

**PROPOSED AMENDMENTS TO THE BARRINGTON HOME RULE CHARTER
NOVEMBER 4, 2014
LOCAL BALLOT QUESTIONS
QUESTIONS 8 – 47**

(Resolution of the Barrington Town Council, June 30, 2014)

**Question # 8 PENALTY FOR ORDINANCE VIOLATIONS
(Amends Sections 1-3-1 and 2-1-6)**

Ballot Question: Shall the maximum period of imprisonment for ordinance violators be changed from one (1) year to thirty (30) days?

Charter Language: Sec. 1-3-1. Powers Granted Town.
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) and by imprisonment for a period not exceeding ~~one (1) year~~ thirty (30) days for any one offense.

Sec. 2-1-6. Powers.
[The Council shall have the power to] provide reasonable penalties for the violation of any ordinance not to exceed imprisonment for ~~one (1) year~~ thirty (30) days and a fine of Five Hundred (\$500.00) Dollars.

Explanation: This proposal would allow the Town to punish ordinance violators by imprisonment for a period not exceeding thirty (30) days, the maximum period allowed under state law.

Question # 9

**EFFECT OF STATE LAW
(Deletes Section 1-3-11)**

Ballot Question: Shall the reference to the effect of state law be deleted?

Charter Language: ~~Sec. 1-3-11. Effect of State Law.
The laws of the State not inconsistent with this Charter, except those superseded by or declared inoperative by ordinance or resolution of the Council, shall have the force and effect of ordinances of the Town.~~

Explanation: This proposal would delete a provision giving state law the force and effect of Town ordinances.

Question # 10

**RHODE ISLAND CODE OF ETHICS
(Amends Sec. 1-4-1, 1-4-2)**

Ballot Question: Shall the Charter incorporate the Rhode Island Code of Ethics?

Charter Language: Sec. 1-4-1. Applicability of State Code of Ethics.
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.
~~All elected officials of the Town of Barrington, all officials appointed under the terms of this Charter by the Town Council or by the Town Manager, and all full-time and part-time employees of the Town of Barrington or any quasi-public municipal board, commission or corporation thereof, shall be subject to the Code of Ethics of the state as amended from time to time, *Editor's Note: See R.I.G.L. § 36-14-1 et seq.* and to the jurisdiction of the Rhode Island Ethics Commission.~~

Sec. 1-4-2. Declaration of Policy and Purpose.

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. ~~In recognition of these goals, there is hereby established a Code of Ethics for all elected officials, appointed officials and employees appointed by the Town Council, Town Manager, independent boards or commissions or duly appointed in accordance with the provisions of this Charter. The purpose of this code is to establish ethical standards of conduct for all such officials and employees by setting forth these acts or actions that are incompatible with the best interest of the Town.~~

Explanation: This proposal would clarify that Town officials and employees are subject to the Rhode Island Code of Ethics.

Question # 11

**QUALIFIED ELECTORS
(Amends Sections 2-1-1 and 2-1-2)**

Ballot Question: Shall references to electors and qualified electors be replaced with references to registered voters?

Charter Language: Sec. 2-1-1. Number, Selection, Term.
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, 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).

Sec. 2-1-2. Qualifications.

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 tenure on the Council.

Explanation: This proposal would define the electors (also known as qualified electors) of the Town as its registered voters. It would also replace the terms 'elector' and 'qualified elector' with the term 'registered voter' throughout the Charter.

Question # 12

**COMPENSATION FOR TOWN COUNCIL MEMBERS
(Amends Section 2-1-4)**

Ballot Question: Shall the Committee on Appropriations recommend compensation for Town Council members to the voters at the Financial Town Meeting?

Charter Language: Sec. 2-1-4. Compensation.
Members of the Council shall receive such annual compensation as shall from time to time be fixed by the Financial Town Meeting. The Committee on Appropriations shall recommend compensation for Town Council members to the voters at 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.

Explanation: This proposal would require the Committee on Appropriations to recommend compensation for Town Council members to the voters at the Financial Town Meeting.

Question # 13

**INTERIM TOWN MANAGER
(Amends Sections 2-1-6(j) and 3-1-4)**

Ballot Question: Shall the time period before which the Town Council or the Town Manager may designate an interim Town Manager to serve if the Town Manager is absent or unable to perform his or her duties be decreased from thirty-five (35) to twenty-one (21) days?

Charter Language: Sec. 2-1-6. Powers.
... [T]he 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:

...

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) ~~thirty five (35)~~ 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.

Sec. 3-1-4. Temporary Absence or Disability.
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) ~~thirty five (35)~~ days.

Explanation: This proposal would shorten the time period before which the Town Council or the Town Manager may designate an interim Town Manager to serve if the Town Manager is absent or unable to perform his or her duties from thirty-five (35) to twenty-one (21) days.

Question # 14

**TOWN COUNCIL MEETINGS
(Amends Section 2-1-9)**

Ballot Question: Shall the Town Council be required to meet nine (9) times annually rather than once per month?

Charter Language: Sec. 2-1-9. Meetings.
The first meeting of a newly elected Council shall be held at 7:00 p.m. ~~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 hold at least nine (9) regular meetings in every year at such time and place within the Town that the Council shall fix and determine ~~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.

Explanation: This proposal would require the Town Council to meet nine (9) times per year rather than once per month. It would also change the hour at which a newly-elected Council must begin its first meeting from 8 p.m. to 7 p.m.

Question # 15

**ELECTRONIC POSTING OF DOCUMENTS
(Amends Sections 2-2-1, 6-4-6, 7-1-3, and 7-1-4)**

Ballot Question: Shall the Town Clerk be required to post electronic copies of proposed ordinances, the proposed budget, and certain other documents on the Town website?

Charter Language: Sec. 2-2-1. Passage of Ordinances.
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.

Sec. 6-4-6. Recommended Town Budget and Financial Town Meeting.

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 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.

Sec. 7-1-3. Notice of Meetings.

The Town Clerk shall cause the registered voters ~~electors~~ of the Town to be notified of every Town Meeting which shall be legally called. The notice to the registered voters ~~electors~~ to meet in a Town Meeting prescribed by law shall be given by the Town Clerk issuing ~~this~~ 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.

Sec. 7-1-4. Notice of Meeting to Dispose of Land or Make Tax. 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 warning 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 WARNING FOR TOWN MEETING
STATE OF RHODE ISLAND 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 ~~and warning~~ the registered voters ~~electors~~ 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. ~~seven (7) o'clock in the afternoon~~ 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.

Explanation:

This proposal would require the Town Clerk to post electronic copies of proposed ordinances and the proposed budget on the Town's website. It would also require electronic posting of all notices of meetings concerning the disposal of land or making of taxes.

Question # 16

**EXPLANATION OF PROPOSED ORDINANCES
(Amends Section 2-2-2)**

Ballot Question: Shall each ordinance other than an emergency ordinance be explained at the meeting at which it is introduced?

Charter Language: Sec. 2-2-2. Public Hearings.
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.

Explanation: This proposal would require each ordinance, other than an emergency ordinance, to also be explained as well as read and discussed at the meeting at which it is introduced.

Question # 17

**TOWN MANAGER – RESIDENCY REQUIREMENT
(Amends Section 3-1-1)**

Ballot Question:

Shall the Town Council be permitted to waive the residency requirement for the Town Manager?

Charter Language:

Sec. 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, unless said residency requirement is waived by the Council.

Explanation:

This proposal would permit the Council to waive the residency requirement for the Town Manager.

Question # 18

POSTING OF BONDS

(Deletes Section 5-1-4; Deletes Subsection 6-1-4(i); Deletes Sections 10-1-10 and 16-2-7)

Ballot Question: Shall certain Town officials no longer be required to post bonds due to insurance coverage?

Charter Language: ~~Sec. 5-1-4. Bonds.
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.~~

~~Sec. 6-1-4. Duties and Powers.~~

~~The Finance Director or his/her designee shall:~~

~~...~~

~~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.~~

~~...~~

~~Sec. 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.~~

~~Sec. 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.~~

Explanation: This proposal would eliminate the bond posting requirement for the Town Clerk, Deputy Town Clerk, Finance Director, and Chief of Police, as the Town provides insurance for these officials. It would also eliminate a provision allowing the Council to require other Town officials to post bonds.

Question # 19

**APPROVAL OF SCHOOL COMMITTEE BUDGETS AND REVISIONS
(Amends Section 6-2-2)**

Ballot Question: Shall the Town Manager no longer be required to automatically approve the School Committee's budgets and revisions?

Charter Language: Section 6-2-2. Department Budgets.
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 ~~not inconsistent~~ 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, ~~other than the budgets of the school department,~~ in a manner ~~not inconsistent~~ 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. ~~Budgets and revisions thereto submitted by the School Committee shall be automatically approved by the Town Manager, or treated as approved, if the aggregate thereof does not exceed the total appropriation available to the school department for the budget year.~~

Explanation: Under this proposal, the Town Manager would no longer be required to automatically approve the School Committee's budgets and revisions.

Question # 20

**REALLOCATION OF UNEXPENDED BALANCES
(Amends Section 6-2-3)**

Ballot Question: Shall the Town Council be permitted to reallocate unexpended balances to different line items within the budget?

Charter Language: Sec. 6-2-3. Budget Control.
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.

Explanation: This proposal would allow the Town Council, on the recommendation of the Town Manager, to reallocate any projected surplus unexpended balance of any office, department, or agency to another office, department, or agency with a projected shortfall.

Question # 21

**APPROPRIATIONS
(Amends Section 6-2-5)**

Ballot Question:

Shall funds from the current year's appropriations which are deposited into a capital reserve account be considered an expenditure of the general fund within that fiscal year?

Charter Language:

Sec. 6-2-5. Capital Reserve Accounts.

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 warned 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.

Explanation:

This proposal would clarify that funds from the current year's appropriations which are deposited into a capital reserve account shall be considered an expenditure of the general fund within that fiscal year.

Question # 22

**PROPOSED BUDGET
(Amends Section 6-4-2)**

Ballot Question: Shall the Town Manager no longer be required to include certain figures submitted by the School Committee in his or her budget proposal to the Town Council and Committee on Appropriations?

Charter Language: Sec. 6-4-2. ~~Proposed~~ Municipal 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.~~

Explanation: Under this proposal, the Town Manager would no longer be required to include the gross school revenues and expenditures as submitted by the School Committee in his or her budget proposal to the Town Council and Committee on Appropriations. The School budget would be transmitted by the School Committee to the Committee on Appropriations.

Question # 23

**SCHOOL COMMITTEE – DEADLINE FOR PROPOSED BUDGET
(Amends Section 6-4-4)**

Ballot Question: Shall the deadline for the School Committee to submit its proposed budget be changed from the second Thursday in March to the first Monday in March?

Charter Language: Sec. 6-4-4. School Committee Budget.
The School Committee shall submit to the Committee on Appropriations, not later than the first Monday ~~second Thursday~~ 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.

Explanation: This proposal would change the deadline for the School Committee to submit its proposed budget to the Committee on Appropriations from the second Thursday in March to the first Monday in March.

Question # 24

**FINANCIAL TOWN MEETING – QUORUM
(Amends Section 7-1-6)**

Ballot Question: Shall the number of voters required for a quorum at a Financial Town Meeting be increased from thirty-five (35) to one hundred (100)?

Charter Language: Sec. 7-1-6. Quorum.
~~Thirty five (35)~~ One hundred (100) registered voters at least shall be necessary to constitute a Town Meeting.

Explanation: This proposal would increase the number of voters required for a quorum at a Financial Town Meeting from thirty-five (35) to one hundred (100).

Question # 25

**TOWN MODERATOR
(Amends Section 7-1-8)**

Ballot Question: Shall the duties of the Town Moderator be enunciated more clearly?

Charter Language: Sec. 7-1-8. Duties of Moderator.
The Moderator shall preside in In all meetings of the ~~electors or voters~~ registered voters in the Town ~~the Moderator of such meeting shall preside.~~ Every 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.

Explanation: This proposal is a technical amendment which would not change the duties of the Town Moderator, but rather would state those duties more clearly.

Question # 26

**FINANCIAL TOWN MEETING – DISORDERLY CONDUCT
(Amends Section 7-1-9)**

Ballot Question: Shall the maximum fine for disorderly conduct at a Financial Town Meeting be increased from twenty dollars (\$20.00) to one hundred dollars (\$100)?

Charter Language: Sec. 7-1-9. Disorderly Conduct at Meeting.
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 ~~twenty~~ dollars (~~\$20~~100.00).

Explanation: This proposal would increase the maximum fine for disorderly conduct at a Financial Town Meeting from twenty dollars (\$20.00) to one hundred dollars (\$100.00).

Question # 27

**FINANCIAL TOWN MEETING – MAJORITY REQUIRED FOR ACTION
(Amends Section 7-1-11)**

Ballot Question:

Shall a majority be required for action at Financial Town Meetings, except where otherwise provided in the Charter?

Charter Language:

Sec. 7-1-11. Majority Required for Action.

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

Explanation:

This proposal would harmonize an existing provision requiring a majority vote for action at a Financial Town Meeting with other Charter provisions.

Question # 28

**FINANCIAL TOWN MEETING – MOTIONS TO MODIFY
APPROPRIATIONS
(Amends Section 7-1-15)**

Ballot Question: Shall motions to increase or decrease appropriations at a Financial Town Meeting be limited to \$50,000 or twenty percent (20%) of a particular line item, whichever is less?

Charter Language: Sec. 7-1-15. Limitations on Motions for Appropriations. No motion to consider an appropriation in excess of \$25,000-~~save~~ 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 qualified elector 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.

Explanation: This proposal would rule out of order certain motions to increase or decrease appropriations at a Financial Town Meeting. Specifically, it would provide that motions to increase or decrease appropriations by more than \$50,000, or twenty percent (20%) of a particular line item, whichever is less, shall not be in order for consideration unless the person making the motion filed a copy thereof with the Town Clerk at least five (5) business days prior to the date of the meeting.

Question # 29

**COMMITTEE ON APPROPRIATIONS – NOMINATION AND ELECTION
(Amends Section 7-2-3)**

Ballot Question: Shall the procedure for nomination and election of members to the Committee on Appropriations be clarified and provide for staggered two-year terms?

Charter Language: Sec. 7-2-3. Election.
Any number of nominations to the Committee can be made at the meeting, ~~and a vote of a majority of the qualified electors present at the time of each vote shall be necessary for election to the Committee.~~ 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.

Explanation: This proposal would clarify the procedure for nomination and election of members to the Committee on Appropriations and provide for staggered two-year terms.

Question # 30

**COMMITTEE ON APPROPRIATIONS – SUBMISSION OF
APPROVED BUDGET
(Amends Section 7-2-7)**

Ballot Question:

Shall the Committee on Appropriations be required to submit the approved detailed budget to certain town officials after the annual Financial Town Meeting?

Charter Language:

Sec. 7-2-7. Certification of Detailed Budget.

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.

Explanation:

This proposal would clarify that the Committee on Appropriations must certify the approved detailed budget to certain Town officials after the annual Financial Town Meeting.

Question # 31

**DEPARTMENT OF PUBLIC WORKS
(Amends Sections 8-1-2 and 8-2-1)**

Ballot Question: Shall certain powers and duties be transferred from the Department of Public Works to the Building Official and Building Inspector?

Charter Language: Sec. 8-1-2. Powers and Duties.
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, ~~charts and water supply system~~, 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; ~~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, and~~ for such other functions as may be delegated to the department by the Town Manager.

Sec. 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.

Explanation: This proposal would allow the Town Manager to appoint a Building Official. It would also transfer certain powers and duties from the Department of Public Works to the Building Official and Building Inspector. Additionally, it would no longer require the Department of Public Words to be responsible for the water supply system, which is maintained by the Bristol County Water Authority.

Question # 32

**SCHOOL COMMITTEE – SALARIES OF MEMBERS
(Amends Section 9-1-4)**

Ballot Question: Shall members of the School Committee receive annual salaries as approved by the Financial Town Meeting?

Charter Language: Sec. 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.~~
Members of the School Committee shall receive such annual compensation as shall from time to time be fixed by the Financial Town Meeting. The Committee on Appropriations shall recommend compensation for School Committee members to the voters at that Financial Town Meeting. The Chair of the School Committee shall receive such additional annual compensation as shall from time to time be fixed by the Financial Town Meeting.

Explanation: This proposal would require School Committee members to be compensated as approved by the Financial Town Meeting. It would also require the Chair of the School Committee to receive additional compensation as approved by the Financial Town Meeting.

Question # 33
(

SCHOOL COMMITTEE – MEETINGS
Amends Section 9-2-3)

Ballot Question: Shall School Committee meetings, except where in executive session, be open and accessible to the public?

Charter Language: Sec. 9-2-3. Regular Meetings of Committee.
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 ~~by general order~~ fix and determine. Meetings of the School Committee, except where in executive session, shall be open and accessible to the public.

Explanation: This proposal would require meetings of the School Committee, except where in executive session, to be open and accessible to the public, in accordance with the Rhode Island Open Meetings Act. It would also delete language which requires the School Committee to issue a general order for its meeting notices.

Question # 34

**SCHOOL COMMITTEE – PERFORMANCE REVIEW OF SUPERINTENDENT
(Amends Section 9-2-4)**

Ballot Question: Shall the deadline for the School Committee to complete an annual performance review of the Superintendent of Schools be changed from March 1 to July 1?

Charter Language: Sec. 9-2-4. Appointment of Superintendent.
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 ~~March~~ July 1.

Explanation: This proposal would extend the deadline for the School Committee to conduct an annual performance review of the Superintendent of Schools from March 1 to July 1.

Question # 35

**SCHOOL COMMITTEE – SUBMISSION OF BUDGET
(Amends Section 9-2-8)**

Ballot Question: Shall the School Committee submit its budget directly to the Committee on Appropriations?

Charter Language: Sec. 9-2-8. School Budget.
~~The School Committee shall submit budget estimates in the same manner as other departments.~~ 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.

Explanation: Under this proposal, the School Committee would submit its budget directly to the Committee on Appropriations.

Question # 36

**MAINTENANCE OF SCHOOL PROPERTY
(Amends Section 9-2-9)**

Ballot Question: Shall the cost of maintenance of school buildings, grounds, and motor vehicles be based on the expenses incurred in the prior year?

Charter Language: Sec. 9-2-9. Cooperative Maintenance of School Grounds.
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. ~~determined by agreement between the Town Manager and the Superintendent of Schools.~~

Explanation: This proposal would require the cost of maintenance of school buildings, grounds, and motor vehicles to be based upon the prior year's expenses.

Question # 37

**REDUCTIONS OF POLICE FORCE OR FIRE DEPARTMENT
(Amends Sections 10-1-11 and 10-2-7)**

Ballot Question:

Shall the “last in, first out” rule no longer apply for future reductions of the police force or fire department?

Charter Language:

Sec. 10-1-11. Decrease in Number of Permanent Police Force. 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. ~~In any such case or cases, the Council shall order the removal of the officer or officers having the lowest rank and seniority in service. Any officer so removed shall have precedence in the order of seniority over all other candidates for future appointments to the permanent police department.~~

Sec. 10-2-7. Decrease in Number of Permanent Firefighters. 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. ~~In any such case or cases, the Council shall order the removal of the person or persons having the lowest rank and seniority in service. Any person so removed shall have precedence in the order of seniority over all other candidates for future appointments to the permanent fire department.~~

Explanation:

This proposal would eliminate the “last in, first out” rule in the event that the Town Council is required to remove officers from the police force or fire department.

Question # 38

**EMERGENCY MEDICAL SERVICES
(Amends Section 10-2-1)**

Ballot Question: Shall emergency medical services be specified as among those services provided to the Town's residents?

Charter Language: Sec. 10-2-1. Organization.
The Council shall provide fire protection, emergency medical, and related 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.

Explanation: This proposal would specify that emergency medical services are included among the services provided to Town residents.

Question # 39

**BOARD OF ASSESSMENT REVIEW – MEMBERS
(Amends Section 13-2-1)**

Ballot Question: Shall members of the Board of Assessment Review be appointed without regard to their partisan affiliation?

Charter Language: Sec. 13-2-1. Board of Assessment Review.
There shall be a Board of Assessment Review consisting of three members, ~~no more than two of whom shall be members of the same political party.~~ 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.

Explanation: This proposal would delete a requirement that no more than two members of the Board of Assessment Review be members of the same political party.

Question # 40

**BOARD OF ASSESSMENT REVIEW – POWERS AND DUTIES
(Amends Section 13-2-2)**

Ballot Question: Shall the powers and duties of the Board of Assessment Review be clarified by adding the term “alleged” to erroneous property valuations?

Charter Language: Sec. 13-2-2. Board of Assessment Review – Powers and Duties. 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 ~~is~~ 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.

Explanation: This proposal would clarify that property valuation appeals are alleged to be erroneous until adjudicated by the Board of Assessment Review.

Question # 41

**TOWN SOLICITOR
(Amends Section 14-1-1)**

Ballot Question: Shall the Town Council be required to issue Requests for Proposals for the Town Solicitor at least every five (5) years commencing in January 2015?

Charter Language: Sec. 14-1-1. Town Solicitor.
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.

Explanation: This section would require the Town Council to issue Requests for Proposals for the Town Solicitor at least every five (5) years commencing in January 2015.

Question # 42

**PROBATE COURT – SALARIES FOR JUDGE AND CLERK
(Amends Section 15-1-3)**

Ballot Question: Shall the salaries appropriated at the Annual Financial Town Meeting for the Judge and Clerk of the Probate Court be in lieu of all fees accruing to those officials?

Charter Language: Sec. 15-1-3. Salaries in Lieu of Fees.
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.

Explanation: This proposal is a technical amendment which would correct an error in the original provision.

Question # 43

**COMMISSION OF CEMETERIES AND BURIAL GROUNDS
(Amends Section 16-1-1)**

Ballot Question: Shall the procedures for appointment to the Commission of Cemeteries and Burial Grounds be revised, and shall the Commission be increased from three (3) to five (5) members?

Charter Language: Sec. 16-1-1. Commission in Charge of Cemeteries and Burial Grounds.
Within three (3) months from the adoption of this Charter, as revised in November 2014, At the first meeting of the Council to be held subsequent to the adoption of this Charter, the Town Council shall appoint five (5) residents 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 to serve in staggered terms over five (5) years, 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, subject to the approval of the Town Manager. 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 to 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 by the death or resignation of any commissioner shall be filled by the Council.

Explanation:

This proposal would revise the procedures for appointment to the Commission of Cemeteries and Burial Grounds and would increase the Commission from three (3) to five (5) members. It would also clarify that the Commission's right to select and fix the salaries of employees is subject to the Town Manager's approval.

Question # 44

**ACCESS TO PUBLIC RECORDS
(Amends Section 16-2-2)**

Ballot Question: Shall the Charter explicitly reference the Rhode Island Access to Public Records Act?

Charter Language: Sec. 16-2-2. Public Records.
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 Act, 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.

Explanation: Under this proposal, the Charter would explicitly refer to the Rhode Island Access to Public Records Act.

Question # 45

**OFFICERS PERSONALLY INTERESTED IN TOWN CONTRACTS
(Deletes Section 16-2-4)**

Ballot Question:

Shall the reference to prohibiting officers and employees from making or profiting from contracts with the Town be stricken as redundant with the Rhode Island Code of Ethics?

Charter Language:

~~Sec. 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.~~

~~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.~~

Explanation:

This proposal would eliminate a provision regarding officers personally interested in contracts with the Town, as the Rhode Island Code of Ethics governs conflicts of interest.

Question # 46

**CHARTER AMENDMENTS – EFFECTIVE DATE
(Amends Section 17-1-1)**

Ballot Question: Shall amendments to this Charter become effective upon approval?

Charter Language: Sec. 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 ~~electors~~ registered voters, and validating of election procedures by the General Assembly. ~~For all other purposes, this Charter shall be in effect from and after its approval by the electors, 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 approved at the special election held on May 1, 1973, shall become effective on March 1, 1974.~~ Amendments to this Charter shall become effective upon approval.

Explanation: Under this proposal, amendments to this Charter shall become effective upon approval.

Question # 47

**TECHNICAL AMENDMENTS
(Amends various sections)**

Ballot Question: Shall various grammatical errors and archaic language throughout the Charter be corrected and updated, and shall statutory and other references be added as necessary?

Charter Language: [various sections to be amended]

Explanation: This proposal is a technical amendment which would update archaic language and correct various grammatical errors throughout the Charter. It would also authorize the addition of statutory and other helpful references.