

4)

CHARTER AMENDMENT RE: VACANCY OF ELECTED POSITIONS

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to provide that, if an elected position, other than the Town Clerk or Town Treasurer, becomes vacant, the vacancy shall be filled by the next highest vote-getter for that position?

5)

CHARTER AMENDMENT RE: ADVOCACY BY TOWN OFFICIALS

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to clarify that town officials and employees may engage in political advocacy activities on their personal time and expense?

6)

CHARTER AMENDMENT RE: CHARTER COMPLAINTS

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended so that Charter complaints are independently reviewed and prosecuted by the Town Solicitor without any interference or influence by any elected or appointed Town officials or any Town employee?

7)

CHARTER AMENDMENT RE: TEMPORARY EMPLOYEES

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to transfer duties of hiring part time, acting, temporary, or seasonal employees from the Personnel Board to the Town Administrator?

8)

CHARTER AMENDMENT RE: NON-SUBSTANTIVE CHANGES

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to make various non-substantive changes to reorganize the Charter, fix grammatical errors, and improve the flow and readability of the Charter?

9)

CHARTER AMENDMENT RE: BOARD MEMBERSHIP

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to allow Town employees who are electors in the Town of Tiverton to serve on Town boards and commissions, except for the Zoning Board and Planning Board, so long as there is no conflict of interest?

10)

CHARTER AMENDMENT RE: CASINO GAMING REVENUE

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to allow Casino Gaming Revenue to be used on debt service, capital development, or infrastructure, and to prohibit its use on the operation budget?

11)

CHARTER AMENDMENT RE: FINANCIAL TOWN REFERENDUM

(Art. XIII, Sec. 8 of R.I. Constitution)

Shall the Town Charter be amended to revise budget deadlines for the Financial Town Referendum (FTR), require the Budget Committee to hold a public hearing, require the FTR to meet debt service and contractual obligations, restrict alteration of school budget line items and revenue estimates, prohibit School Committee, Budget Committee, and Council members from submitting individual elector petitions, increase signatures for elector petitions, change the format and process for submitting budget options and elector petitions, and make other changes to the FTR provisions in the Charter to improve flow and readability of the language?

Charter Question 4

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE II ELECTIONS

Section 202 - Vacancy of Elected Positions

Should an elected position of Town Clerk or Town Treasurer, ~~other than on the Town Council~~, be vacated for any reason, the Town Council shall appoint a person to fill the vacated position until the next General Election.

Notwithstanding any other provision in this Charter, for all elected positions, other than the Town Clerk and Town Treasurer, that become vacant, the qualified candidate for that position with the next highest number of votes from the last election shall be appointed by the Town Council to fill the unexpired term of the vacated position. If said candidate declines the appointment to fill the vacancy, the appointment shall be offered to the qualified candidate with the next highest votes, and so forth, until either a qualified candidate accepts the appointment or until the list of qualified candidates is exhausted. If the candidate list is exhausted, the Town Council shall advertise the vacancy and may appoint a person from the list of applicants for the advertised vacancy. A qualified candidate as used in this section is a person who declared for the vacated position, obtained the requisite signatures to appear on the ballot, and appeared on the ballot in the election.

ARTICLE IV TOWN COUNCIL Section 403 - Vacancy

Any vacancy in the membership of the Council shall be filled in the manner provided for in this Charter. ~~by the candidate for the Council with the next highest vote total from the last election. If the next highest candidate is unavailable, the next available candidate is chosen until the list is exhausted. In the event of a tie, the Council shall select. If no candidate is available from the list, the Council shall appoint a qualified elector to fill the vacancy~~

Charter Question 4

~~for the remainder of the unexpired term.~~ The new member shall be sworn in at the next regular Council meeting.

ARTICLE VII BUDGET COMMITTEE Section 702 - Elections and Vacancies

~~Biennial elections to fill~~ Any vacancies on the non-partisan Budget Committee shall be ~~held at general elections~~ filled in the manner provided for in this Charter.

- (a) Transitional Election. The first Budget Committee membership terms to expire after the adoption of this amendment shall be extended to the next general election, at which time a like number of candidates shall be elected.

ARTICLE VIII TOWN OFFICIALS AND OFFICES Section 804 - Probate Court

There shall be a Probate Court with jurisdiction and duties as provided by the General Laws of the State of Rhode Island.

- (a) Judge of Probate. There shall be a Judge of Probate who shall be a qualified elector of the Town and member in good standing of the bar of the State of Rhode Island, engaged in the active practice of law. The Judge of Probate shall be elected at the general election for a two (2) year term pursuant to the provisions of State Law and this Charter.
- (b) Acting Judge of Probate. Whenever the Judge of Probate is a party to or interested in any proceeding about to be heard in his/her court, or is temporarily absent or unable to perform the duties of Judge of Probate, or there is a vacancy in such office, those duties shall be temporarily performed by the Town Solicitor, or in the event that the Town Solicitor is unable to perform those duties, by such person meeting the criteria for Judge of Probate appointed by the Town Council. When the Judge of Probate is permanently absent or unable to perform the duties of the

Charter Question 4

office, or has otherwise vacated or resigned the office, the vacancy shall be filled in a manner consistent with this Charter.

ARTICLE XI SCHOOL DEPARTMENT Section 1101 - School Committee

There shall be a non-partisan School Committee consisting of five (5) members, elected "at-large" for four (4) year terms. Terms shall be staggered so that no more than three (3) expire every two (2) years. School Committee members shall be elected at the General Election in even numbered years. School Committee members shall be electors of the Town and shall not hold other elected town offices or be employees of the Town. Should a Committee member fail to meet the above qualifications, or become disqualified from continuing in office under the provisions of the State Constitution, State Law or this Charter, his/her office shall be deemed to have become vacant. ~~The Town Council shall appoint a person to fill the vacated position for a period not to exceed six (6) months or the next Town Election, whichever comes first~~ The vacancy shall be filled in the manner provided in the provisions of this Charter. The School Committee shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate. Copies of the minutes of School Committee meetings shall be on file in the office of the Town Clerk.

- (a) Powers and Duties. The School Committee shall be responsible for the general care and management of the Tiverton Public School System, including the selection of the Superintendent of Schools. The School Committee shall prepare and submit its budget requests to the Budget Committee in accordance with Section 301(a) of this Charter. Additionally, the School Committee shall have all other duties, responsibilities and powers as provided for in State Law. For all labor or collective bargaining agreements requiring approval of the School Committee, the details of any tentative agreement shall be made public at least three days prior to the meeting at which the final approval vote is to be taken.

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This amendment shall take effect upon passage.

Charter Question 5

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE XII MISCELLANEOUS

Section 1218 - Use of Town Resources to Influence a Voting Contest

- (a) No officer or employee of the Town, including the School Department, shall use, or cause to be used, Town property, goods, money, grants, or labor to influence the outcome of an election, ballot question, or referendum; the foregoing shall not prohibit the distribution or publication of election, ballot question, or referendum information by the Town Clerk, the Board of Canvassers, or a Charter Review Commission.
- (b) Nothing in this section shall be construed as prohibiting any Town officer or employee from doing any of the following: (1) distributing or publishing election, ballot question, or referendum information to the general public as necessary to properly fulfill the officer or employee's official duties; (2) conducting forums for discussion open to the entire public; or (3) permitting the use, rent, or lease of buildings and facilities to political groups to the same extent generally permitted for the public. Furthermore, nothing in this section prohibits expression of personal positions where the expression does not use Town resources and does not otherwise interfere with the conduct of official duties.

* * *

This amendment shall take effect upon passage.

Charter Question 6

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE XII MISCELLANEOUS Section 1211 – Enforcement

~~(a) Complaints by Citizens. Any qualified elector of the Town may file a sworn statement in the office of the Town Clerk charging that:~~

- ~~1.) An elected or appointed official or member of a board or commission of the Town is serving in his or her office in violation of the provisions of this Charter; or~~
- ~~2.) That any elected or appointed official or member of any board or commission, or that any official body, board or commission in its corporate capacity, or any Town employee, has knowingly taken any action or failed to take any action, in his or her official capacity, in violation of any of the terms or provisions of this Charter, or of any ordinance, rule, or regulation adopted under the authority thereof.~~

~~— Any such statement shall set forth the particulars as to the charges made. A "sufficiently set forth" complaint shall specify (a) the section or sections of the Charter which are charged to have been violated, (b) the nature of the violation, and (c) the person, persons, or body charged with having committed the violation.~~

- ~~1.) If the Town Clerk determines that the charges are "sufficiently set forth", he or she shall schedule a public hearing before the Town Council acting in its capacity as the Charter Monitoring and Complaint Review Board, such hearing to be held no later than thirty (30) days from the date on which the charges were filed. If the Town Clerk fails to find that the charges are "sufficiently set forth", he or she shall so notify the complainant in writing, providing the reason(s) for dismissal.~~
- ~~2.) In the event a "sufficiently set forth" complaint is against a majority of the Town Council members, the Town Clerk, within ten (10) days from~~

Charter Question 6

~~the date on which the charges were filed, shall file the complaint in the Municipal Court.~~

~~3.) If the complaint is against the Town Clerk, the Town Administrator shall fulfill the duties of the Town Clerk regarding review of the charges and scheduling of the public hearing, as presented above.~~

~~(b) Action by the Town.~~

~~1.) At the public hearing, the Review Board shall receive testimony from the complainant and from the official, board, or commission, or the members of the official body, against whom or which the charges were made, and from such witnesses as either party may bring forward. In the event the complaint is against a member of the Town Council, such member shall not take part in review of the complaint.~~

~~2.) If, following the hearing, the Review Board, by a two-thirds vote of those present—but in no event fewer than four (4) affirmative votes—concludes that the charges have been supported by the testimony and evidence presented, it shall direct the Town Administrator to cause a complaint to be filed within ten (10) days of the hearing against the alleged violator(s) in the Municipal Court.~~

~~3.) The Municipal Court shall have jurisdiction to determine violations of this Charter, Town ordinances and rules or regulations adopted under the authority hereof and to enter appropriate orders, decrees or judgments with respect to such violations.~~

~~(c) Protection Against Reprisal. In the event that charges are filed pursuant to the terms of this Section by any employee of the Town as defined in G.L. § 36-15-2(1), that employee shall be deemed to enjoy the protection afforded by the Rhode Island Whistleblowers' Protection Act, G.L. tit. 36, ch. 15, as amended.~~

~~(d) Penalties.~~

~~1.) A violation of any of the prohibitions of this Charter shall be punishable by a fine of not more than three hundred dollars (\$300). Upon a finding of a violation by the Municipal Court, if the violator is~~

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~~an officer or employee of the Town, such violator may be removed from office or immediately dismissed.~~

~~2.) Every expenditure or obligation incurred in violation of the provisions of this Charter, and the rules and regulations made pursuant thereto, shall be deemed illegal, and in addition to any other penalties provided by law for such violations, every official authorizing such payment or any part thereof, knowing the same to be in violation, shall be jointly and severally liable to the Town for the full amount so paid or received. If any appointed official or employee of the Town shall knowingly incur any obligation, or authorize or make any expenditure in violation of the provisions of this Charter, it shall be grounds for his or her removal.~~

(a) Charter Violations Prohibited: Any elected or appointed official, employee of the Town, or member of any Town board or commission, who shall knowingly and willfully violate any provision of this Charter shall be guilty of a Charter Violation. Each Charter Violation shall be punishable by a fine of up to \$500. No fine issued pursuant to this section shall be paid out of public funds.

(b) Town Solicitor to Prosecute: Charter Violation complaints shall be prosecuted in Tiverton Municipal Court by the Town Solicitor, unless the Charter Violation is alleged to have been committed by the Town Solicitor, in which case the Town Administrator shall appoint conflict counsel to review the alleged violation and, if necessary, prosecute the matter in Municipal Court.

(c) Investigation of Complaints: Any person that has cause to believe that a Charter Violation has occurred may make a complaint to the Town Clerk, setting forth the details of the person(s) who allegedly committed the Charter Violation, when the Charter Violation was allegedly committed, and which provision of the Charter was allegedly violated, together with any evidence the complainant may have in support of the complaint.

The Town Clerk shall forthwith refer the complaint to the Town Solicitor to determine whether there is probable cause to support the filing of a Charter Violation complaint in Municipal Court. The Solicitor shall investigate the complaint and, within 90 days of

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receiving the complaint, shall either file a Charter Violation complaint in Municipal Court or shall provide the Town Clerk with a written memorandum explaining why there is no probable cause to support a Charter Violation complaint. If the Solicitor files a memorandum of no probable cause with the Town Clerk, the Town Clerk shall make the memorandum available to the original complainant and the memorandum shall be a public document.

If a complaint is filed with the Town Clerk alleging the Town Solicitor committed a Charter Violation, then the Clerk shall forward the complaint to the Town Administrator, who shall appoint conflict counsel to investigate and prosecute the complaint in the same manner that the Solicitor would under this section.

- (d) Interference Prohibited: No elected or appointed official, employee of the Town, or member of any Town board or commission shall attempt to interfere with the investigation and prosecution of a Charter Violation under this section. No elected or appointed official, employee of the Town, or member of any Town board or commission shall have any *ex parte* contact with the Judge of the Municipal Court for the purpose of influencing the Judge's decision regarding a Charter Violation. No elected or appointed official, employee of the Town, or member of any Town board or commission shall contact the Town Solicitor, or conflict counsel, for the purpose of influencing the decision of whether to prosecute a Charter Violation. This section shall not be interpreted as prohibiting the Town Solicitor, or conflict counsel, from interviewing any elected or appointed official, employee of the Town, or member of any Town board or commission, as part of the probable cause investigation into a Charter Violation complaint or in preparation for a Charter Violation prosecution.
- (e) Protection Against Reprisal: In the event that a complaint alleging a Charter Violation is filed by any employee of the Town, that employee shall be deemed to enjoy the protection afforded by the Rhode Island Whistleblowers' Protection Act.
- (f) Remedy not Exclusive: This section shall not be construed to in any way limit the power of the supervisor of any Town employee or the appointing authority of any Town appointee in taking disciplinary action against an appointee or employee for violation of the Town

Charter Question 6

Charter. Said disciplinary action may be taken by the appropriate authority, up to and including termination of employment or removal from the appointment, as allowed by law, regardless of whether a Charter Violation is filed or a Charter Violation conviction is obtained.

* * *

This amendment shall take effect upon passage.

Charter Question 7

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE X BOARDS AND COMMISSIONS SECTION 1007 - Personnel Board

The Personnel Board shall consist of five (5) electors appointed by the Town Council for four (4) year terms. Terms shall be staggered so that no more than two (2) terms expire in any year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate.

(a) Duties and Responsibilities. The Personnel Board shall accept and review applications for all job vacancies for town employment and recommend the top three (3) applicants to the Town Administrator, provided, however, the Personnel Board shall have no role in accepting or reviewing applications for vacancies for part-time, acting, seasonal, or temporary employees. Part-time, acting, seasonal, or temporary employees shall be appointed at the discretion of the Town Administrator without review by the Personnel Board. For all other vacancies in full-time municipal positions, the position shall be advertised in at least two (2) newspapers available locally. Specific application procedures shall be listed in the advertisement. Once the applications are received, the Personnel Board shall:

- 1.) Review all applications.
- 2.) Determine those applicants to be interviewed.
- 3.) For those applicants to be interviewed, be responsible for verifying the accuracy of information on applications and checking references, including former or current employers.

(b) General Provisions. Hiring of all full-time personnel, ~~including full time, part time, acting, temporary or seasonal employees~~ shall be done through the Personnel Board. The applicable Department Head shall be

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invited to attend interviews, assist the Board in questioning applicants, and make recommendations. Employment shall be based on merit and competitive exams (when applicable), and shall be free of personal or political considerations. The Town is an equal opportunity employer and shall not discriminate on the basis of sex, race, creed or national origin.

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This amendment shall take effect upon passage.

Charter Question 8

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE VIII TOWN OFFICIALS AND OFFICES SECTION 806 - Director Senior Citizens Center

~~There shall be a Director of the Tiverton Senior Citizens Center appointed by the Town Administrator with the approval of the Town Council for an initial contract period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years. The duties of the Director shall be to administer all programs and activities as may be appropriate to service the elder population.~~

ARTICLE IX DEPARTMENTS AND AGENCIES [ADD] SECTION 909 - Director Senior Citizens Center

There shall be a Director of the Tiverton Senior Citizens Center appointed by the Town Administrator with the approval of the Town Council for an initial contract period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years. The duties of the Director shall be to administer all programs and activities as may be appropriate to service the elder population.

ARTICLE XII MISCELLANEOUS SECTION 1205 - Amendments of Charter

This Charter may be amended or a new Charter adopted at any time in the manner provided by the Constitution of the State. All proposed amendments shall have a public hearing. Should two (2) or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments added to this Charter shall be appropriately numbered by the Town Clerk and inserted in their appropriate places. It shall not be necessary for the full text of the

Charter Question 8

Charter or of amendments to the Charter to be printed on 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 Town Council shall approve the statement of the question as it shall appear on the ballot. A copy of the full text of the Charter or amendments shall be posted in each polling place and such other places as may be designated by the Board of Canvassers. ~~This Charter shall not be replaced nor amended for a period of at least two (2) years following adoption.~~

- (a) Charter Review Commission. In November 1998 and at least every six (6) years thereafter, a nine (9) member non-partisan review commission shall be elected for a term of one year, commencing on the date of the certification of the election by the Board of Canvassers, whose duty it shall be to review the Charter and recommend for approval and adoption, amendments or revisions in a manner provided by the State Constitution.

ARTICLE VIII FINANCIAL SERVICES SECTION 602 - Town Treasurer

The non-partisan Town Treasurer shall be elected for a four (4) year term at general elections.

- (a) Duties and Responsibilities. The Town Treasurer shall have all the powers, rights, and duties prescribed under the General Laws of the State of Rhode Island for Town Treasurers including but not limited to:
- 1.) Assuring compliance with all applicable accounting standards and requirements.
 - 2.) Monitoring the spending by all departments, boards and commissions of the Town to insure that the budget approved at the Financial Town Referendum is not exceeded.
 - 3.) Overseeing the processing of the municipal payroll.
 - 4.) Monitoring the Town's cash position to insure required liquidity.

Charter Question 8

- 5.) Managing Town investments in accordance with applicable laws and regulations.
- 6.) Working with appropriate financial advisors and counsel to issue general and special obligation bonds for the Town and insure that such debt is properly serviced.
- 7.) Participating in the preparation of the annual Town capital improvement plan.
- 8.) Serving as a trustee for the Tiverton Police Pension Plan.
- 9.) Preparing an annual department budget to be submitted in accordance with Section 301(a) of this Charter.
- 10.) Utilizing appropriate resources including outside professional expertise in serving as a financial advisor to the Town Council, Town Administrator, School Committee or any other department, board or commission, ~~including the Waste Water Commission and Housing Authority,~~ of Town government when they are considering an expenditure or financial transaction exceeding \$500,000.00. Collective bargaining agreements and requests submitted to the Budget Committee are excluded from this provision.
- 11.) Providing advice and recommendations in the negotiations of the AFSCME contract.
- 12.) Releasing to the parties legally entitled to redeem the same, real estate conveyed to the Town by the Collector of Taxes, upon payment to the Town of taxes, penalties and expenses thereto, and selling other parcels on which the period of redemption has expired.
- 13.) Borrowing, if necessary, in the name and on the credit of the Town, such sums of money as may be required for transacting the obligations incurred by duly approved appropriations, such sums of money not to exceed, in the aggregate, the sum of \$500,000.00, provided that Town Council approval is granted prior to said borrowing.

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This amendment shall take effect upon passage.

Charter Question 9

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE X BOARDS AND COMMISSIONS SECTION 1011 - General Qualifications

Members of Boards, Committees or Commissions must be electors of the Town of Tiverton. No members of Boards or Commissions as listed in this Charter shall be elected officials ~~or employees~~ of the Town of Tiverton, RI except as provided in Section 1213. Employees of the Town of Tiverton who are electors of the Town of Tiverton may be appointed to Town Boards, Committees or Commissions, other than the Planning Board and Zoning Board, provided that the appointing authority determines that employee's service on the Board, Committee or Commission would not present a conflict of interest.

Charter Question 10

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE III FINANCIAL TOWN REFERENDUM SECTION 311 - Casino Gaming Revenue

Pursuant to an ordinance, resolution, or plan adopted by the Town Council, any Casino Gaming Revenue received by the Town of Tiverton may be used for debt service, capital development, or infrastructure, but shall not be used in the operating budget of the Town.

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This amendment shall take effect on July 1, 2019

Charter Question 11

Pursuant to Article XIII, section 8, of the Constitution of the State of Rhode Island and Providence Plantations, the Tiverton Town Council hereby proposes the following amendment to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton

ARTICLE III FINANCIAL TOWN REFERENDUM SECTION 301 - Budget, Tax Levy, and Resolution Adoption Process

(a) Schedule.

- 1.) Initial Budget Workshop: The Budget Committee, Town Council, and School Committee shall participate in an initial budget workshop no later than January 15.
- 2.) ~~Town Administrator: Prepare and submit preliminary Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Budget Committee and Town Council no later than January 15.~~ Preliminary Municipal, School, Treasurer and Town Clerk budget requests shall be submitted to the Budget Committee no later than January 31.
- 3.) ~~Town Clerk: Prepare and submit preliminary Town Clerk budget request to the Budget Committee no later than January 15.~~
- 4.) ~~Town Treasurer: Prepare and submit preliminary Town Treasurer budget request to the Budget Committee no later than January 15.~~
- 5.) ~~School Committee: Prepare and submit preliminary School Department budget request to the Budget Committee no later than January 15.~~
- 6.) ~~Town Council: Approve and submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 73 days prior to the Financial Town Referendum.~~
- 7.) ~~Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 73 days prior to the Financial Town Referendum.~~
- 8.) Town Administrator: Submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates, as approved by the Town Council, to the Budget Committee no later than 63 days prior to the Financial Town Referendum.

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4.) The Town Clerk, Treasurer and School Committee shall submit final budget requests to the Budget Committee no later than 63 days prior to the Financial Town referendum.

~~9.) Town Clerk: Submit the final Town Clerk budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.~~

~~10.) Town Treasurer: Submit the final Town Treasurer budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.~~

~~11.) School Committee: Approve and submit the final School Department budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.~~

125.) Budget Committee: Shall hold at least one public hearing, and approve and submit the Budget Committee Docket, which includes Budget Proposal and Resolutions, to the Town Clerk no later than 44 days prior to the Financial Town Referendum.

136.) Town Council and/or School Committee: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.

~~14.) Town Council: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.~~

~~157.) Town Clerk: Budget Proposal elector petitions made available no later than 35~~43~~ days prior to the Financial Town Referendum.~~

~~168.) Electors: Budget and Resolution elector petitions due to the Town Clerk no later than 28 days prior to the Financial Town Referendum.~~

~~179.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Financial Town Referendum.~~

~~1810.) Town Clerk: The Financial Town Hearing shall occur no later than 14 days prior to the Financial Town Referendum.~~

~~1911.) Financial Town Referendum: The Financial Town Referendum shall occur on the third Saturday in May.~~

~~2012.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur 14 days after the Financial Town Referendum.~~

(b). Budget Committee Process

Charter Question 11

- 1.) The budget committee shall review municipal operating and capital expenditures and may vote to approve, increase or decrease any request item excluding debt service or expenditures governed by contracts. The budget committee may vote to include a new operating expense in any departmental budget.
- 2.) In reviewing the school budget request, the budget committee may vote only to approve, increase or decrease the total annual appropriation for the school budget.
- 3.) The budget committee may review non-property tax revenue estimates as provided by the town administrator but shall not alter said estimates without the consent of the town council excepting to propose an alternative withdrawal amount from the general fund.

(bc) Ballot. The Financial Town Referendum ballot shall be approved by the Board of Canvassers.

- 1.) Budget Proposals: Pursuant to Section 301(c), Budget Proposals shall appear on said ballot and shall include:
 - A. The dollar amount to appropriate for the School Department budget,
 - B. The dollar amount to appropriate for the Municipal budget ~~(including the Town Clerk and Town Treasurer),~~
 - C. The dollar amount to raise by taxation ~~including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property,~~ and resulting Total Property tax levies,
 - D. The percentage increase or decrease to the prior year's certified Net Tax Levy, and
 - E. If necessary, the dollar amount of the Total Property Tax Levy that is in excess of the maximum levy as calculated in accordance with G.L. 44-5-2(b).
 - F. Elector budget proposals shall include A. through E. and additionally a line item list with the budget docket item(s), the elector budget amount and the budget committee proposed amount. In the event that an elector budget includes more than ten (10) line items, a summarized list by department shall be substituted.

Electors shall be instructed to "Vote For Only One of the following Budget Proposals".

- 2.) Resolutions: Pursuant to Section 301(c), a resolution or ballot question may be included on said ballot, provided that if adopted it shall not alter the ballot entries of Section 301(bc)1.)A. through E. Electors shall be instructed to "Approve or Reject" resolution(s).

(ed) Access to Ballot.

Charter Question 11

- 1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(~~bc~~1.). Resolutions submitted by the Budget Committee shall appear on the ballot.
- 2.) At the request of either the Town Council or School Committee or both, an Optional Budget Proposal shall appear on the ballot in accordance with Section 301(~~bc~~1.). ~~At the discretion of the Town Council, said Optional Budget Proposal shall include the Budget Committee recommended municipal budget or the municipal budget request. At the discretion of the School Committee, said Optional Budget Proposal shall include the Budget Committee recommended school budget or the school budget request. The dollar amount used for non property tax revenue (excluding education aid) in the determination of the Total Property tax levy of Section 301(~~bc~~1.)C. shall be at the discretion of the Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301(~~bc~~1.)C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301(~~bc~~1.)C. shall be at the discretion of the Town Council.~~ The Optional Budget Proposal shall include the optional budget proposal(s) from the Town Council and/or the School Committee. Should only the Town Council put forth an optional budget proposal, the Budget Committee recommended school budget shall be included. Should only the School Committee put forth an optional budget proposal, the Budget Committee recommended municipal budget shall be included. In calculating ballot entry amounts of Section 301(c)1. A. through E., the optional budget proposal shall use non-property tax revenue estimates identical to those in the Budget Committee Docket excepting to propose an alternative withdrawal amount from the general fund. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.
- 3.) Qualified Elector Budget Proposals in accordance with Section 301(~~bc~~ 1.) submitted by elector petition in accordance with Section 301(~~de~~) shall appear on the ballot in an order determined by a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301(~~de~~) shall appear on the ballot.

(~~de~~) Petitions.

- 1.) Elector Budget Proposals: Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. Referendum so as to reconsider items for expenditure in either the operating budget or the capital budget or to consider the insertion of a new item or items in the operating or capital budget.

Elector budget proposals may reconsider the appropriation for any department or purpose except any expenditure for debt service or expenditures governed by

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contract. Elector budget proposals may only address the total annual appropriation for the school department.

In calculating ballot entry amounts of Section 301(c)1. A. through E., the petitioner shall use non property tax revenue estimates identical to those in the Budget Committee Docket excepting to propose an alternative withdrawal amount from the general fund.

No later than ~~35~~⁴³ days before the Financial Town Referendum the Town Clerk shall make petition forms available which include fields for the name of the elector who is the petition originator and the ballot entry amounts of Section 301(~~b~~^c)1.A through ~~E~~^F. It shall be the sole responsibility of the petitioner to provide accurate and correct information in writing to the town clerk. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of the petition. The petition originator shall provide and the Town Clerk shall record either (1) the specific docket line item(s) to be increased, decreased, or created, the elector budget requested amount and the budget committee proposal amount. ~~or (2) a statement to remand the docket to the Budget Committee for final determination of docket line item(s) in accordance with said petition originator's budget proposal.~~ Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may sign. ~~Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory.~~ Nothing in this charter shall prevent an elected official or appointed member of any board committee or commission other than the Town Council, School Committee or Budget Committee from being a petition originator. No member of the Town Council, School Committee, Budget Committee, in his or her individual capacity, shall be an elector petition originator. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from circulating a petition or being a signatory to a petition. An elector may originate no more than one Budget Proposal petition.

- 2.) Elector Resolutions: No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301(b)2.) be included on the ballot for the Financial Town Referendum. It shall be the sole responsibility of the petitioner to provide the exact language of said resolution in writing to the Town Clerk.
- 3.) Qualification of Petitions: All elector budget proposals and resolutions shall be subject to review by the town solicitor for consistency with applicable state law

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[and Tiverton Town Charter](#). The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by ~~50~~200 qualified elector signatures [and meet legal review](#).

(e) Financial Town Hearing.

- 1.) Purpose: The ballot pursuant to Section 301(b) as it will be presented at the Financial Town Referendum shall be provided for electors to review and equitably debate all budget proposals and resolutions.
- 2.) Notice: The agenda notice for the Financial Town Hearing shall comprise the Budget Committee recommendation and other qualified budget proposals as they will appear on the ballot for the Financial Town Referendum.
- 3.) Time: The Town Clerk shall schedule the Financial Town Hearing to be no later than fourteen (14) days prior to the Financial Town Referendum.
- 4.) Agenda: The Town Clerk shall set, introduce speakers in accordance with, and equitably facilitate the Financial Town Hearing agenda. The agenda shall include, at a minimum, a line item for the presentation of the Docket by the Budget Committee or representatives thereof, line item(s), if any, for the presentation of additional Budget Proposal(s), and line item(s), if any, for Resolution(s).
- 5.) Attendance: The Financial Town Hearing shall, at a minimum, be attended by representatives from the Town Council, Budget Committee, and School Committee. Attendance by Budget Proposal and or Resolution Petition Originators or representatives thereof shall be optional at his or her discretion.

(f) Financial Town Referendum.

- 1.) Purpose: The Financial Town Referendum may order any tax which lawfully may be ordered, make appropriations, and transact any other business pertaining to the affairs of the Town which may legally come before such referendum via Budget Proposals and Resolutions.
- 2.) Notice: No less than ten (10) days prior to the Financial Town Referendum, the Town Council President shall cause the referendum to be noticed pursuant to RI General Laws.

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- 3.) Time: The Financial Town Referendum shall be held on the third Tuesday in May and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
- 4.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum including a process for absentee ballots.
- 5.) Ballot: Electors shall vote on the ballot in accordance with Section 301(~~b~~c) presented at the Financial Town Hearing.
- 6.) Budget Proposals: The Budget Proposal receiving a majority of votes cast shall be adopted.
- 7.) Resolutions: Resolutions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting resolutions, the resolution receiving the most approvals shall be adopted.

(~~g~~h) Financial Town Referendum Runoff.

- 1.) Purpose: The Financial Town Referendum Runoff will ensure that a Budget Proposal is adopted by a majority of voters.
- 2.) Applicability: The Financial Town Referendum Runoff shall occur only if no Budget Proposal at the Financial Town Referendum receives a majority of votes.
- 3.) Notice: The Financial Town Referendum Runoff shall be noticed with the Financial Town Referendum pursuant to RI General Laws.
- 4.) Time: The Financial Town Referendum Runoff shall be held fourteen days after the Financial Town Referendum and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
- 5.) Jurisdiction: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum Runoff including a process for absentee ballots.
- 6.) Ballot: The ballot shall comprise the two Budget Proposals receiving the highest number of votes in the Financial Town Referendum. Electors shall be instructed to "Vote For Only One of the following Budget Proposals".
- 7.) Budget Proposals: The Budget Proposal receiving the most votes shall be adopted.