or State, but during tenure of office shall reside within the Town.

3-1-2. POWERS AND DUTIES.

The Town Manager shall be the chief executive officer and head of the administrative branch of the government and shall be responsible to the Council for the proper administration of all affairs of the Town.

3-1-3. POWER TO APPOINT AND REMOVE.

The Town Manager shall have the power and duty to appoint all administrative heads of departments of the Town, and all officers and employees subordinate to such department heads; and all other officers of the Town whose appointment is not otherwise specifically provided for in this Charter; provided, however, that the Manager may delegate to any such department head the power to appoint subordinate officers or employees, provided further, however, that instead of appointing any such officers the Town Manager may assume any or all of the offices as provided in Section 3-1-7. All department heads and probationary employees shall serve at the pleasure of the Town Manager and may be removed by the Manager with or without cause. Likewise the Town Manager shall have the power and duty, when in the Town Manager's judgment the good of the service shall so require, to remove any such department heads or subordinate officers or employees with respect to whom the Manager has the power of appointment and to delegate to any such department heads the power of removing their subordinate officers or employees. The Town Manager may assign personnel of one office or department to help with the work of another office or department and may determine the reasonable charges between offices and departments for the same, all subject to such rules and conditions as may be fixed from time to time by the Council.

3-1-4. TEMPORARY ABSENCE OR DISABILITY.

[Amended 11-4-2014]

The Town Manager shall have power by a letter filed with the Town Clerk to designate a qualified administrative officer of the Town to perform the Town Manager's duties during temporary absence or disability not to exceed twenty one (21) days.

3-1-5. FINANCIAL REPORT.

The Town Manager shall prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year. Such report shall be a public record. The Town Manager shall have the duty of keeping the Council advised as to the current fiscal condition of the Town and the extent of adherence to the budget. The Town Manager shall from time to time advise the Council and make recommendations with respect to anticipated financial needs of the Town and make such recommendations with respect thereto as the Manager may deem desirable.

3-1-6. GENERAL RESPONSIBILITY.

The Town Manager shall be generally responsible for the conduct and performance of all administrative functions and services which are not imposed by this Charter upon some other officer.

3-1-7. ASSUMPTION OF OTHER DUTIES.

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

3-1-8. NON-INTERFERENCE WITH MANAGER.

[Amended 11-2-2004]

Neither the Council nor any of its members shall direct the appointment or removal of any department head, or any subordinate officers or employees, the power of appointing whom is vested in the Town Manager; provided, however, nothing herein shall be construed to preclude the Council, or any member thereof, from communicating with the Town Manager with respect to the performance of any such Department Head, subordinate officer, or employee or considering such performance in evaluating the performance of the Town Manager. Except for the purpose of conducting an investigation as provided in Section 2-1-5 of this Charter, the Council and its members shall deal with the administrative services of the Town solely through the Town Manager, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the Town Manager.

3-1-9. OTHER DUTIES.

The Town Manager shall perform such other duties as may be prescribed by this Charter or required of the Manager by the Council, not inconsistent with this Charter.

3-1-10. ASSIGNMENT OF DUTIES.

The Town Manager may assign to any subordinate official of the Town any administrative functions or duties.

Title 4. Elections

Chapter 1. ELECTIONS

4-1-1. ELECTION LAWS AND CONDITIONS OF ELECTIONS.

The provisions of the Constitution and the General Laws of the State of Rhode Island now or hereafter in effect pertaining to elections, special, general and primary, and also all special acts pertaining to elections in the Town of Barrington now in effect shall govern all Town elections, special, general and primary, so far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this Charter affecting the form of government.

Chapter 2. BOARD OF CANVASSERS

4-2-1. BOARD OF CANVASSERS.

There shall be a bipartisan^[1] canvassing authority elected by the Council as provided by the Constitution and Laws of the State. The canvassing authority shall be known as the Board of Canvassers, and shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or board of registration of the Town. All members of the authority or board now in office shall continue as members thereof until the expiration of the terms for which respectively they were chosen.

[1] *Editor's Note: Spelling of "bi-partisan" corrected.*

Title 5. Town Clerk

Chapter 1. TOWN CLERK

5-1-1. TOWN CLERK AND DEPUTY TOWN CLERK.

There shall be a Town Clerk who shall be appointed by the Town Manager to serve at the pleasure of the Manager. The Town Clerk shall be the clerk of the Council, clerk of the Financial Town Meeting, clerk of the Probate Court and Recorder of Deeds. The Town Manager may appoint a Deputy Town Clerk whenever such appointment shall be necessary, and such deputy so appointed shall have all the powers to perform all the duties which are incumbent to the Town Clerk, being thereunto qualified by taking the oath of office.

5-1-2. DUTIES OF TOWN CLERK.

It shall be the duty of the Town Clerk:

- a. To make a permanent record of all proceedings.
- b. To certify by signature all actions of the Council.
- c. To be custodian of the Town Seal and of the official documents and records of the Town.
- d. To direct and supervise the recording of deeds, mortgages, vital statistics and other records and instruments.
- e. To perform such other duties as may be prescribed by this Charter, the Council or the Town Manager or in accordance with provisions of the General and Special Laws of the State of Rhode Island pertaining to town clerks now or hereinafter in effect.

5-1-3. TRANSMISSION OF FEES.

[Amended 11-2-2004]

All fees collected by either the Town Clerk or Deputy Town Clerk shall be transmitted to the Finance Director and be deposited in the general funds of the Town, unless otherwise directed by the General Laws of the State of Rhode Island.

5-1-4. BONDS.

[Amended 11-2-2004]

The Town Clerk and Deputy Town Clerk shall respectively, within thirty (30) days of the time of being sworn into office, give bond to the Finance Director with sufficient surety in such sum as the Council shall prescribe for the faithful performance of the duties of the office.

Title 6. Finance Department

Chapter 1. FINANCE DIRECTOR

[Amended 11-2-2004]

6-1-1. FINANCE DIRECTOR.

There shall be a department of finance, the head of which shall be the Finance Director who shall be appointed by the Town Manager, and shall serve at the pleasure of the Town Manager.

6-1-2. ORGANIZATION.

The department shall be organized into as many divisions or offices consistent with the provisions of this Charter as may be deemed necessary by the Council on recommendation of the Town Manager. The Town Manager shall appoint the head of such departments or divisions as may be created.

6-1-3. QUALIFICATIONS.

The Finance Director shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

6-1-4. DUTIES AND POWERS.

The Finance Director or his/her designee shall:

- a. Maintain a general accounting system for the Town government and each of its offices, departments and agencies.
- b. Supervise and be responsible for the disbursements of all monies and have control of all the expenditures to ensure that the budget appropriations are not exceeded.
- c. Keep books for and exercise financial budgetary control over each office, department and agency. Money shall be disbursed only upon presentation of a voucher signed by both the head of the department presenting the voucher and the Town Manager, except in cases otherwise provided for in this Charter such as Chapter 9-2-10.
[Amended 11-4-2014]
- d. Keep separate accounts for the items of appropriations contained in the Town budget, each of which accounts shall show the amount of the appropriations, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance.
- e. Require reports of receipts and disbursements from each receiving and spending agency of the town government to be made at such intervals as the Town Manager may deem expedient.
- f. Assist the Town Manager in accordance with Chapter 3-1-5 to prepare as of the end of each fiscal year a complete financial statement and report, which shall be deemed a public record.
[Amended 11-4-2014]
- g. Deposit all funds coming into the Finance Director's hands within five (5) days of receipt of same in such depositories as may be designated by the Council, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the Town and shall be accounted for and credited to the proper account.
- h. Have custody of all investments and invested funds of the Town government or in possession of such government 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.
- i. Upon being sworn into office give bond to the Town Clerk with sufficient surety in such sum as the Council shall prescribe for the faithful performance of the duties of the office.
- j. Perform all duties and exercise all powers which by law are imposed or conferred upon treasurers.

Chapter 2. ACCOUNTING CONTROLS

6-2-1. ACCOUNTING SUPERVISION AND CONTROL.

[Amended 11-2-2004]

The Finance Director or his/her designee shall:

- a. Prescribe, subject to the direction of the Town Manager, the forms of receipts, vouchers, bills or claims to be used by all the officers, departments and agencies of the Town government.
- b. Examine all contracts, purchase orders and other documents by which the Town government incurs financial obligations and, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable, approve the same.
- c. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the Town government and determine the regularity and correctness of the same.
- d. Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the Town government apart from or subsidiary to the accounts kept in the Department of Finance office.

6-2-2. DEPARTMENT BUDGETS.

[Amended 11-4-2014]

From the beginning of the budget year and after the annual Financial Town Meeting, the head of each office, department and agency shall submit to the Town Manager a budget for the year consistent with appropriations made by the Financial Town Meeting. The Town Manager shall review the requested items within any such budgets and may revise, alter or change such budgets, in a manner consistent with appropriations made by the Financial Town Meeting before approving the same. The aggregate of the items within any such budget shall not exceed the total appropriations available to the office, department or agency for the budget year.

6-2-3. BUDGET CONTROL.

[Amended 11-2-2004; 11-4-2014]

The Finance Director shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved budgets and not otherwise. An approved budget may be revised during the budget year in the same manner as the original budget was made. If at any time during the budget year, the Town Manager shall ascertain that the remaining unexpended balance of appropriations for the year will be insufficient to cover the proposed budget, the Manager shall reconsider the budgets of the several offices, departments and agencies and revise the same, other than the budget of the school department, so as to forestall the making of expenditures in excess of appropriations. Additionally, during the fiscal year, the Town Council may, at the recommendation of the Town Manager allocate any projected surplus unexpended balance in the budget of any office, department, or agency that has a projected surplus to the budget of any other office, department, or agency that has a projected shortfall. If at any time during the budget year, the Finance Director shall ascertain that the remaining unexpended balance of appropriations of the school department for the year will be insufficient to cover proposed budget for the school department, the Finance Director shall advise the school department to reconsider its budget and to revise the same so as to forestall the making by it of expenditures in excess of appropriation.

6-2-4. UNEXPENDED APPROPRIATIONS.

Except as hereinafter specifically provided, any unexpended appropriations remaining in a budget of any agency, office or department at the end of the fiscal year shall become part of the general working capital of the Town, and may not thereafter be expended without the approval of the Financial Town Meeting. For purposes of this section the term "general working capital" shall mean the aggregate amount of all unappropriated revenue and unspent or unencumbered appropriations not otherwise set aside pursuant to the provisions of Section 6-2-5 hereof. Amounts contained in the general working capital fund may be expended in anticipation of the receipt of taxes and other revenues; provided, however, that at the end of any fiscal year the balance in the working capital fund shall be no less than the balance at the close of the preceding fiscal year together with all additions thereto and interest which shall have been earned thereon, reduced by approved appropriations therefrom for such fiscal year.

6-2-5. CAPITAL RESERVE ACCOUNTS.

[Amended 11-4-2014]

Except as otherwise may be specifically provided in the enabling legislation authorizing the borrowing of money by the Town, the Financial Town Meeting may, by resolution which has been publicly noticed in the warrant for such meeting, establish special capital reserve accounts for the specific purposes contained in the resolution to be comprised of the proceeds of any borrowings for construction or acquisition of any facilities or equipment which remain unexpended at the conclusion of such construction or acquisition, or funds from current appropriations. Upon adoption of such resolution the funds set aside in each such account shall be considered a capital reserve account. To the extent any sums deposited in such account are from the current year's appropriations, the amount so deposited within any fiscal year shall be considered an expenditure of the general fund within that fiscal year. The moneys contained in any such reserve account may, however, be used as working capital in anticipation of taxes or other revenues; provided, however, that at the close of any fiscal year the balance in each such account shall be no less than the balance at the close of the preceding fiscal year together with all additions thereto during such fiscal year, and all interest which shall have been earned reduced by all expenditures made therefrom. The Town Council may authorize expenditures from each such reserve capital account for the purposes and on the conditions contained in the resolution establishing such account. The Town Council may adopt such other rules and regulations pertaining to the administration of such accounts as shall be consistent with the provisions hereof.

Chapter 3. TAX COLLECTOR

6-3-1. TAX COLLECTOR.

[Amended 11-2-2004]

There shall be in the department of finance a Town Tax Collector who, until the Council otherwise provides by ordinance, shall be the Finance Director.

6-3-2. DUTIES OF TAX COLLECTOR.

The Tax Collector shall collect all taxes and special assessments for the collection of which the Town is responsible. The Tax Collector shall have all the powers, rights and duties prescribed under the General Laws of the State of Rhode Island.

Chapter 4. FINANCIAL PROVISIONS

6-4-1. FISCAL YEAR.

The fiscal year shall begin on the first day of July and shall end on the thirtieth (30th) day of June each year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

6-4-2. PROPOSED BUDGET.

The Manager shall submit to the Town Council, and the Committee on Appropriations, not later than the second Monday in March, a proposed budget of receipts and operating and capital expenditures and an explanatory budget message together with a summary of the balances of each capital reserve account and a summary of the actual and anticipated additions to and expenditures from each such account for the current fiscal year. For such purpose, the Manager shall obtain from the head of each office, department and agency estimates of its revenues and expenditures and such supporting data as the Manager may request. In preparing the proposed budget, the Manager shall review the estimates and may revise them as the Manager may deem advisable. The proposed

budget as prepared by the Manager shall show all anticipated revenue and all proposed expenditures including capital expenditures, and the total of proposed expenditures shall not be greater than the total of anticipated revenues. The Manager's proposed budget shall include the gross school revenues and expenditures as submitted by the School Committee; however, such figures shall not be subject to the Manager's review.

6-4-3. COUNCIL RECOMMENDED BUDGET.

The Council may revise the budget as submitted by the Manager, except for the gross school revenues and expenditures, and shall adopt a recommended budget which it shall present to the Committee on Appropriations not later than sixty days preceding the date of the Financial Town Meeting. If the Council shall recommend an increase in the total of expenditures as proposed by the Manager, it also shall provide for increasing the total anticipated revenues and shall indicate the revenues necessary to maintain a balance between revenues and expenditures. The Council shall submit such other relevant data as the Committee on Appropriations may prescribe.

6-4-4. SCHOOL COMMITTEE BUDGET.

[Amended 11-4-2014]

The School Committee shall submit to the Committee on Appropriations, not later than the first Monday in March, its proposed budget of receipts and operating and capital expenditures and an explanatory budget message. The School Committee shall submit such other relevant data as the Committee on Appropriations may prescribe.

6-4-5. COMMITTEE ON APPROPRIATIONS REVIEW AND PUBLIC HEARING.

The Committee on Appropriations shall review the detailed budgets of the Council and School Committee and shall meet with those bodies and/or with the Town Manager and the School Superintendent as often as is necessary to develop a recommended consolidated tentative town budget which it shall present at the public meeting provided for in Section 7-2-1 of this Charter. The Town Manager and the Superintendent of Schools shall cooperate with the Committee on Appropriations and shall provide the Committee on Appropriations all data reasonably necessary for the Committee on Appropriations to carry out its duties.

6-4-6. RECOMMENDED TOWN BUDGET AND FINANCIAL TOWN MEETING.

[Amended 11-4-2014]

Following the preliminary public meeting, the Committee on Appropriations shall prepare a Town Budget which it shall submit in printed report form to the Financial Town Meeting which budget shall contain recommendations for expenditures and the amount of tax which will be necessary to levy to pay such expenses as provided in Section 7-1-2^[1] of this Charter. At least one week prior to the Financial Town Meeting, the Committee on Appropriations shall cause the proposed budget to be posted electronically on the Town's website and to be available in printed form at the Clerk's Office.

[1] *Editor's Note: Added "Section" preceding "7-1-2."*

Chapter 5. HIRING OF MONEY

[Amended 11-2-2004; 11-4-2014]

6-5-1. FINANCIAL TOWN MEETING MAY AUTHORIZE BOND ISSUES.

The registered voters of the Town may at an Annual or a Special Financial Town Meeting authorize the hiring of money and the issuance of bonds pursuant to the statutes now or hereafter in effect.

6-5-2. FINANCIAL TOWN MEETING MAY AUTHORIZE BORROWING IN ANTICIPATION OF TAXES.

The registered voters of the Town may at an Annual or a Special Financial Town Meeting authorize the hiring pursuant to the statutes now or hereafter in effect, of money in each financial year in anticipation of the receipt of the proceeds of the annual tax due or to become due in that financial year upon the ratable property of the Town.

Chapter 6. ENTERPRISE FUND

6-6-1. ENTERPRISE FUND.

[Added 11-21-1994; amended 11-4-2014]

The Financial Town Meeting may, by resolution which has been publicly noticed in the warrant for such meeting, establish an enterprise fund for the specific purposes contained in the resolution, which purposes shall be limited to (a) financing the cost (expenses, including depreciation) of providing goods or services on a continuing basis through user charges wherein a determination is made by the Town Council that such operations are operated in a manner similar to private business enterprises; or (b) for the purposes of capital maintenance, public policy, management control, accountability or other such purposes wherein a determination is made by the Town Council that revenues earned, expenses incurred, and/or net income is appropriate for such purposes. An accounting of income and expenditures of any such established enterprise fund shall be made on an annual basis at the Financial Town Meeting.

Title 7. Financial Town Meeting

Chapter 1. FINANCIAL TOWN MEETING

7-1-1. TOWN MEETING TIME AND PURPOSE.

[Amended 11-2-2004; 11-4-2014]

The registered voters of the Town shall annually on the fourth Wednesday in May at 7:00 p.m., assemble in Town Meeting for the purpose of hearing official reports, ordering a tax, making appropriations and transacting any other business relating to the finances of the Town. The Financial Town Meeting shall be publicly noticed and called, and the list of registered voters shall be made out and canvassed in the same manner as provided by law in respect to elective meetings.

7-1-2. POWERS OF REGISTERED VOTERS AT THE FINANCIAL TOWN MEETING.

[Amended 11-4-2014]

The registered voters at the Financial Town Meeting 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 to pay Town debts and to defray the necessary charges and expenses of the Town and they also may assess, levy or impose any other taxes for the support of the Town which legally may be assessed, levied or imposed under any general or special laws which are now or may hereafter be in existence.

7-1-3. NOTICE OF MEETINGS.

[Amended 11-4-2014]

The Town Clerk shall cause the registered voters of the Town to be notified of every Town Meeting which shall be legally called. The notice to the registered voters to meet in a Town Meeting prescribed by law shall be given by the Town Clerk issuing the Clerk's warrant, directed to the Town Sergeant or one (1) of the constables of the Town, requiring the Town Sergeant to post at least seven (7) days before the day appointed for such meeting, written notifications in three (3) or more public places in the Town of the time when and the place where the meeting is to be held and of the business required by law to be transacted therein. The warrant shall also be posted electronically on the Town's website. The notice of meetings, when called by request as hereinafter provided, shall be given in the manner provided for meetings prescribed by law, and the meetings called by request shall be held at the same time of day as those for meetings prescribed by law. At all meetings called by request only the business stated in the warrants directing the calling of such meetings shall be acted upon.

7-1-4. NOTICE OF MEETING TO DISPOSE OF LAND OR MAKE TAX.

[Amended 11-2-2004; 11-4-2014]

No vote shall be passed in any Town Meeting concerning the disposing of the Town's land or making a tax, unless special mention be made, and notice thereof given, in the warrant issued for the public notice of such meeting; and the Town Clerk shall grant such warrant, except in cases where the law otherwise directs, which warrant shall be directed to the Town Sergeant, or to one (1) of the constables of the Town. The notice for the making of a tax as herein provided shall be in substantially the following form:

"PUBLIC NOTICE FOR TOWN MEETING

STATE OF RHODE ISLAND^[1] AND PROVIDENCE PLANTATIONS COUNTY OF BRISTOL, SC:

By the Town Clerk of the Town of Barrington, R. I. (Seal) to _____ Town Sergeant of the Town of Barrington, or any of the constables of the Town.

GREETING:

Pursuant to Chapter 3 of Title 45 of the General Laws of the State of Rhode Island, you are hereby required to post at least seven (7) days before the _____ day of _____ A.D. 20__ written notifications in three (3) or more public places in the Town of Barrington, Rhode Island, and electronically on the Town's website, notifying the registered voters of the Town of Barrington, qualified to vote upon any proposition to impose a tax or for the expenditure of money to assemble in Town Meeting at the Town Hall (or other place designated) in the Town of Barrington, on the _____ day of _____ A.D. 20__ at 7:00 p.m. for the purpose of ordering a tax to be levied and assessed on the ratable property of the Town and the inhabitants thereof for the payment of the Town debts and interest, for the payment of the Town's proportion of the State tax, for the support of schools, for the support and maintenance of the poor, for the building, repairing and amending of highways, for the building, repairing and amending of bridges, for the improvement in any manner deemed fit of any property belonging to the Town, for all necessary charges and expenses whatsoever arising within the Town, whether incidental or not to the above (here designate any further purpose, if any, for which Town may legally appropriate money), and for any or all other purposes authorized by law, and to transact such other business as may legally come before the meeting.

Given under my hand this _____ day of _____ A.D. 20__ at the Town of Barrington, Rhode Island.

_____ Town Clerk

In the event that any substantial amendments in the foregoing form shall hereafter be prescribed by amendment by General or Special Laws which shall apply to the Town, then in such case the Town Clerk shall follow the form of notice prescribed in and by such amendment.

[1] *Editor's Note: "Land" corrected to read "Island."*

7-1-5. CANVASS PRIOR TO MEETING.

[Amended 11-2-2004; 11-4-2014]

Prior to any Town Meeting prescribed by law or special Town Meeting called by request in the manner hereinafter provided, the list of registered voters shall be made out and canvassed in the same manner as provided by law with respect to elective Town Meetings.

7-1-6. QUORUM.

[Amended 11-2-2004; 11-4-2014]

One hundred (100) registered voters at least shall be necessary to constitute a Town Meeting.

7-1-7. MODERATOR.

[Amended 11-2-2004; 11-4-2014]

The registered voters of the Town of Barrington on the first Tuesday next after the first Monday in November biennially in even numbered years shall by ballot elect a Moderator to serve for two (2) years and until a successor is elected and qualified. The Moderator shall be a registered voter. Whenever a vacancy shall occur in the office of Moderator, by death, removal out of town, resignation, or by neglect or refusal to qualify, or for any other cause, the Council may fill the same until the next regular or special election to be held in the town; provided that if on the date and hour set for any Annual or Special Financial Town Meeting the office of Moderator be vacant or the Moderator be absent, the Financial Town Meeting may elect, by a majority vote of the registered voters, a Moderator for the time being to preside at such meeting.

7-1-8. DUTIES OF MODERATOR.

[Amended 11-4-2014]

The Moderator shall preside in all meetings of the registered voters in the Town. The Moderator shall have the power to manage and regulate the business of each meeting conforming to law and maintain peace and good order therein.

7-1-9. DISORDERLY CONDUCT AT MEETING.

[Amended 11-4-2014]

If any person shall act in a disorderly manner in any Town Meeting, the Moderator may order the offender to withdraw from the meeting; and, on refusal, may order the Town Sergeant, or any constable present, or any other person, to take the offender from the meeting and to confine the offender in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offense, be fined not exceeding one hundred dollars (\$100.00).

7-1-10. VOTING ON MOTIONS.

[Amended 11-2-2004; 11-4-2014]

The Moderator of every Town Meeting shall upon a motion being made and seconded, relative to any business before such meeting, after having heard all the registered voters thereon who shall be desirous of being heard, cause the votes of the registered voters present to be taken thereon. Whenever any question shall be pending in any Town Meeting involving an 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 one-fifth (1/5th) of the registered voters present.

7-1-11. MAJORITY REQUIRED FOR ACTION.

[Amended 11-2-2004; 11-4-2014]

All questions relating to Town affairs, except as otherwise provided, shall be decided by a majority of the votes.

7-1-12. RECORD OF PROCEEDINGS AS EVIDENCE -- CERTIFICATE OF CLERK.

A copy of the record of the proceedings of any 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 the certificate mentioned, or that no vote of the Town has been taken upon such subject, shall be evidence of the fact therein stated.

[1] *Editor's Note: Spelling of "evidence" corrected.*

7-1-13. COMPENSATION OF MODERATOR.

The Moderator shall receive such compensation for services as may, from time to time, be fixed by the laws of Rhode Island.

7-1-14. CALL OF SPECIAL MEETING.

[Amended 11-4-2014]

Whenever the Council, or whenever ten percent (10%) of the registered voters of the Town less any fractional part that may appear in the computation thereof, shall make a request in writing, for the calling of a Town Meeting to transact any business relating to the Town in respect of which they shall have a right to vote, and direct the same to the Town Clerk, the Clerk shall cause the registered voters to be duly notified of the time when and the place where the same is to be held, and of the business proposed to be transacted therein; provided, that the ten percent (10%) shall be computed on the total number of registered voters appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such meeting. No special Town Meeting shall be called without the consent of the Council if the subject or any of the subjects proposed to be considered at such special Town Meeting, shall have been acted on by the Town at any time within six (6) months previous to the time of such proposed call.

7-1-15. LIMITATIONS ON MOTIONS FOR APPROPRIATIONS.

[Amended 11-21-1994; 11-4-2014]

No motion to consider an appropriation in excess of \$25,000, except appropriations recommended by the Committee on Appropriations shall be in order at a Financial Town Meeting unless such notice of intention to include such appropriation shall have been inserted in the warrant for such meeting. Such notice when presented to the Town Clerk by any registered voter for such meeting shall be included by the Town Clerk in the warrant for such meeting, if the same is presented to the Clerk at least thirty (30) days prior to the date set for the meeting at which such motion is to be considered; 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 Committee on Appropriations; provided, further, that no motion to increase or decrease an appropriation contained in the warrant or recommended by the Committee on Appropriations by more than \$50,000, or twenty percent (20%) of a particular line item, whichever is less, shall be in order for consideration at a Financial Town Meeting unless the person making such motion shall have filed a copy thereof with the Town Clerk at least five (5) business days prior to the date of such meeting.

Chapter 2. COMMITTEE ON APPROPRIATIONS

7-2-1. MEMBERSHIP AND DUTIES.

[Amended 11-2-2004; 11-4-2014]

Before adjournment of the Annual Financial Town Meeting, the meeting shall elect a committee of five (5) persons to hold a public meeting on the Wednesday two (2) weeks prior to the next Annual Financial Town Meeting at 7:00 p.m. for the purpose of hearing all registered voters of the Town interested in preparing a budget to be presented to the Financial Town Meeting and to submit a printed report of their recommendations for expenditures by the Financial Town Meeting, and the amount of tax which will be necessary to levy to pay such expenses.

7-2-2. QUALIFICATIONS.

[Amended 11-2-2004; 11-4-2014]

Members of the Committee on Appropriations shall be registered voters of the Town.

7-2-3. ELECTION.

[Amended 11-4-2014]

Any number of nominations to the Committee can be made at the meeting, and voted upon by the registered voters present at the meeting at the time for the election. In the event of the nomination of more than five (5) persons, the five (5) nominees receiving the greater number of votes shall be elected to the Committee. Members shall be elected to two-year staggered terms, beginning in May 2015, when three (3) members shall be elected for a two-year term and two (2) members shall be elected for a one-year term. In subsequent elections, members shall be elected to two-year terms.

7-2-4. COMPENSATION.

The members of the Committee on Appropriations shall serve without salary, but an appropriation for their actual expenses shall be made.

7-2-5. VACANCIES.

[Amended 11-4-2014]

In case of a vacancy on the Committee, such vacancy shall be filled as soon as possible by the Council.

7-2-6. ORGANIZATION AND RULES.

The Committee on Appropriations shall elect a Chairperson and a Vice Chairperson from its membership and shall adopt its own rules and order of business.

7-2-7. CERTIFICATION OF DETAILED BUDGET.

[Amended 11-2-2004; 11-4-2014]

As soon after the annual Financial Town Meeting as conveniently possible, the Committee on Appropriations shall certify to the Finance Director, Town Manager, the President of the Council, and Superintendent and Chairperson of the School Committee the approved detailed budget.

Title 8. Public Works

Chapter 1. DEPARTMENT OF PUBLIC WORKS

8-1-1. ORGANIZATION.

There shall be a department of public works, the head of which shall be the Director of Public Works, who shall be a person appointed by and shall serve at the pleasure of the Town Manager. The Director shall be responsible for the efficient operation of all the activities of the department of public works. The further organization of the department into separate divisions or offices shall be made by the Town Manager.

8-1-2. POWERS AND DUTIES.

[Amended 11-4-2014]

The department of public works shall be responsible for the functions and services of the Town relating to streets, highways, sidewalks, bridges, town yard, water courses, street lighting, waste disposal, sanitary sewerage and sewerage systems, storm drainage, collection and disposal of garbage and other refuse; for the maintenance and repair and operation of all public buildings and properties, excepting those of the school department, belonging to or used by the Town; and for such other functions as may be delegated to the department by the Town Manager.

Chapter 2. BUILDING OFFICIAL AND BUILDING INSPECTOR

[Amended 11-4-2014]

8-2-1. BUILDING OFFICIAL AND BUILDING INSPECTOR.

The Town Manager shall appoint a Building Official and may appoint one or more Building Inspectors who shall serve at the pleasure of the Town Manager and have the powers and duties accorded to such office by the laws of Rhode Island and the ordinances of the Town, such as for building, electrical, plumbing, heating and air conditioners, and oil burner inspection, and for the issuance of building, electrical, plumbing and oil burner permits; for weights and measures. Any inspector may be hired on a part time basis.

Title 9. Schools

Chapter 1. SCHOOL COMMITTEE

9-1-1. MEMBERSHIP.

[Amended 11-2-2004; 11-4-2014]

There shall be a School Committee consisting of five (5) members each of whom shall be elected from the Town at large by the registered voters of the Town at the regular biennial elections held on the first Tuesday after the first Monday in November in the even numbered years, to serve for a term of four (4) years and until a successor is elected and qualified. Three (3) members of the Committee shall be elected at the first election after the adoption of this Charter (1960) and at elections every fourth year thereafter, and two (2) members shall be elected at the subsequent biennial election (1962) and at elections every fourth year thereafter. All members of the School Committee in office shall continue in their positions as members of the School Committee until the expiration of the terms for which respectively they were chosen.

9-1-2. VACANCIES.

[Amended 11-2-2004; 11-4-2014]

Any vacancy in the School Committee shall be filled for the unexpired term by a vote of the registered voters of the Town. Such vacancy shall be filled at the next regular or special election to be held in the Town or the Council may call a special election for the purpose of filling the vacancy. If a vacancy in the School Committee shall occur more than nine (9) months prior to the time for the holding of an election, the Council shall, within thirty (30) days after the vacancy occurs, call a special election for the purpose of filling such vacancy.

9-1-3. QUALIFICATIONS OF SCHOOL COMMITTEE MEMBERS.

[Amended 11-4-2014]

School Committee members shall be registered voters of the Town.

9-1-4. COMPENSATION.

School Committee members may receive such annual salaries as may from time to time be fixed by the Financial Town Meeting.

Article 2. POWERS AND DUTIES

9-2-1. POWERS AND DUTIES IN GENERAL.

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 the duties as prescribed by the laws of the State.

9-2-2. ORGANIZATION AND RULES.

The School Committee shall elect from its membership a Chairperson and a Clerk either of whom may sign any orders or official papers, and may be removed at the pleasure of the Committee. The Clerk, under the direction of the Committee, shall keep a journal of the proceedings of the Committee and shall have all the powers and duties of the Chairperson during any absence or disability of the Chairperson. The Committee shall adopt its own rules and order of business.

9-2-3. REGULAR MEETINGS OF COMMITTEE.

[Amended 11-4-2014]

The School Committee shall hold at least nine (9) regular meetings in every year at such time and place within the Town as the Committee shall fix and determine. Meetings of the School Committee, except where in executive session, shall be open and accessible to the public

9-2-4. APPOINTMENT OF SUPERINTENDENT.

[Amended 11-2-2004; 11-4-2014]

The School Committee shall appoint 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 Education. The School Committee shall conduct an annual performance review of the Superintendent to be completed no later than July 1.

9-2-5. REMOVAL OF SUPERINTENDENT.

Except as otherwise provided in any contract between the Superintendent and the School Committee, the Superintendent shall serve at the pleasure of the School Committee and shall be subject to removal at the discretion of the School Committee by a vote of a majority of all the members thereof; provided, however, that the Committee shall give the Superintendent a written statement of the reasons for discharge, which such

statement shall be a public record. There shall be no right of appeal to any other Town board, agency or commission from the decision of the School Committee in dismissing the Superintendent.

9-2-6. APPOINTMENT AND REMOVAL OF OTHER SCHOOL EMPLOYEES.

The School Committee shall have the power to determine the number and duties of all employees in the department subordinate to the Superintendent of Schools and shall have power to remove all certified personnel upon recommendation of such Superintendent, except as otherwise provided by the laws of the State. Except as may otherwise be provided by the laws of the State all non-certified personnel employed by the Department shall be subject to removal at the discretion of the Superintendent for the good of the school system; provided, however, all non-certified personnel employed for less than one year shall be deemed probationary personnel, shall serve at the pleasure of the Superintendent, and shall be subject to removal by the Superintendent at any time during such probationary period with or without cause.

9-2-7. POLICY MAKING AND ADMINISTRATION.

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 delegated by the Superintendent.

9-2-8. SCHOOL BUDGET.

[Amended 11-4-2014]

The School Committee shall have the right to place special resolutions for specific or unusual expenditures before the Financial Town Meeting for special consideration. Such special resolutions shall conform to Section 7-1-15 of the Charter. The School Committee shall not have the power of deficit spending or obligating the Town financially beyond the budget voted at the Town Meeting, except as outlined in General Laws now in effect or hereafter enacted.

9-2-9. COOPERATIVE MAINTENANCE OF SCHOOL GROUNDS.

[Amended 11-4-2014]

At the request of the School Committee, the Town Manager may direct the Department of Public Works to maintain and care for school buildings, grounds and motor vehicles, provided that the costs be charged against the appropriation for the public schools, such costs to be based on the expenses incurred in the prior year.

9-2-10. SCHOOL PURCHASING, FINANCIAL RECORDS AND VOUCHERS.

The School Committee shall do all purchasing pertaining to the public schools and shall maintain records of receipts and expenditures in such manner as shall be required by the State and by the department of finance of the Town. Records shall at all times be available showing receipts, expenditures, and encumbrances upon expended appropriations. Expenditures^[1] of funds allocated to the school department shall be made only by authorized vouchers signed by the Superintendent of Schools or a delegate.

[1] *Editor's Note: Spelling of "expenditures" corrected.*

Title 10. Public Safety

Chapter 1. POLICE DEPARTMENT

10-1-1. ORGANIZATION.

There shall be a department of police, the head of which shall be the Chief of Police, who shall be a police officer and shall have such experience as the Manager shall determine is required for the discharge of the Chief's duties. The Chief shall be appointed by the Town Manager and shall serve at the pleasure of the Manager. In addition to the Chief of Police there shall be such other number of subordinate officers and other personnel as shall from time to time be determined by the Council. The Chief of Police and subordinate officers and other personnel shall constitute the permanent police force of the Town.

10-1-2. APPOINTMENT AND TENURE.

[Amended 11-2-2004]

All police officers on the permanent police force, below the rank of Chief of Police, shall be appointed or promoted, as the case may be, by the Town Manager upon recommendation of the Chief provided they shall have satisfactorily passed such qualifying tests as the Town Manager shall have established from time to time. They shall hold their respective offices, during good behavior, until vacated by death, resignation or retirement, or until they shall be removed in the manner hereinafter set forth, provided nevertheless, that all members of the force shall, at the time of their permanent appointment, have served for a period of not less than twelve (12) months in a probationary status during which probationary period they may be removed at any time by the Town Manager upon recommendation of the Chief of Police, with or without cause.

10-1-3. SALARIES.

The salaries of the Chief of Police and of all officers and other personnel, shall from time to time be fixed by the Council.

10-1-4. CONSTABLES.

In addition to the members of the permanent police force for the Town, the Chief of Police may, from time to time, appoint additional constables for occasional service and for limited terms. The constables shall receive such compensation according to the nature and extent of their duties as shall from time to time be fixed by the Council.

10-1-5. POWERS AND DUTIES.

All police officers, whether on the permanent police or appointed for occasional service and for limited term, shall have, and may exercise, the power and authority conferred upon police officers generally by law, but shall not be required to give bond except as hereinafter provided; nor shall they be authorized to serve process in civil actions. Every such officer in the due execution of the office may command all necessary aid and assistance in the execution of the office.

10-1-6. REMOVAL FOR CAUSE.

Except as otherwise provided by the laws of Rhode Island any member of the permanent police force of the Town, below the rank of Chief, may be removed for cause in the manner hereinafter set forth. The Town Manager shall cause to be delivered to the police officer a notice removing the officer from office as of a time specified therein, and thereupon the officer shall stand removed unless reinstated in the manner hereinafter provided. The notice of removal shall specify all charges against the officer which are relied upon as grounds for removal.

Within ten (10) days of receipt of such notice, the officer so removed may file with the Town Clerk a written request answering the charges contained in the notice and requesting a public hearing before the Council. The Council shall within ten (10) days of receipt of any such request hold such public hearing and may adjourn the same from time to time until completed. The Council shall give notice to the officer of the time and place of the first of the hearings. The officer so removed shall have the right at the hearing to be represented by counsel and to compel the production of witnesses and documents in the officer's favor. Following any such hearing the Council shall, within ten (10) days of the conclusion thereof, file with the Town Clerk a written order approved by a majority of the members of the Council either sustaining, modifying or reversing the order of the Town Manager made in such case. The order may make specific findings as to the truth of such charges. All such orders shall be final and constitute a public record.

10-1-7. CAUSES FOR REMOVAL OR DISCIPLINARY ACTION.

It shall be the duty of the Chief of Police to prepare rules and regulations for the conduct of all members of the department, including appropriate penalties for their violation which, when approved by the Council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein. Changes in such rules and regulations shall be made from time to time in the same manner.

10-1-8. SUSPENSION AND OTHER DISCIPLINARY ACTIONS.

Except as otherwise provided by the laws of Rhode Island and except as may otherwise be provided in any collective bargaining agreement between the Town and the certified bargaining agent for the members of the permanent police force, the Town Manager shall have the power to reduce in rank or to suspend any member of the permanent police force, below the rank of Chief, for a period of not less than thirty (30) days for cause, provided, however, that in the case of any such suspension the same procedure shall be followed as in the case of removal of any member of the permanent police force. Any such suspension shall be subject in like manner to being sustained, modified or reversed by the Council in the manner heretofore provided in the case of removal of a permanent police officer. The Chief of Police may suspend any member of the permanent police force for any cause determined by the Council as constituting a ground for disciplinary action for any period not to exceed thirty (30) days or may fine any such officer by depriving the officer of pay not to exceed five hundred dollars (\$500.) or may reprimand the officer. Any such officer so suspended or so fined shall have the right to be informed as to the cause for any such action and shall have the right to a private hearing before the Chief of Police who shall make a determination thereon within five (5) calendar days thereof. Any officer aggrieved by such determination may, within five (5) calendar days thereof appeal the same to the Town Manager who shall determine such appeal based on the written report of the Chief of Police, any written information submitted by the officer receiving such discipline and such hearing as the Town Manager shall deem appropriate. The decision of the Town Manager shall be final. In the event of any such suspension, the officer so suspended shall not be entitled to any pay during the period of suspension.

10-1-9. REMOVAL OR SUSPENSION OF ANY POLICE OFFICER WHO IS NOT A MEMBER OF THE PERMANENT POLICE FORCE.

All police officers and constables who are not members of the permanent police force shall serve at the pleasure of the Chief of Police. The Chief of Police may remove or suspend any such police officer at will and there shall be no right of appeal from the action in such case.

10-1-10. BOND OF CHIEF.

The Chief of Police shall be required to give bond with corporate surety to the Town in the sum of five hundred dollars (\$500.) conditioned upon the faithful performance of duty, and that the Chief will truly account for and pay over to the Town Treasurer all moneys and property to which the Town shall be entitled and which shall come into the Chief's possession in the discharge of official duties.

10-1-11. DECREASE IN NUMBER OF PERMANENT POLICE FORCE.

[Amended 11-4-2014]

The Council, notwithstanding any of the foregoing provisions, shall have the right to decrease the number of police officers on the permanent police force for the purpose of complying with and remaining within appropriations, currently available for the payment of salaries within the police department (whether or not there may be other funds available for such purpose), and for such other purpose as the Council shall deem to be in the best interest of the Town, and for these purposes shall without making any charges and without cause have the right to remove a police officer or officers who are members of the permanent police force.

10-1-12. INTERFERENCE WITH CHIEF OF POLICE.

No member of the Council and no member of the administrative departments of the Town shall interfere or attempt to interfere directly or indirectly with the performance of duties by the Chief of Police, provided nevertheless, that nothing herein shall be construed to prevent the Town Manager from exercising general supervision over the police department and its affairs or to prevent the Council from making any investigation of the department authorized by the provisions of this Charter.

Chapter 2. FIRE DEPARTMENT

10-2-1. ORGANIZATION.

[Amended 11-21-1994; 11-4-2014]

The Council shall provide fire protection and emergency medical services for the citizens of the Town and their property. Should the Council choose to continue in existence a permanent paid fire department, the provisions of sections 1 through 8 of this Chapter shall govern the operations thereof. The head of the department shall be the Fire Chief, who shall be appointed by the Town Manager and shall serve at the pleasure of the Town Manager. The Fire Chief shall possess such practical experience in the fields of fire fighting and fire prevention and shall have received such training either in a recognized fire fighting school, or shall have had such practical experience which is the equivalent thereof, and shall have such further qualifications as the Manager shall determine. In addition to the Fire Chief, there shall be such other members and employees of such ranks and grades, including volunteers and call fire fighters, as shall be determined by the Council upon recommendation of the Town Manager and the Fire Chief.

10-2-2. APPOINTMENT AND TENURE.

All full time members of the fire department below the rank of Fire Chief shall be appointed or promoted, as the case may be, by the Town Manager on the recommendation of the Fire Chief, provided they shall have satisfactorily passed such qualifying tests as the Council shall have established by resolution. They shall hold their respective offices during good behavior, until vacated by death, resignation or retirement, or until they shall be removed in the manner hereinafter set forth, provided nevertheless, that all members of the fire department shall, at the time of their permanent appointment, have served for a period of not less than twelve (12) months in a probationary status during which probationary period they may be removed at any time by the Town Manager upon recommendation of the Fire Chief, with or without cause.

10-2-3. SALARIES.

The salaries of the Fire Chief and of all officers and members of the department shall from time to time be fixed by the Council.

10-2-4. REMOVAL FOR CAUSE.

Except as may otherwise be^[1] provided by the laws of Rhode Island any officer or member of the permanent fire department below the rank of Fire Chief may be removed for cause in the same manner and with the same rights with respect to reinstatement and subject in all respects to the same procedure and rights as to notice and production of testimony as is provided with respect to the removal and reinstatement of members of the permanent police force of the Town, as provided in Section 10-1-6 of this Charter. All such Council orders shall otherwise be final and constitute a public record.

[1] *Editor's Note: "By" changed to "be."*

10-2-5. CAUSES FOR REMOVAL OR DISCIPLINARY ACTION.

It shall be the duty of the Fire Chief to prepare rules and regulations for the conduct of all members of the department, including appropriate penalties for their violation which, when approved by the Council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein. Changes in such rules and regulations shall be made from time to time in the same manner.

10-2-6. SUSPENSION AND OTHER DISCIPLINARY ACTION.

Except as may otherwise be provided by the laws of Rhode Island and except as may otherwise be provided in any collective bargaining agreement between the Town and the certified collective bargaining agent for the members of the permanent fire department the Town Manager and the Fire Chief shall, in the case of officers and members of the permanent fire department, have the same powers in all respects as are granted to the Town Manager and the Chief of Police respectively in the case of members of the permanent police force with regard to suspension, reduction in rank and other disciplinary action and the exercise of such powers shall in all respects be subject to the procedures, rights of hearing, and rights to compel testimony as are provided in the case of suspension or discipline of members of the permanent police force as provided in Sections 10-1-7 and 10-1-8 of this Charter.

10-2-7. DECREASE IN NUMBER OF PERMANENT FIREFIGHTERS.

[Amended 11-4-2014]

The Council, notwithstanding any of the foregoing provisions, shall have the right to decrease the number of officers and firefighters in the permanent fire department for the purpose of complying with and remaining within appropriations, currently available for the payment of salaries within the fire department (whether or not there may be other funds available for such salaries), and for such other purposes as the Council shall deem to be in the best interest of the Town, and for these purposes shall, without making any charges and without cause, have the right to remove such personnel who are members of the permanent fire department.

10-2-8. REMOVAL OR SUSPENSION OF ANY FIREFIGHTER WHO IS NOT A MEMBER OF THE PERMANENT FIRE DEPARTMENT.

All firefighters who are not members of the permanent fire department shall serve at the pleasure of the Fire Chief. The Fire Chief may remove or suspend any such firefighters at will, and there shall be no right of appeal from any action in such case.

10-2-9. CONSTRUUAL OF PROVISIONS.

[Added 11-21-1994]

Nothing herein contained shall be construed to prohibit the discontinuance by the Council of a permanent paid fire department if and at such time as the Council shall deem it in the best interests of the Town to utilize alternative means by which fire protection and related services can be provided.

Title 11. Conservation and Other Boards and Commissions

Chapter 1. ESTABLISHMENT AND POWERS

11-1-1. CONSERVATION COMMISSION.

The Council may establish^[1] a Conservation Commission in accordance with statutes now or hereafter in effect for the establishment of such commission.

[1] *Editor's Note: Spelling of "establish" corrected.*

11-1-2. OTHER BOARDS AND COMMISSIONS.

The Town Council may from time to time establish such boards, commissions and agencies as shall be authorized by the laws of Rhode Island, this Charter or as shall be necessary and proper in the discharge of the Town Council's obligations hereunder. Each such board, commission and agency^[1] shall have such powers as authorized by the laws of Rhode Island, this charter or the ordinance or resolution by which any such board, commission or agency is established, and may be abolished in the same manner it was established when in the opinion of the Town Council it is no longer required.

[1] *Editor's Note: Spelling of "agencie" corrected.*

Title 12. Planning and Zoning

Chapter 1. PLANNING

12-1-1. PLANNING BOARD.

The Council may by ordinance, in accordance with the statutes now or hereafter in effect, provide for the creation of a Planning Board, which shall have all the powers now or hereafter vested in it by State law, this Charter or the Town Council.

12-1-2. ADVICE AND ASSISTANCE.

The Town Manager shall keep the Planning Board and the Council advised as to modern developments in municipal^[1] planning, including the use of a Master Plan for the physical development of the Town. The Planning Board may require that information be furnished within a reasonable time by the other departments of the town government in relation to its work, and may request additional assistance for special survey work of the Town Manager, who may at the Manager's discretion,^[2] assign to the Planning Board, members of any administrative department or direct such department to make special studies requested by the Planning Board. The Town Manager and all other appropriate officials, departments and agencies shall assist the Planning Board in the proper enforcement of its rules and regulations.

[1] *Editor's Note: Spelling of "municipal" corrected.*

[2] *Editor's Note: Spelling of "discetion" corrected.*

Chapter 2. ZONING BOARD OF REVIEW

12-2-1. BOARD OF REVIEW.

The Council may by ordinance in accordance with the statutes now or hereafter in effect, provide for the selection and organization of a Board of Review to perform the duties of such a Board under the laws and ordinances relating to zoning now or hereafter in effect.^[1]

[1] *Editor's Note: Former Section 12-2-2, Auxiliary member of Board of Review, which immediately followed, was repealed 11-2-2004 as being superseded by state law.*

Title 13. ASSESSMENT OF TAXES

Chapter 1. ASSESSOR

13-1-1. TAX ASSESSOR.

There shall be a single Tax Assessor who shall be appointed by the Town Manager, and shall serve at the pleasure of the Town Manager. The Tax Assessor shall have and exercise all the powers and perform all the duties which are now or may hereafter be provided by law for the Assessors of Taxes (or such like officers as may be provided for in the future to perform such similar tax assessment duties) in towns of the State of Rhode Island.

Chapter 2. BOARD OF ASSESSMENT REVIEW

13-2-1. BOARD OF ASSESSMENT REVIEW.

[Amended 11-4-2014]

There shall be a Board of Assessment Review consisting of three members. The members of the Board of Assessment Review shall be appointed by the Town Council to serve staggered terms of three years ending on the third Monday in March of successive years and until their respective successors are appointed and qualify. All appointments and reappointments should be made promptly by the Town Council. Vacancies occurring for any reason shall be filled by appointment by the Town Council for the balance of the unexpired term.

13-2-2. BOARD OF ASSESSMENT REVIEW -- POWERS AND DUTIES.

[Amended 11-2-2004; 11-4-2014]

The Board of Assessment Review shall hear and consider the appeal of any property owner concerning the amount of the assessed valuation of the property as determined by the Tax Assessor in cases in which the valuation of the property as determined by the Tax Assessor is alleged to be erroneous. The Tax Assessor shall be afforded an opportunity to appear before the Board of Assessment Review in all cases to present any relevant information. If the Board of Assessment Review determines that the valuation of any property has been erroneously assessed, the Board shall transmit its determination to the Town Council which may cancel, in whole or in part, the tax based on such valuation in order to effect a correction.

13-2-3. BOARD OF ASSESSMENT REVIEW - PROCEDURE.

The Town Council may 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 including the setting of a limitation of the time within which appeals may be taken to the Board of Assessment Review. A majority of the members of the Board shall constitute a quorum.

13-2-4. BOARD OF ASSESSMENT REVIEW - QUALIFICATIONS AND REMOVAL.

[Amended 11-4-2014]

The members of the Board of Assessment Review shall be registered voters of the Town of Barrington. If any member of the Board of Assessment Review ceases to be a registered voter of the Town, or in case of misconduct in office or refusal or neglect to perform the duties of office, the Council may remove such member.

13-2-5. JUDICIAL 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 in accordance with any law now or hereafter in effect for relief from any assessed valuation or tax originally determined by the Tax Assessor.

Title 14. Town Solicitor

Chapter 1. TOWN SOLICITOR

14-1-1. TOWN SOLICITOR.

[Amended 11-4-2014]

There shall be a Town Solicitor who shall be appointed by the Council for an indefinite term. 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 five (5) years commencing in January 2015.

- a. 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.
- b. 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.
- c. 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 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.
- d. 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.

Title 15. Probate Court

Chapter 1. PROBATE COURT

15-1-1. APPOINTMENT OF JUDGE OF PROBATE.

The Council by resolution shall appoint a Judge of Probate to serve for a term of office concurrent with that of the Council and until a successor is appointed and qualified. The Judge of Probate and all Probate Judges Pro Tem shall be members of the bar of the Supreme Court of the State and engaged in the active practice of law.

15-1-2. ACTING JUDGE OF PROBATE.

Whenever the Judge of Probate Court is a party or interested in any proceeding about to be heard in court, or is absent or unable to perform the duties, or there is a vacancy in such office, duties shall be temporarily performed by the Town Solicitor, or any assistant Town Solicitor, or in the event no such solicitor is qualified, by such person appointed by the Town Council having the qualifications set forth in Section 15-1-1. The fact of any such interest, absence, inability or vacancy shall be recorded in the records of the court.

15-1-3. SALARIES IN LIEU OF FEES.

[Amended 11-4-2014]

The salaries appropriated at the Annual Financial Town Meeting for the Judge and Clerk of the Probate Court shall be in lieu of all fees accruing to the Judge of the Probate Court and Clerk of the Probate Court, by virtue of the provisions of the General Laws and Special Acts, and the Judge, the Town Clerk and the Clerk of the Probate Court shall pay all fees and other revenues by them received as Town Clerk and Clerk of the Probate Court in their several capacities into the town treasury for the use and benefit of the Town.

15-1-4. REGISTRY OF COURT.

Money and other property now or hereafter deposited in the registry of the Probate Court pursuant to statutes now or hereafter in effect shall be held, administered and disposed of pursuant to the statutes.

Title 16. Miscellaneous Provisions

Chapter 1. CEMETERIES AND PUBLIC LIBRARY

16-1-1. COMMISSION IN CHARGE OF CEMETERIES AND BURIAL GROUNDS.

[Amended 11-2-2004]

At the first meeting of the Council to be held subsequent to the adoption of this Charter, there shall be elected three (3) residents of and taxpayers of the Town as Commissioners of Cemeteries and Burial Grounds in the Town of Barrington, one (1) of the members to serve one (1) year, the second of the members to serve for two (2) years, and the third of the members to serve for three (3) years, and yearly thereafter, there shall be elected one (1) member to serve for the period of three (3) years. The Commissioners of Cemeteries and Burial Grounds shall have full control and management of all cemeteries and burial grounds, belonging to the Town or in which the Town has any interest. They shall have the right to sell and dispose of burial lots belonging to the Town and any interest of the Town in any burial lots in the cemeteries and burial grounds for such price, and under such terms, restrictions, rules and regulations, as they shall adopt. They shall have the right to select all employees in their opinion necessary for the proper care and maintenance of the cemeteries and burial grounds, and power to fix salaries of the employees. The Commissioners shall have the disposition of all appropriations made by the Town for the support and maintenance of cemeteries and burial grounds. All moneys received by the Commissioners from the sale of lots or otherwise, shall be paid to the Finance Director of the Town of Barrington, who shall hold the same in a special fund and shall pay and distribute the same only on the written order of the Commissioners, and the Finance Director of the Town shall invest the moneys so received in such manner as the Commissioners shall direct. The Commissioners shall each year make a report the Council, setting forth in full their acts and itemized statement of all moneys received and paid out, and for what purposes. The Commissioners shall also have charge of all lands within the Town of Barrington which shall be conveyed to the Town in trust for burial purposes, and shall have the management of all funds which shall be paid over to the Town for the purpose of ornamenting, keeping in repair, or improving burial lots and shall execute all trusts in relation to cemeteries and burial lots in accordance with the terms contained in the instruments creating the

same; the funds, however, to be in the custody of the Finance Director of the Town, who shall invest the same as directed in writing by the Commissioners. The Commissioners shall direct investment of the funds in accordance with a written investment policy adopted by the Commissioners in consultation with the Finance Director and approved by resolution of the Council. In like manner, the investment policy may be amended from time to time. The Commissioners shall perform all acts in relation to cemeteries and burial grounds belonging to the Town of Barrington which previously were performed by the Council of the Town. Any vacancy occurring^[1] by the death or resignation of any commissioner shall be filled by the Council.

[1] *Editor's Note: Spelling of "occurring" corrected.*

16-1-2. BOARD OF TRUSTEES OF THE PUBLIC LIBRARY.

The operation, care, maintenance and expenses of the free public library of the Town shall continue^[1] to be maintained under Chapter 29-4-4 through 29-4-8 of the General Laws of 1956, as amended from time to time, together with Chapter 1165 of the Public Laws of 1942.

[1] *Editor's Note: Spelling of "continue" corrected.*

Chapter 2. OTHER MISCELLANEOUS PROVISIONS

16-2-1. PRINTING CHARTER.

The Council may provide for the printing, publication and distribution of the Charter and may, at their discretion, require that a reasonable charge be made for copies thereof.

16-2-2. PUBLIC RECORDS.

[Amended 11-4-2014]

All records and accounts of every department and agency of the Town shall be deemed to be public records in accordance with the Rhode Island Access to Public Records, R.I.G.L. § 38-2-1 et seq., as amended from time to time, and shall be open to inspection by any citizen of the State without giving any reason therefor at all reasonable times and under reasonable regulations provided, however, that the foregoing provision shall not apply to the following as long as these exemptions are consistent with the Rhode Island Access to Public Records Act:

- a. All records specifically exempt from disclosure by law of the State of Rhode Island;
- b. All memoranda, or documents, or letters which would not be available at law to a party other than a party in litigation with the Town;
- c. All personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- d. All investigatory files compiled for law enforcement purposes.

The Town Manager with the approval of the Town Council and the Superintendent of Schools with the approval of the School Committee shall establish rules and regulations for the purpose of implementing this provision.

16-2-3. TOWN SERGEANT.

There shall be a Town Sergeant who shall be appointed by the Town Manager. The Town Sergeant shall have all the powers, privileges and immunities of office, and shall perform all the duties as prescribed by the General Laws and applicable Special Laws and Ordinances.

16-2-4. OFFICERS PERSONALLY INTERESTED IN TOWN CONTRACTS.

No member of the Council and no member of the School Committee, nor the Town Manager, nor any officer or employee of the Town of Barrington shall (a) make a contract with the Town of Barrington (with the exception of the contract of employment), or (b) receive any commission, discount, bonus, gift, contribution, or award from, or any share in, the profits of any person making or performing such contract unless:

- a. If the person concerned be a member of the Council or the Town Manager, that person shall immediately, upon learning of the existence of such contract or that such contract is proposed, notify the Council in writing of the nature of interest in such contract;
- b. If such person shall be a member of the School Committee or an officer or employee of the school department, that person shall immediately, upon learning of the existence of such contract or that such contract is proposed notify the School Committee in writing of the nature of interest in such contract; and
- c. In case any such person shall be some other officer or employee of the Town of Barrington, that person shall immediately upon learning of the existence of such contract or that such contract is proposed, notify the Town Manager in writing of the nature of interest in such contract.

[Amended 11-2-2004]

And unless in the case of every such person hereinbefore named, that person shall also abstain from doing any official act on behalf of the Town or of the other contracting party with reference thereto; provided, however, that when a contractor with the Town is a corporation or a voluntary stock association, the ownership of less than ten (10%) percent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in making the contract.

16-2-5. (Reserved)

[1] *Editor's Note: Former Section 16-2-5, Eligibility for office, was repealed 11-2-2004 as archaic.*

16-2-6. BOND FEES.

The fee for all bonds required under the terms of this Charter shall be paid by the Treasurer out of the general fund of the Town.

16-2-7. REQUIREMENT OF BONDS.

The Council may require the bonding of any official of the Town not specifically required to furnish bonds under the terms of this Charter.

16-2-8. FEES, TUITIONS, PENALTIES, PAYMENTS.

[Amended 11-2-2004]

All fees, tuitions, penalties, payments not otherwise referred to in this Charter and received by any officer or employee in connection with the duties as a town officer or employee, shall belong to the Town and shall be paid to the Town Treasurer at such intervals as the Town Manager may require in relation to all departments of Town government, and as the School Superintendent may require in relation to the school department.

16-2-9. AWARD OF MUNICIPAL CONTRACTS.

[Amended 11-21-1994; 11-2-2004]

The award of municipal contracts by the Town and the School Department shall be performed in full compliance with all provisions of the R.I. Gen. Laws section 45-55-1 et seq., as amended from time to time, provided, however:

- a. The Town Manager and the Superintendent of Schools, or their designees, shall act as purchasing officers for the Towns and the School Department, respectively.
- b. The Town and the School Department shall adopt small purchase regulations governing procedures for procurements not exceeding the amounts set forth in R.I. Gen. Laws section 45-55-9 governing "small purchases," as amended from time to time.

16-2-10. INITIATIVE AND REFERENDUM.

a. General Authority.

[Amended 11-2-2004; 11-4-2014]

- i. Initiative. The registered voters of the Town shall have the power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.
 - ii. Referendum. The registered voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.
- b. Commencement of Proceedings - Petitions Committee; Affidavit. Any five (5) registered voters may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

[Amended 11-2-2004; 11-4-2014]

c. Petitions

- i. Number of Signatures. Initiative and petitions must be signed by registered voters of the Town equal in number to at least 20 percent of the total number of registered voters registered to vote at the last regular Town election.
[Amended 11-2-2004; 11-4-2014]
- ii. Forms and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- iii. Affidavit of Circulator. Each paper shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- iv. Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

d. Procedure after Filing.

- i. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (ii) and (iii) of Section 16-2-10(c) and within five (5) days after it is filed, the Clerk shall complete and certify as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under paragraph (ii) of this sub-section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
- ii. Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall be a final determination as to the sufficiency of the petition.
- iii. Court Review: New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

e. Action on Petitions.

- i. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided for ordinance adoption or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposal or referred ordinance to the voters of the Town.
- ii. Submission to Voters. The vote of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of a final Council vote thereon. If no regular Town election is to be held within the period prescribed in this sub-section, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls and the Town Hall.
- iii. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further effect and all proceedings thereon shall be terminated.

f. Results of Election.

[Amended 11-4-2014]

- i. Initiative. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

- ii. Referendum. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

16-2-11. CONSTRUCTION.

[Amended 11-21-1994; 11-2-2004]

Whenever the context so requires, reference herein to the masculine gender shall include the female gender and the singular number shall include the plural.

Title 17. Inauguration, Succession and Amendment to Charter

[Amended 11-4-2014]

Chapter 1. INAUGURATION OF CHARTER GOVERNMENT

17-1-1. EFFECTIVE DATE.

For the purpose of nominating and electing the elective officers of the Town and public schools, this Charter shall be in effect from and after its approval by the registered voters, and validating of election procedures by the General Assembly. For all other purposes, this Charter shall be in effect from and after the first Monday following the certification by the Board of Canvassers of the first officers elected under this Charter in 1960. Amendments to this Charter shall become effective upon approval.

Chapter 2. SUCCESSION IN GOVERNMENT

17-2-1. CONTINUATION OF CONTRACTS AND OBLIGATIONS.

All contracts and obligations entered into by the Town prior to the effective date of this Charter shall continue in full force and effect.

17-2-2. CHARTER REVIEW.

Prior to March 1, 1994 and within each ten year period after March 1, 1994, the Council shall review this Charter as it then exists and propose such amendments, if any, which it deems necessary or advisable.

Chapter 3. AMENDMENT OF CHARTER

17-3-1. AMENDMENT OF CHARTER.

This Charter may be amended at any time, or a new Charter adopted in the manner provided by the Constitution. Should two (2) or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the Town Clerk and inserted in their appropriate places or added to the Charter.

17-3-2. FORM OF BALLOT.

It shall not be necessary for the full text of a charter or amendments to a charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or

identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the Council shall approve the statement of the question as it shall appear upon the ballot.

17-3-3. PARTIAL INVALIDITY.

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 affect 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 holdings shall directly apply; and if any section or part of 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.