

PART I
CHARTER AND RELATED LAWS

Subpart A

CHARTER*

* **Editors Note:** Printed herein is the Charter of the town, as adopted by referendum on November 5, 1974. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law References: Home rule powers, Const. Art. XXVIII; general powers, G.L. 1956, § 45-2-1 et seq.

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PREAMBLE

The people of the town of Jamestown, in order to secure the right of self-government in all local matters, pursuant to the provisions of the constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this charter.

State Law References: Home rule powers, Const. Art. XXVIII; general powers, G.L. 1956, § 45-2-1 et seq.

ARTICLE 1.

BASIC PROVISIONS

Sec. 101. Inhabitants incorporated as town with powers and duties of a town.

The inhabitants of the town of Jamestown, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of Jamestown," and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent upon or appertaining to said town as a municipal corporation, or by virtue of the laws of this state so far as the same shall not be altered by this charter or amendments hereof. The enumeration of particular powers by this charter shall not be deemed to be exclusive; and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may

exercise all powers which, under the constitution of this state, it would be competent for this charter specifically to enumerate.

Sec. 102. Intergovernmental agreements.

The town may enter into contracts, cooperative or reciprocal agreements with the federal government, with the state, or with any political subdivision or agency thereof, for the performance of any service, the use of any facilities, for the combination of services and/or functions, and for the financing thereof.

Sec. 103. Form of government.

Pursuant to the provisions of this charter and subject only to the limitations imposed by the state constitution and by this charter, all powers of the town shall be vested in an elected town council, which shall enact local legislation, and in a town administrator appointed by the town council in the manner provided below, who shall be responsible to the town council for the execution of the laws and the administration of the town government.

Sec. 104. Gender and plurality references.

All additions and amendments to this Charter shall be in gender neutral and possessive neutral language. (Amend. of 11-3-92, § I; Amend. of 11-5-2002, § I)

Sec. 105. Conflict of interest and ethics.

All elected and appointed officials and employees of the Town of Jamestown, as the same are defined in State Law, shall be subject to and comply with the Code of Ethics legislation of the State as set forth in Title 36, Chapter 14 of the Rhode Island General Laws, and the regulations, rules and opinions promulgated by the Rhode Island Ethics Commission, as the same may be amended from time to time. (Amend. of 11-5-2002, § I)

ARTICLE II.

THE TOWN COUNCIL

Sec. 201. Number, selection, term.

The town council shall consist of five (5) members elected from the town at large, each to serve for a term of two (2) years or until a successor is elected and qualified. The regular election of council members shall be held on the first Wednesday of June 2005 and then to the Tuesday following the first Monday of November in odd-numbered years, beginning November 2007. The names of all candidates for town council who shall have qualified to appear on the ballot shall be listed under their respective party designations (in the order determined by the board of canvassers by the drawing of lots). Each elector shall vote for no more than five (5) candidates for town council, and the five (5) receiving the greatest number of votes shall be declared elected. (Amend. of 11-5-2002, § II; Amend. of 11-2-2004)

Sec. 202. Qualifications and eligibility.

Members of the town council shall be qualified electors and residents of the town of Jamestown and shall hold no other public office or employment in the service of the town. No member of the town council shall be eligible to accept any other local town office while serving on the town council or a paid appointive local town office for a period of one year thereafter. The office of any serving, town council member who shall cease to meet the foregoing qualifications, shall be deemed vacant.
(Amend. of 11-5-2002, § II)

Sec. 203. Compensation.

The president of the town council and the members shall receive such annual compensation, as the financial town meeting shall appropriate.

Sec. 204. Council president.

The town council shall elect one of its members as its president at its first meeting as defined in section 205, or at its first meeting following the occurrence of a vacancy. The president shall preside at all meetings, and shall be recognized as head of the town government for all ceremonial purposes, and by the governor for purposes of military law. The president shall have the same right to speak and vote as any other member.
(Amend. of 11-5-2002, § II)

Sec. 205. Meetings.

The first meeting of a newly elected town council shall be held on the first Monday following the certification of election of a majority of its members by the canvassing authority. The town clerk shall preside until the selection of a town council president. The town council shall determine the time and place of its regular meetings, but it must meet at least once each month. Three (3) members of the town council shall constitute a quorum.

Sec. 206. Special meetings.

The president or a majority of the town council may call a special meeting, but only by unanimous consent may the town council meet sooner than forty-eight (48) hours after each member has been notified of a special meeting. Any member may waive the requirement of notice of a special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting.

Sec. 207. Proceedings.

The town council shall adopt and promulgate rules and regulations regarding the conduct of its meetings, but all votes shall be public. The town council may meet in executive session in accordance with Rhode Island General Laws Title 42, Chapter 46 (Open Meetings).
(Amend. of 11-3-92, § II; Amend. of 11-5-2002, § II)

Sec. 208. General powers and duties.

All powers of the town shall be vested in the town council except as otherwise provided by this charter

or by the constitution and laws of the state. The town council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Sec. 209. Conflict of interest.

Refer to Sec. 105 Conflict of Interest and Ethics
(Amend. of 11-5-2002, § II)

Sec. 210. Interference with administration.

Except for the purpose of inquiries and/or investigations under section 211, the town council or its members shall not direct, either publicly or privately employees subject to the direction and supervision of the town administrator.
(Amend. of 11-5-2002, § II)

Sec. 211. Investigations.

The town council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

Sec. 212. Vacancies.

Vacancies shall be said to exist when any member ceases to meet the qualifications established in section 202. If such a vacancy occurs in the membership of the town council, the remaining members of the town council shall appoint the next highest vote getter to fill the vacancy until the next regularly scheduled biennial election.
(Amend. of 11-3-92, § III)

Sec. 213. Judge of qualifications.

The town council shall be the judge of the qualifications of its members and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence.

Sec. 214. Ordinances.

The town council shall have the power to enact, amend or repeal ordinances for the preservation of the public peace, health, safety, comfort and welfare, and for the protection of persons and property; to provide reasonable penalties for the violation of any ordinance; and to exercise all additional powers, consistent and in accordance with the charter and the laws and constitution of the state, which have been or may hereafter be granted to the town council by the charter or to the town by the laws and constitution of the state.

State Law References: Ordinances, G.L. 1956, § 45-6-1 et seq.

Sec. 215. Form of ordinance.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause

shall be "The Town of Jamestown hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.

Sec. 216. Procedure for adopting ordinance.

An ordinance or amendment to [an] existing ordinance may be introduced by any member at any regular or special meeting of the town council. Upon introduction of any ordinance or amendment to an existing ordinance, the town clerk shall distribute a copy to each town council member and to the town administrator; shall file a reasonable number of copies in the office of the town clerk and shall publish the ordinance. Following the publication by at least seven (7) days, the town council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the town council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall have sufficient printed copies of the ordinance available at the town hall.

As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the complete ordinance and (2) the places where copies of it have been filed and the times when they are available for public inspection.

Sec. 217. Emergency ordinances.

To meet a public exigency affecting life, health, property or the public peace, the town council may adopt one or more emergency ordinances but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. After its adoption, printed copies of the ordinance shall be made available at the town hall. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 218. Initiative and referendum.

In order to preserve direct participation in government to the voters of Jamestown, there are hereby established procedures whereby they may initiate legislative proposals for consideration by the town council and the voters.

Sec. 219. Initiative procedure.

Any proposed ordinance may be submitted to the town council by a petition signed by qualified electors of the town equal in number to at least ten (10) per cent of the number of persons registered to vote at the time of the last regular town election. Whenever the town council receives a certified initiative petition from the town clerk, it shall proceed at once to consider the proposed ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than thirty (30) days following receipt of the petition from the town clerk. If the town council shall fail to pass an ordinance thus proposed by initiative petition, or shall pass it in altered form, the said ordinance as originally proposed by the petitioners shall be submitted to the electors for their approval or rejection, no less than thirty (30) days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

Sec. 220. Referendum procedure.

The town council may provide in the terms of any ordinance it enacts that the same be submitted to the electors for their approval or rejection. In the event it makes such provision, the vote thereon by the electors shall be called in accordance with the provisions set forth for voting upon initiative proposals in section 219. Pending the decision of the voters, the ordinance in question shall remain inoperative.

Sec. 221. Codification and revision of ordinances.

The town council, every five (5) years shall cause to be prepared a revision or codification of the ordinances of the town which are appropriate for continuation as local laws of the town. Such revision or codification shall be prepared under the supervision of the town solicitor, but the town council may authorize the solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

(Amend. of 11-3-92, § IV, Amend. of 11-5-2002, § II)

Sec. 222. Proposed budget.

Editors Note: Amend. of 11-5-2002, § II, moved § 222 to Art. XI, Financial Provisions.

Sec. 223. Recommended budget.

Editors Note: Amend. of 11-5-2002, § II, moved § 223 to Art. XI, Financial Provisions.

Sec. 224. Capital budget program.

Editors Note: Amend. of 11-5-2002, § II, moved § 224 to Art. XI, Financial Provisions.

Sec. 225. Public notice.

Editors Note: Amend. of 11-5-2002, § II, moved § 225 to Art. XI, Financial Provisions.

ARTICLE III.

TOWN ADMINISTRATOR

Sec. 301. Appointment and qualifications.

The town council shall appoint a town administrator, based solely upon the executive and administrative qualifications of the applicant, for an indefinite term. The town administrator need not be a resident of the town

or state at the time of appointment, but must become and remain a qualified elector and resident of the town within six months after appointment, unless an extension is approved by council. The relationship between the town and the town administrator shall be contractual and not that between a municipality and a civil officer. (Amend. of 11-5-2002, § III)

Sec. 302. Removal.

The town administrator at any time may be removed by a majority vote of all the members of the town council according to the following procedure. At least thirty (30) days before such removal shall become effective, the town council shall by a majority vote of all its members adopt a preliminary resolution stating the reasons for removal. The town administrator may reply in writing, and may request an opportunity to be heard at a meeting of the town council. Such request must be made within ten (10) days of the date of the preliminary resolution. Such meeting shall be held before the town council no later than ten (10) days following the date of the request. After full consideration of the town administrator's written reply, if any, and of the results of the meeting, if one is requested, the town council may adopt a final resolution of removal. By the preliminary resolution, the town council may suspend the town administrator from duty, but in any case the town administrator shall be paid full salary for the period commencing with the date of the preliminary resolution and for two (2) calendar months following the adoption of the final resolution. (Amend. of 11-5-2002, § III)

Sec. 303. Absence.

The town administrator with town council approval may designate by letter filed with the town clerk a qualified administrative officer to perform the duties of the office during a temporary absence or disability. In the event of failure of the town administrator to make such designation, the town council may appoint a qualified administrative officer to perform the duties of the town administrator until the town administrator shall return or no longer be disabled. (Amend. of 11-5-2002, § III)

Sec. 304. Vacancy.

Whenever the office of town administrator shall be declared vacant by the town council, an interim town administrator shall be elected by a majority vote of the town council. The interim town administrator shall have all the duties and powers of the town administrator, except that the interim town administrator shall not serve longer than six (6) months, and may be summarily removed by majority vote of the town council without charges or a hearing. Nothing shall prevent an interim town administrator from applying to be appointed town administrator. (Amend. of 11-5-2002, § III)

Sec. 305. Powers and duties of the town administrator.

The town administrator shall be the chief administrative officer of the town and shall be responsible to the town council for the administration of all town affairs assigned to that office by or under this charter. The town administrator shall have the following powers and duties:

- (1) To nominate all department heads and other officers provided for in this charter, or established

by ordinance, whose nomination or election is not otherwise provided for; all such nominations are subject to approval by the town council. The town administrator shall have the authority to remove, with the approval of the town council, any department head or official the town administrator nominated pursuant to the provisions of this section;

- (2) To direct and supervise the administration of all departments, offices and agencies of the town except as otherwise provided by this charter or by law;
- (3) To see that all laws, provisions of this charter and acts of the town council, subject to enforcement by the town administrator or by officers subject to the town administrator's direction and supervision, are faithfully executed;
- (4) To prepare and submit the annual budget and capital program to the town council;
- (5) To submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal Year;
- (6) To make such other reports as the town council may require concerning the operations of town departments, offices and agencies subject to the town administrator's direction and supervision;
- (7) To keep the town council fully advised as to the financial condition and future needs of the town and make such recommendations to the town council concerning the affairs of the town as the town administrator deems desirable;
- (8) To perform such other duties as are specified in this charter or may be required by the town council.

(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § III)

ARTICLE IV.

ADMINISTRATIVE DEPARTMENTS

Sec. 401. Creation of departments.

The town council may establish town departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

Sec. 402. Direction by administrator.

All departments, offices and agencies under the direction and supervision of the town administrator shall be administered by an officer appointed by and subject to the direction and supervision of the town administrator. With the annual consent of the town council, the town administrator may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two (2) or more of them.

(Amend. of 11-5-2002, § IV)

Sec. 403. Town clerk.

There shall be a town clerk, who shall be nominated by the town administrator with the approval of the town council and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not inconsistent with this charter, and such additional powers and duties as may be assigned to the town clerk by the town administrator, consistent with the duties of the office; the only exception to this provision shall be those tasks requested of the town clerk in the role as clerk to the town council. The town clerk shall have charge of such personnel as may be provided to assist the town clerk in the discharge of the powers and duties of the office.

(Amend. of 11-3-92, §§ VII, VIII; Amend. of 11-5-2002, § IV)

State Law References: Town clerk, G.L. 1956, § 46-7-1 et seq.

Sec. 404. Tax assessor.

There shall be a tax assessor who shall be nominated by the town administrator with the approval of the town council, and shall have those powers and perform those duties prescribed now or in the future by town ordinance, the constitution and laws of the state not inconsistent with this charter.

(Amend. of 11-3-92, § VII)

State Law References: Assessment of local taxes, G.L. 1956, § 44-5-1 et seq.

Sec. 405. Board of assessment review.

There shall be a board of assessment review consisting of three (3) members and one alternate member who shall sit only when any one of the three members is unavailable. All members shall be qualified electors and residents of the town and shall be appointed by the town council for a term of three (3) years. There shall be no more than two (2) board members belonging to the same political party non-inclusive of the alternate member. If a member of such board shall cease to be a qualified elector and resident of the town that office shall thereby become vacant. The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of the assessed valuation as determined by the assessor. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been erroneous or incorrect, the board shall have authority to order a correction. Such determination shall be certified by the board to the tax assessor whose duty it shall be to make such corrections in the valuation as the board may determine. If the tax roll has been certified by the tax assessor the tax assessor shall transmit the findings of the board to the town council, which may cancel in whole or in part the tax based on such valuation in order to effect a correction. The town council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering and disposing of appeals. The taking of an appeal to the board of assessment review of any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax.

(Amend. of 11-5-2002, § IV)

Sec. 406. Town moderator.

There shall be a town moderator, who shall be elected at the regular town election and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not

inconsistent with this charter.

State Law References: Town moderator, G.L. 1956, § 45-3-15 et seq.

Sec. 407. Emergency management director.

There shall be an Emergency Management Director who shall be nominated by the town administrator with the approval of the town council and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not inconsistent with this charter.

(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § IV)

State Law References: Local disaster preparedness, G.L. 1956 § 30-15-12.

Sec. 408. Minimum housing inspector.

There shall be a minimum housing inspector as provided by statute who shall exercise those powers and duties provided by statute.

State Law References: As to minimum housing standards. see G.L. 1956, § 45-24.2-1 et seq.

Sec. 409. Building official.

There shall be a building official who shall be nominated by the town administrator with the approval of the town council and shall be responsible for the supervision and enforcement of ordinances relating to buildings, zoning, trailer parks and other matters assigned to the building official pursuant to law. The building official may also serve as the minimum housing inspector. In the absence of a Town Engineer, the building official shall be responsible for the custody and proper maintenance of engineering records including surveys, plans, maps and the like, pertaining to town property and projects.

(Amend. of 11-3-92, §§ VII, IX, X; Amend. of 11-5-2002, § IV)

State Law References: Local building official, G.L. 1956, § 23-27.2-8 et seq.

Sec. 410. Town engineer.

There may be a town engineer nominated by the town administrator with the approval of the town council. The town engineer shall be a registered professional engineer, licensed to practice in this state. The results of all engineering studies or similar work he performs for the town shall become the property of the town.

(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § IV)

Sec. 411. Town solicitor.

There shall be a town solicitor who shall be appointed by the town council to serve at the pleasure of the town council. The town solicitor shall be an attorney at law in good standing who has been admitted to the practice of law in this state. The town solicitor shall be the legal advisor of and attorney and counsel for the town and all boards, commissions, departments and officers thereof. The town council may retain or authorize the retention of special counsel for the town or for any board, commission, department or officer for extra or unusual services. Nothing herein contained shall be deemed to prohibit the school committee from retaining independent counsel.

Sec. 412. Probate court.

Editors Note: (Amend. of 11-5-2002, § IV, moved § 412 to Art. XIII, Courts.

Sec. 413. Appointment of probate judge.

Editors Note: (Amend. of 11-5-2002, § IV, moved § 413 to Art. XIII, Courts.

Sec. 414. Registry of court.

Editors Note: (Amend. of 11-5-2002, § IV, moved § 414 to Art. XIII, Courts.

Sec. 415. Public works.

There shall be a department of public works, the head of which shall be the director of public works, who shall be nominated by the town administrator with the approval of the town council. The director of public works shall be responsible for the efficient operation of all the activities of the department of public works. The department of public works shall be responsible for the functions and services of the town relating to highways, street lighting, public parking lots, waste disposal, sewers, water supply, public buildings and such other public works activities as may be defined by ordinance.

(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § IV)

Sec. 416. Parks and recreation.

There shall be a department of parks and recreation and it shall be responsible for the proper management of recreation facilities in the town. The department shall be headed by a director nominated by the town administrator and approved by the town council. All recreation services and facilities, including parks, beaches and playgrounds, shall be placed under the jurisdiction of said department with the exception of those within the jurisdiction of the school committee.

(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § IV)

State Law References: Parks and recreation, beaches, G.L. 1956, §§ 23-22-1 et seq., 32-3-1 et seq.

Sec. 417. Police.

There shall be a police department, the head of which shall be the chief of police, who shall be a police officer with at least five (5) years of supervisory or administrative experience above the rank of patrol officer in any organized police department. The Chief of Police shall be nominated by the town administrator with the approval of the town council. In addition to the chief of police, there shall be such other subordinate officers, patrol officers and employees as required, all of the aforesaid serving full time, as shall from time to time be determined by the town council. In addition to the members of the permanent police force, the chief of police, with the approval of the town administrator and the town council, may from time to time appoint additional special police officers for occasional services and for limited terms who shall serve at the pleasure of the chief of police and with the approval of the town administrator, part-time employees, as directed by the chief of police. The further organization of the department into divisions or offices or grades shall be made by the town council on recommendation of the town administrator after conferring with the chief of police. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the town and rules and regulations in accordance therewith. The chief of police and other members of the department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the state and the town ordinances. The chief of police shall be in direct command of the police force and shall, subject to the approval of the town administrator and the town council,

make rules and regulations concerning the conduct of all officers and subordinates.
(Amend. of 11-3-92, § VII; Amend. of 11-5-2002, § IV)

State Law References: Standards and training, G.L. 1956, § 42-28.2-1 et seq.

Sec. 418. Fire.

There shall be a Jamestown volunteer fire department the organization of which shall be consistent with its current operating charter of incorporation and the fire department ordinance established by the town council.

- (1) Budget. The fire department shall submit budget estimates in the same manner as other departments. The fire department shall operate under the same budget constraints as every other department.
- (2) Annual report. The volunteer fire department shall make a written annual report to the town council of the condition of all fire stations, fire apparatus, fire alarm systems and of all matters and property relating thereto and such other matters as the town council may request.

(Amend. of 11-3-92, § XII; Amend. of 11-5-2002, § IV)

State Law References: Appropriations for payments to fire companies, G.L. 1956, § 46-18-1.

Sec. 419. Finance.

There shall be a department of finance headed by a finance director. The finance director shall be nominated by the town administrator with the approval of the town council. The finance director shall have appropriate knowledge of accounting, taxation, budgeting and financial control and the responsibilities required to exercise financial budgetary control over each town office and department.

The finance director shall act as town treasurer, town tax collector and town purchasing agent and shall exercise those powers and perform those duties prescribed for these offices now or in the future by the constitution and laws of the State not inconsistent with this charter. The finance director shall also have such additional powers and duties as may be assigned by the town administrator.

(Amend. of 11-5-2002, § IV)

Sec. 420. Personnel.

There shall be a personnel board appointed by the town council. No member shall hold or be a candidate for any other public office or position and shall not be or have been for at least two (2) years prior to appointment, a member of any national, state or local committee of a political party. Members of the personnel board shall be qualified electors and residents of the town of Jamestown.

The Duties of the Personnel Board shall include the following:

- (1) To prepare personnel policies and procedures for consideration by the town administrator, including
 - a) developing job descriptions and qualifications
 - b) defining conditions of employment; and

- c) maintaining a personnel handbook.
- (2) To review the personnel policies and procedures annually with the town administrator who shall report to the town council any changes and additions.
- (3) To assist Town officials with the recruitment of volunteers for boards, commissions and committees.
- (4) To hear grievances and may render advisory opinions based on its findings to the town administrator with a copy to the aggrieved employee.
- (5) To submit its recommendations to the town administrator who shall forth-with submit the recommendations of the personnel board, together with the town administrator's comments and recommendations, to the town council.

The town council may grant further powers and duties to the personnel board.
(Amend. of 11-5-2002, § IV)

Sec. 421. Town planner.

There may be a town planner nominated by the town administrator with the approval of the town council. The town planner shall be responsible for the direction of the Jamestown planning program and for the development, coordination and implementation of programs relating to the physical and economic development of the town.

(Amend. of 11-3-92, § XIII; Amend. of 11-5-2002, § IV)

Sec. 422. Library trustees.

There shall be a board of trustees of the Jamestown Philomenian Library, the governance and powers of which shall be in accordance with Rhode Island General Laws Title 29, Chapter 4 (Free Public Libraries).

(Amend. of 11-3-92, § XIV)

Sec. 423. Town sergeant.

The town council shall appoint a qualified elector and resident of the Town as town sergeant. The town sergeant shall perform all of the duties and have all of the powers and authority of a town sergeant as provided by the laws of this State, and as may be provided by the town council by ordinance. The town council may revoke the appointment of the town sergeant at any time.

(Amend. of 11-5-2002, § IV)

ARTICLE V.

SCHOOLS

Sec. 501. School committee membership.

There shall be a school committee of five (5) members, each of whom shall be elected at large from the town by the electors of the town of Jamestown at the regular town election to serve for a term of four (4) years and until the successor is elected and qualified. The names of all candidates for the school committee who shall have qualified to appear on the ballot shall be listed under their respective party designation (in the order determined by the board of canvassers by the drawing of lots). Those persons receiving the greatest number of votes for an office, not exceeding the number of persons to be chosen for the office, shall be declared elected to office. All members of the school committee in office at the time this charter is adopted shall continue to hold office until their normal terms have expired.

(Amend. of 11-5-2002, § V)

State Law References: School committees and superintendents, G.L. 1956, § 16-2-1 et seq.

Sec. 502. Qualifications.

School committee members shall be qualified electors and residents of the town of Jamestown and shall hold no other paid office, or employment in the service of said town, except that of notary public, justice of the peace, town constable, volunteer firefighter, volunteer ambulance members or special police officer. If a committee member shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, the office shall immediately become vacant.

(Amend. of 11-5-2002, § V)

Sec. 503. Vacancies.

Any vacancy in the membership of the school committee shall be filled by the town council by the next highest vote getter from the most recent election and so on until someone fills the vacancy until the next regular town election, when the office shall be filled for the unexpired term thereof. Should none of the vote getters be willing to serve then the Council shall appoint a member, pursuant to the laws of the State of Rhode Island.

(Amend. of 11-3-92, § XV; Amend. of 11-5-2002, § V)

Sec. 504. Conflict of interest.

Refer to Section 105 Conflict of Interest and Ethics.

(Amend. of 11-5-2002, § V)

Sec. 505. Organization.

The school committee shall determine its own rules and order of business and the time of its meetings consistent with Rhode Island General Laws Title 42, Chapter 46 (Open Meetings).

(Amend. Of 11-3-92 § II)

Sec 506. Powers and duties.

The school committee, in addition to its other powers and duties, shall have the power to inquire into the conduct of any office, department or activity of the public schools and make investigations as to school affairs. It shall prepare a complete report of its finances and activities at the close of the fiscal year. Such reports shall be included, as a separate section, in the annual town report.

Sec. 507. Appointments and removals.

The appointment and removal of all school employees shall be made by the school committee upon recommendation of the superintendent of schools, except as may otherwise be provided by law. Except for the purpose of inquiry, the school committee and its members shall deal with the administration of the public schools solely through the superintendent of schools and neither the school committee nor any member thereof shall give orders to any subordinates of the superintendent of schools, either publicly or privately.

Sec. 508. Budget.

The school committee shall submit line item budget estimates in the same manner as other departments, but the budget estimates and appropriations shall be considered by the town administrator and town council in total only. The allocation of the amounts appropriated shall be determined by the school committee.
(Amend. of 11-3-92, § XVI)

Sec. 509. Buildings and grounds.

The department of public works, at the request of the school committee and with the approval of the town administrator may maintain and care for school buildings and grounds, provided that the costs are charged against the appropriations for the public schools.

ARTICLE VI.

ELECTIONS

Sec. 601. Election laws and conditions of elections.

The provisions of the constitution and the general laws of the State of Rhode Island now or hereafter in effect pertaining to elections, special, general and primary, and also all special acts pertaining to elections in the town of Jamestown now or hereafter in effect shall govern all town elections, special, general and primary, so far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this charter affecting the form of government.

State Law References: Elections, G.L. 1956, §§ 17-1-1 et seq., 45-4-1 et seq.

Sec. 602. Canvassing authority.

There shall be a bi-partisan canvassing authority appointed by the town council as provided by the constitution and laws of the state. Said canvassing authority shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or board of registration of the town.

State Law References: Local canvassing authorities, G.L. 1956, § 17-8-1 et seq.
(Amend. of 11-5-2002, § VI)

ARTICLE VII.

PLANNING, ZONING AND HARBOR*

* **State Law References:** Planning and zoning, G.L. 1956, § 45-22-1 et seq.

Sec. 701. Planning commission.

There shall be a planning commission which shall act in an advisory capacity to the administrator and the town council in all matters concerning the physical growth and development of the town as such growth and development affects the general health, safety and welfare of the inhabitants of the town.

Sec. 702. Appointment.

The planning commission shall be appointed by the town council. The town council may fill any vacancy in the planning commission for the un-expired term.
(Amend. of 11-5-2002, § VII)

Sec. 703. Qualifications.

Members of the Planning commission shall be qualified electors and residents of the town of Jamestown. No member of the planning commission shall be an elected or appointed official of the town.
(Amend. of 11-5-2002, § VII)

Sec. 704. Powers and duties.

The planning commission shall have such powers and perform such duties as are granted or assigned to it by the general laws of the state and federal government, and ordinances of the town council. Without limiting the foregoing, the planning commission shall be responsible for:

- (1) The preparation of, or extension of, a comprehensive community plan for the improvement and physical development of the town.
- (2) The adoption, modification, and amendment of rules and regulations governing the platting and other subdivision of land.
- (3) The approval of all plats or other subdivisions of land before the same may be recorded in the land evidence records of the town or used as the basis for the sale of lots.
- (4) Filing with the town council, annually, a report of its activities and accomplishments.

The town council may prescribe other duties and responsibilities of the planning commission in the areas of growth, development, preservation and land use in the town of Jamestown.
(Amend. of 11-5-2002, § VII)

Sec. 705. Zoning board of review.

There shall be a zoning board of review which shall have all the powers and duties now vested by law in zoning boards of review under the laws of the state and ordinances of the town of Jamestown relating to zoning.

Sec. 706. Appointment and tenure.

The zoning board of review shall consist of five (5) members appointed by the town council each to hold office for a term of five (5) years. In addition there shall be three (3) alternates appointed by the town council each to hold office for a term of one (1) year. The alternate members shall sit as voting members according to the procedure dictated by state law.

(Amend. of 11-5-2002, § VII)

State Law References: Additional alternate member of zoning board of review in Jamestown, G.L. 1991, § 45-24-56.

Sec. 707. Vacancy.

The town council shall, within forty-five (45) days, fill any vacancy, which may occur in the membership of said zoning board, for the un-expired term.

Sec. 708. Qualifications.

All members shall be qualified electors and residents of the town of Jamestown. No member of the zoning board of review shall be an elected or appointed official, or an employee of the town, or of any department, office or agency of the town.

(Amend. of 11-5-2002, § VII)

Sec. 709. Conflict of interest.

Refer to Section 105 Conflict of Interest and Ethics.

(Amend. of 11-5-2002, § VII)

Sec. 710. Other.

The town council may grant further powers and duties to the zoning board of review, including but not limited to, the duties of a platting board of review.

Sec. 711. Harbor Management Commission.

There shall be a Harbor Management Commission with such duties and responsibilities as defined by the town council.

(Amend. of 11-5-2002, § VII)

ARTICLE VIII.

MISCELLANY

Sec. 801. Dual office holding.

No person shall be eligible to hold any paid office or employment in the town government who is a member of the general assembly, or who holds any other paid local civil office, except that of notary public, justice of the peace, member of the national guard or military reserve, or employment by any of the educational institutions maintained by the state, unless otherwise provided for in this charter.

Sec. 802. Public records.

All records and accounts of every department and agency of the town of Jamestown shall be deemed to be public records and shall be open to inspection by any citizen of the state without giving any reason therefore, at all reasonable times and under reasonable regulations established by the town council, and / or school committee, except those records and documents the disclosure of which, in the opinion of the town council or school committee would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by the laws of the state to be kept confidential. In all instances, disclosure of or denial of access to records will be in accordance with Rhode Island General Laws Title 42, Chapter 46 (Open Meetings) and Title 38 (Public Records).

(Amend. of 11-3-92, § XVII)

Sec. 803. Annual audit.

Editors Note: Amend. of 11-5-2002, § VIII, moved § 803 to Art. XI, Financial Provisions.

Sec. 804. Conflict of interest.

Refer to Section 105 Conflict of Interest and Ethics.

(Amend. of 11-5-2002, § VIII)

Sec. 805. Elected officials.

If any elected officer of the town shall cease to be a legal resident thereof, the office held by said officer shall then become vacant.

For the purposes of this charter, volunteer firefighters, volunteer ambulance members, town constables, and members of the special police shall not be considered elected or appointed officials of town government nor as town employees.

(Amend. of 11-5-2002, § VIII)

ARTICLE IX.

RESERVED

Editors Note: Amend. of 11-5-2002, § IX, deleted Art. IX in its entirety, with the exception of § 914 which pertained to elected officials and was moved to Art. VIII.

ARTICLE X.

BOARDS, COMMISSIONS AND COMMITTEES

Sec. 1001. Qualifications and duties.

- (1) All members of Boards, Commissions and Committees shall be qualified electors and residents of the town.
- (2) It shall be the responsibility of the town council to develop and promulgate rules and procedures

for all Boards, Commissions and Committees and to ensure their compliance with State Open Meeting Laws (Title 42, Chapter 46) and Public Records (Title 38).

(Amend. of 11-5-2002, § X)

Sec. 1002. Membership and terms.

- (1) All Town Boards, Commissions and Committees shall not exceed seven (7) voting members, except during revisions of ordinances as described in Sec. 221 of this Charter.
- (2) Terms of Board, Commission and Committee members that are scheduled to expire during any year shall expire in the months of December or May.
- (3) Unless otherwise mandated by State Law or regulations, all terms of Board, Commission and Committee membership shall be limited to three (3) years. With the exception of the Zoning Board of Review alternate members, no person shall serve more than three (3) consecutive terms on the same committee.
- (4) The Chair of any Board, Commission or Committee shall be responsible for conducting and managing meetings and shall have neither fewer nor greater powers or authorities than any other member, unless specified by ordinance.

- (5) All persons appointed shall be subject to removal for good cause as determined by the Council.

(Amend. of 11-5-2002, § X)

Sec. 1003. Conflict of interest and ethics

All boards and committees shall follow the guidelines for Conflict of Interest and Ethics as defined in Section 105 of this Charter.

(Amend. of 11-5-2000, § X)

ARTICLE XI.

FINANCIAL PROVISIONS

Sec. 1101. Proposed budget.

The town administrator shall submit to the town council, not later than ninety (90) days preceding the date of the financial town meeting, a proposed budget of receipts and expenditures and an explanatory budget message. For such purpose, the town administrator shall obtain from the head of each office, department and agency estimates of its revenues and expenditures and such supporting data as the town administrator may request. In preparing the proposed budget, the town administrator shall review the estimates and may revise them. The proposed budget as prepared by the town administrator shall show the original departmental budgets as submitted by the department heads together with revisions made by the town administrator of all anticipated revenue and all proposed expenditures and the total of proposed expenditures shall not be greater than the total of anticipated revenues.

(Amend. of 11-3-92, § V; Amend. of 11-5-2002, § XI)

Sec. 1102. Recommended budget.

The town council may revise the budget as submitted by the town administrator and shall adopt a recommended budget for presentation to the financial town meeting not later than thirty (30) days preceding its date. If the town council shall recommend an increase in the total of expenditures as proposed by the town administrator, it also shall provide for increasing the total anticipated revenues and shall indicate the revenues and expenditures. No revenue from any source other than the tax levy shall be included in the budget as recommended by the town council unless the facts clearly warrant the expectation that such amount actually will be realized in cash during the budget year.

(Amend. of 11-5-2002, § XI)

Sec. 1103. Capital budget program.

The town administrator shall prepare and submit to the town council a ten (10) year capital program at least ninety (90) days prior to the final date for submission of the budget. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the ten (10) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (5) Such other building and equipment maintenance replacement schedules as directed by the town council

(Amend. of 11-5-2002, § XI)

Sec. 1104. Public notice.

The recommended budget (section 223) and capital budget as provided in section 224 shall be printed and available to the public at least fourteen (14) days preceding the annual financial town meeting.

(Amend. of 11-3-92, § VI; Amend. of 11-5-2002, § XI)

Sec. 1105. Annual audit.

Within three (3) months after the beginning of each fiscal year, the town council shall arrange for an annual independent audit of the books, accounts and other evidences of financial transactions of the town of Jamestown, as of the close of the preceding fiscal year, to be conducted either by state auditors or by a certified public accountant holding a certificate from this state and having no personal interest therein. Such examinations shall conform with generally accepted auditing standards. A copy of the audit report shall be filed

with the town clerk and shall be a public record.

(Amend. of 11-5-2002, § XI)

State Law References: Audit of accounts, G.L. 1956, § 46-10-1 et seq.

Sec. 1106. Proposal for Expenditures Outside of Budget.

No motion which increases or reduces an appropriation recommended by the town council by \$10,000 or more, shall be in order at the Financial Town Meeting unless notice of intention to include such motion has been presented to the town clerk at least twenty (20) days prior to the date set for the meeting at which such motion is to be considered. The warrant of the Financial Town Meeting shall include notice of any such motion.

(Amend. of 11-5-2002, § XI)

ARTICLE XII.

AMENDMENT OF CHARTER*

* **State Constitution References:** Article XIII, Sec. 8.

Sec. 1201. Charter Revision Committee.

The town council shall appoint a Charter Review Committee to review this Charter whenever it is deemed necessary but not longer than six years from the previous review. Said Review Committee shall within nine months of its appointment submit to the town council a report with its recommendations for amendments, additions or deletions.

(Amend. of 11-5-2002, § XII)

Sec. 1202. Separability of provisions of charter.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter, or any of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

(Amend. of 11-5-2002, § XII)

Sec. 1203. Form of ballot and procedures.

It shall not be necessary for the full text of the 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, at the office of the town clerk and such other places as may be designated by the Board of Canvassers. 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.

(Amend. of 11-5-2002, § XII)

ARTICLE XIII.

COURTS

Sec. 1301. Probate court.

There shall be a probate court as provided by statute which shall exercise the jurisdiction as set forth by statute. The town clerk shall serve as probate clerk; if the town clerk is unable to serve, the deputy town clerk may serve as probate clerk.

(Amend. of 11-3-92, § XI; Amend. of 11-5-2002, § XIII)

State Law References: Probate courts, G.L. 1956, H 8-9-2.1 et seq.

Sec. 1302. Appointment of probate judge.

The town council shall appoint, at its first meeting following its election, a member of the Bar of the State of Rhode Island, to sit as judge of the probate court and to perform those duties as required by statute. Said judge shall serve for a two (2) year term or until a successor is appointed and qualified. Any person so appointed need not be a qualified elector of the town of Jamestown. Said person so appointed shall not hold any other elected or appointed position in the town.

(Amend. of 11-5-2002, § XIII)

Sec. 1303. Registry of court.

Money and other property now or hereafter deposited in the probate court pursuant to statutes now or hereafter in effect shall be held, administered and disposed of pursuant to said statutes.

(Amend. of 11-5-2002, § XIII)

Sec. 1304. Municipal court.

There may be a Municipal Court with jurisdiction and duties as provided by Rhode Island General Law, Title 8-18.

(Amend. of 11-5-2002, § XIII)

Sec. 1305. Appointment of municipal judge.

There may be a Municipal Court Judge appointed by the town council who shall be a member in good standing of the bar of the State of Rhode Island, engaged in the active practice of law. Said person so appointed shall not hold any other elected or appointed position in the town.

(Amend. of 11-5-2002, § XIII)