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# Jamestown Boards, Commissions & Committees

## Affordable Housing

**(7) Members**

**3-year Term of Appointment**

**(1) Ex Officio Member**

Meetings are held at the Jamestown Town Hall on the second Monday of each month at 6:00 p.m.

### **Charge:**

<sup>1</sup> There is to be an Affordable Housing Committee that is to act in an advisory capacity to the Town Council on issues relating to housing. Members shall sit as a review committee for proposed Housing Trust Fund Projects and conduct studies and analyses of the current housing conditions in Jamestown, to be used as part of the Comprehensive Plan.

### **Current Members:**

### **Term Ending:**

Heather Lopes

05/31/2010

Christopher Crawford

05/31/2012

Valerie Molloy

05/31/2011

Christine Tanner

05/31/2011

Debra Murphy

05/31/2010

Nancy Mason

05/31/2011

### **Ex Officio Member:**

Lisa Bryer

Town Planner

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<sup>1</sup> The committee's charge was expanded pursuant to a vote of the Jamestown Town Council on November 27, 1989.

# **Jamestown Emergency Medical Services (JEMS) Compensation Committee**

**(5) Members**

**3-Year Term of Appointment**

Meetings are held annually in January and on an as needed basis.

**Charge:**

<sup>2</sup> The Town Council shall appoint a Compensation Committee for the Fire Department and Emergency Medical Services, respectively. Each Committee shall consist of five (5) persons. The Emergency Medical Services Compensation Committee shall consist of three (3) members of the Emergency Medical Services and two (2) persons who are not members. Each member shall serve for a three-year term.

Members shall be appointed for overlapping three-year terms so that no more than two (2) membership terms will expire each year. In the event of resignation during a term, the Town Council shall appoint a new member to fill the un-expired portion of the term.

It shall be the duty of the Emergency Medical Services Compensation Committee to review the meeting attendance records and duty roster of the members of the Association and to make annual recommendations to the Tax Assessor those members who qualify for a property tax abatement. Pursuant thereto, such Committees shall promulgate rules and regulations for the maintenance and safekeeping of such attendance records as are reasonably calculated to provide suitable evidence of eligibility under this division.

**Current Members:**

**Term Ending:**

Lennart Nilsson – JEMS Representative	05/31/2012
Betty R. Kinder – Citizen-at-Large Representative	05/31/2010
Wendy Harvey – Citizen-at-Large Representative	05/31/2012
Judith H. Bell – JEMS Representative	05/31/2011
Polly “Prim” Bullock – JEMS Representative	05/31/2012

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<sup>2</sup> From the Code of Ordinances from the Town of Jamestown, Section 66-89.(Amended 8/ /2006 to reflect changes to the Code of Ordinance)

## Beavertail State Park Advisory

### **(5) Members**

### **3-year Term of Appointment**

Meetings are held at the Beavertail Lighthouse Museum twice annually on the second Wednesday of the months of May and October at 3:30 p.m.

### **Charge:**

<sup>3</sup> Three (3) of the committees members shall be selected and appointed by the governing body of the Town of Jamestown, by whatever process that body sees fit. One (1) of its members shall be chosen by the Director of the Department of Environmental Management, or its successor agency, if any. The fifth member shall be mutually chosen by the Town and DEM, shall be a citizen of Rhode Island not a resident, permanent or seasonal, of Jamestown, and shall be knowledgeable in matters of environmental protection and preservation.

The Director of DEM shall consult with the Advisory Committee not less frequently than twice annually regarding the development, use, and operation of Beavertail State Park, and in any event shall consult with the Advisory Committee before making any policy or development decisions with respect to such Park. (See “Rules and Regulations for the Development and Operation of Beavertail State Park.”)

The Director of DEM shall consult with the Advisory Committee prior to seeking to amend, through the procedure provided in the Administrative Procedures Act, R.I.G.L. Chapter 42-35, any part of the “Rules and Regulations for the Development and Operation of Beavertail State Park.”

### **Current Members:**

### **Term Ending:**

Neil Blitz	12/31/2012
Gary Galkin – Chair – Town/DEM Representative	Unspecified
Anna Templeton-Cotill	12/31/2010
Larry Moradjian – DEM Representative	Unspecified
Linda Warner	12/31/2011

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<sup>3</sup> The charge of the Beavertail State Park Advisory Committee is from the “Rules and Regulations for the Development and Operation of Beavertail State Park, Jamestown, Rhode Island.” These rules and regulations were filed with the Secretary of State on July 7, 1980; in accordance with the provisions of the Administrative Procedures Act, Chapter 42-35 of the General Laws, and under the authority of Section 32-2-4 of the General Laws of Rhode Island, as amended.

## Bike Path Design Committee

### Ad hoc Committee

#### **Charge:**

The goal of the committee Bike Path Design Committee is to facilitate the planning and construction of a designated bike path from the west-side of the Jamestown Bridge to North Road and extending southerly into the Village. The on-island portion of the proposed bike path was approved by the Town Council in 2000 as a component of the Conanicut Island Greenway Trail System and funded by the RI Department of Transportation in 2002.

The committee shall be responsible for developing a proposed bike path design plan that promotes safety, protects natural resources and is cost-efficient. The plan should also identify options to construct the path in phases to address funding limitations and opportunities.

A report to the Town Council shall be due 180 days from the commencement of the committee's appointment.

<sup>4</sup>The Bike Path Design Committee shall include the following seven (7) members:

- ~~Town Council member~~ \*
- Town Planner
- Conservation Commission member
- ~~Three (3)~~ \*Four (4) citizens-at-large
- One (1) resident chosen by the Rolling Agenda
- RI Department of Transportation member (non-voting)
- Town Administrator (non-voting)

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<sup>4</sup> At a meeting of the Town Council held on Monday, November 16, 2009, the charge of the committee was changed to add a citizen-at-large and delete the Town Council member.

## **Board of Canvassers (Canvassing Authority)**

**(3) Members**

**6-year Term of Appointment**

**(2) Alternates**

**(1) Ex Officio Member**

Meetings are held at the Jamestown Town Hall on the second Wednesday of each month at 11:00 a.m.; however, special sessions are held as needed.

Staff Assistance is provided by the Town Clerk's office.

### **Charge:**

<sup>5</sup> 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.

<sup>6</sup> Each member of a local Canvassing Authority shall be appointed to serve for a term of six (6) years beginning on the first Monday of March succeeding the date of his or her appointment and until his or her successor is elected and qualified. No person shall be appointed or serve as a member of the authority who is an officer or employee of the United States or of this state, or of any city or town of this state, provided that in any city a member of the authority may act as its clerk. Any member of the authority who becomes a candidate for election to any public office and who fails to file a declination of the candidacy within the time allowed by law shall be disqualified from holding membership upon the authority and his or her successor shall be immediately elected.

<sup>7</sup> (a) Each Canvassing Authority shall have and exercise the functions, powers, and duties provided for local boards by this title or by any law not inconsistent with this title. It shall:

1. Select one (1) of its members as presiding officer and another (1) as clerk of the board; provided, that nothing in this title shall be deemed to affect the powers and duties of the Town Clerk who shall be ex officio the clerk of the respective town canvassing authorities;
2. Have and discharge all of the functions, powers, and duties of the Town Council concerning nominations, elections, registration of voters and canvassing rights, the preparing and correcting of voting lists, and other related matters, which powers are transferred to the local board;
3. Make or furnish all returns or other things required by law to be made or furnished to or by city clerks, boards of canvassers, and district clerks, relative to any matter within the purview of this title [see R.I.G.L. § 17-8-5];

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<sup>5</sup> From the Town Charter for the Town of Jamestown, Section 602. See also State Law reference regarding local canvassing authorities, G.L. 1956, § 17-8-1 et seq.

<sup>6</sup> From Rhode Island General Law, Section 17-8-2.

<sup>7</sup> From Rhode Island General Law, Section 17-8-5.

4. Appoint and employ all its necessary clerical and technical assistants and fix the compensation of each person appointed, within the limits of funds available to it pursuant to law.

(b) A quorum of a local board for the purpose of receiving registrations shall be comprised of one (1) member of the board, and for all other purposes a quorum shall be comprised of two (2) members.

**Current Members:**

**Term Ending:**

Alcina Blair – Chair– Democrat  
Dolores M. Christman – Democrat  
Linda Warner –Republican

03/04/2013  
03/02/2015  
03/01/2011

**Current Alternates:**

**Term Ending:**

Carol Nelson-Lee – Democrat  
Charlotte Richardson – Republican

03/04/2013  
03/01/2011

**Ex Officio Member**

Town Clerk

## Coastal Resource Management Council

**(1) Member**

**2-year Term of Appointment**

Subcommittee meetings are held as needed as detailed below. The Coastal Resource Management Council itself meets on the second and fourth Tuesday of each month at either 6:00 or 7:00 p.m. at the Narragansett Bay Commission in Providence, RI.

**Charge:**

<sup>8</sup> Whenever the chairperson of the Coastal Resources Management Council or, in the absence of the chairperson, the Commissioner of Coastal Resources makes a finding that the hearing officers are otherwise engaged and unable to hear a matter in a timely fashion, he or she may appoint a subcommittee which will act as hearing officers in any contested case coming before the council. The subcommittee shall consist of at least one (1) member, provided, however, that in all contested cases an additional member shall be a resident of the coastal community affected. The city or town council of each coastal community shall, at the beginning of its term of office, appoint a resident of that city or town to serve as an alternate member of the aforesaid subcommittee should there be no existing member of the Coastal Resources Management Council from that city or town available to serve on the subcommittee. Any member of the subcommittee actively engaged in hearing a case shall continue to hear the case, even though his or her term may have expired, until the case is concluded and a vote taken thereon. Hearings before subcommittees shall be subject to all rules of practice and procedure as govern hearings before hearing officers.

**Current Member:**

**Term Ending:**

Emmet E. Turley

05/31/2011

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<sup>8</sup> From Rhode Island General Law, Section 46-23-20.1(e).

## Conservation Commission

### **(7) Members**

### **3-year Term of Appointment**

Meetings are held at the Jamestown Town Hall on the second Tuesday of each month at 7:00 p.m.

### **Charge:**

<sup>9</sup> City or Town Councils have the authority to create a commission, to be called the Conservation Commission, the purpose of which is to promote and develop the natural resources, protect the watershed resources, and preserve natural esthetic areas within municipalities. The Commission shall conduct researches into its local land areas and seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which in its judgment it deems necessary for its work. It shall make and keep an index of all open spaces within the city or town, publicly or privately owned, including open marshlands, swamps, and other wetlands for the purpose of obtaining information on the proper use of those areas. It may recommend to municipal councils, boards, or agencies, a program for the better promotion, development, utilization, or preservation of open areas, streams, shores, wooded areas, roadsides, swamps, marshlands, and natural esthetic areas. It shall keep accurate records of its meetings and actions and file an annual report. It has power to appoint, subject to any personnel procurement program ordained by the city or town, clerks and other employees it may from time to time require.

<sup>10</sup> The Commission shall consist of three (3) to seven (7) members appointed by the mayor with the advice and consent of the city council, or by the Town Council, or by any authority designated in its city or town charter. The members of the Commission shall be appointed for three (3) year terms, except the initial appointments of some of the members shall be for less than three (3) years to the end that the initial appointments shall be staggered and so that all subsequent vacancies shall not reoccur at the same time. In the event of a vacancy, interim appointments may be made by the appointing authority to complete the un-expired term of the position. Duly incorporated and existing wildlife, conservation, sportsmen's, horticultural, or like organizations may present to the appointing authority a list of qualified citizens from which lists the appointing authority must select at least three (3) members of the Commission and from which list the appointing authority may select the remainder.

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<sup>9</sup> From Rhode Island General Law, Section 45-35-1.

<sup>10</sup> From Rhode Island General Law, Section 45-35-2.

**Current Members:****Term Ending:**

Michael Schnack - Town Council Representative	n/a
Carol Lynn Trocki	12/31/2011
<b>Kate Smith - Planning Com. Representative</b>	<b>12/31/2009</b>
Cathy Roheim - Wind Energy Representative	n/a
J. Christopher Powell – Chair - Water Resource Protection Rep.	12/31/2010
<b>Mark Baker</b>	<b>12/31/2009</b>
Maureen Coleman	12/31/2011
Patrick M. Driscoll – Ft. Getty Master Plan & Tree Preservation and Protection Committee	n/a
<b>VACANT - Harbor Representative</b>	<b>n/a</b>

## Fire Department Compensation Committee

### **(5) Members**

### **3-Year Term of Appointment**

Meetings are held as needed at the Fire Station. The Committee meets two (2) to four (4) times a year to review runs and run sheets.

### **Charge:**

<sup>11</sup> The Town Council shall appoint a Compensation Committee for the Fire Department and Emergency Medical Services, respectively. Each Committee shall consist of five (5) persons. The Fire Department Compensation Committee shall consist of three (3) members of the Fire Department and two (2) persons who are not members. Each member shall serve for a three-year term.

Members shall be appointed for overlapping three-year terms so that no more than two (2) membership terms will expire each year. In the event of resignation during a term, the Town Council shall appoint a new member to fill the un-expired portion of the term. It shall be the duty of such Committees to make annual recommendations to the Tax Assessor regarding the eligibility for an exemption under this division of each member. Pursuant thereto, such Committees shall promulgate rules and regulations for the maintenance and safekeeping of such attendance records as are reasonably calculated to provide suitable evidence of eligibility under this division.

### **Current Members:**

### **Term Ending:**

Paul Balzer – Fire Department Representative	05/31/2012
Jill Anderson – Citizen-at-Large Representative	05/31/2010
Ronald Barber – Fire Department Representative	05/31/2012
James Ingari – Fire Department Representative	05/31/2011
Jerome Scott - Citizen at Large Representative	05/31/2012

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<sup>11</sup> From the Code of Ordinances from the Town of Jamestown, Section 66-89.

## Fort Getty Master Plan Committee

**(7) Voting Members**

**Unspecified Term**

Meetings are held as needed.

**Charge:**

This committee shall be responsible for updating the 1995 Fort Getty Master Plan which makes long-term recommendations for the use and management of Fort Getty. A report to the Town Council shall be due 180 days from the commencement of the committee.

<sup>12</sup> The Fort Getty Master Plan Committee shall include the following members:

- Town Planner
- Parks and Recreation Director or Program Supervisor
- Planning Commission member
- Building and Facilities Committee member
- Conservation Commission member
- Harbor Management Commission member
- Resident at large

**Current Voting Members:**

		<b>Term Ending</b>
Lisa Bryer	Town Planner	Discharged
William Piva	Parks and Recreation Director	Discharged
<b>VACANT</b>	<b>Planning Commission Rep</b>	Discharged
Valerie Molloy	Building and Facilities Committee Rep	Discharged
Patrick M. Driscoll	Conservation Commission Rep	Discharged
Mike de Angeli	Harbor Management Commission Rep	Discharged
Mary Meagher, Chair	Resident-at-Large	Discharged

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<sup>12</sup> Pursuant to a vote of the Jamestown Town Council on January 12, 2004. (Pursuant to vote of the Jamestown Town Council on June 13, 2005, committee charge extended to March 2006 to participate in the hiring of the Land Use Planner and assist in the planning phase.)

## Harbor Management Commission

**(7) Voting Members**  
**(3) Liaisons**

**3-Year Term of Appointment**

Meetings are held at the Jamestown Philomenian Library on the second Wednesday of the month at 7:00 p.m.

**Charge:**

<sup>13</sup> There shall be a Harbor Management Commission with such duties and responsibilities as defined by the Town Council.

<sup>14</sup> The Harbor Management Commission shall be the primary regulatory and management group for the waters of the Town of Jamestown consistent with the authorities granted the Town under R.I.G.L. § 46-4-6.9. It shall have the authority to adopt any additional regulations consistent with the terms of this Ordinance. It also hereby assumes the responsibilities of the Jamestown Waterfront Authority. If a substantive change is proposed in the ordinance, it must be adopted by the Town Council and approved by the Coastal Resources Management Council before it may become effective.

<sup>15</sup> The Harbor Management Commission shall consist of seven (7) qualified electors and residents of the Town, appointed by the Town Council, chosen from a list of interested parties maintained by the Town Administrator, after duly advertising the availability of these positions. To achieve diversity, preference shall be given to representatives of each of the following groups:

1. The non-riparian recreation boating community
2. The non-riparian recreation boating community
3. Riparian property residents (harbor waters)
4. Riparian property residents (coastal waters)
5. The commercial fishing industry
6. The commercial mooring operators
7. A non-boating resident

The Commission shall have, among its members, representatives of both the East and West Harbors.

Ex-Officio Member: The Executive Director shall be an ex-officio, non-voting member of the Commission, and shall not count as part of the quorum.

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<sup>13</sup> From the Town Charter for the Town of Jamestown, Section 711.

<sup>14</sup> From the Code of Ordinances for the Town of Jamestown, Section 78-71.

<sup>15</sup> From the Code of Ordinances for the Town of Jamestown, Section 78-72 as amended by the Jamestown Town Council on February 9, 2004.

Liaisons: The Town Council, the Conservation Commission, and the Planning Commission shall each appoint one (1) liaison to the Harbor Commission. Liaisons may sit with the Commission, and may participate in all discussions, but may not vote and do not count as part of the quorum.

<sup>16</sup> The terms of, organization of, and compensation for Commission members are as follows:

- a) *Terms.* Harbor Management Commission members shall be appointed for overlapping three (3) year terms so that approximately one-third of the membership terms will expire each year. In the event of resignation during a term, the Town Council shall appoint a new member from the same interest group to fill the remainder of the term.
- b) *Organization.* A Chair and Vice-Chair of the Commission shall be chosen from the membership by vote of the Commission. The Chair shall be responsible for calling and conducting all meetings of the Commission. In the absence of the Chair, the Vice-Chair shall assume those responsibilities.
- c) *Compensation.* Harbor management commission members shall serve without pay, but may be compensated for expenses incurred in the performance of their duties.

<b>Current Members:</b>	<b>Term Ending:</b>
VACANT – Non-Riparian Recreation Boating Community	12/31/2009
Michael de Angeli – Chair – Non-Riparian Recreation Boating Community	12/31/2011
Chris Brown – Riparian Property Resident (Harbor Waters)	12/31/2010
VACANT – Riparian Property Resident (Coastal Waters)	12/31/2009
Susan Little – Commercial Fishing Industry	12/31/2011
Andrew Kallfelz – Commercial Mooring Operators	12/31/2011
VACANT – Non-Boating Resident	12/31/2010

**Liaisons:**

Bob Bowen	Town Council
(vacant)	Conservation Commission
Nancy Bennett	Planning Commission

**Executive Director:** Thomas P. Tighe, Police Chief

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<sup>16</sup> From the Code of Ordinances for the Town of Jamestown, Section 78-73.

# **Jamestown Housing Authority**

## **(5) Members**

## **5-Year Term of Appointment**

Meetings are held at the Pemberton Apartments Community Room on the second Wednesday of each month at 5:30 p.m.

### **Charge:**

<sup>17</sup> (a) When the Town Council adopts a resolution creating a town authority, the Town Council shall appoint five (5) persons as Commissioners of the town authority. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointment, but, subsequently, Commissioners shall be appointed for a term of office of five (5) years, except that all vacancies shall be filled for the un-expired term, those appointments to be made by the Town Council.

(2) Provided, further, that at least one (1) of the commission members of a town authority must be a resident as well as a resident of a public housing facility during the term of their appointment. A Public Housing Resident Commissioner shall be appointed by the appointing authority from a list of nominees chosen in open election by the occupants of public housing. Upon the failure of the election process, there shall be a provision for an application process. Nothing in this subsection shall be construed as preventing the appointing authority from appointing more than one resident of public housing to the commission.

<sup>18</sup> (a) An authority constitutes a public body and a body corporate and politic, exercising public powers, and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of chapters 25 – 27 of [Title 45 of R.I.G.L.], including the following powers in addition to others granted in this chapter:

1. To investigate into living, dwelling, and housing conditions and into the means and methods of improving these conditions;
2. To determine where unsafe, or unsanitary dwelling or housing conditions exist;
3. To study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, re-planning, and reconstruction of areas in which unsafe, or unsanitary dwelling or housing conditions exist, and the providing of dwelling accommodations for persons of low income, and to cooperate with any city, municipal or regional planning agency;
4. To prepare, carry out, and operate housing projects;
5. To provide for the construction, reconstruction, improvement, alteration, or repair of any housing project or any part of it;
6. To take over by purchase, lease, or otherwise, any housing project located within its boundaries undertaken by any government, or by any city or municipality located in whole or in part within its boundaries;

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<sup>17</sup> From Rhode Island General Law, Section 45-26-4.

<sup>18</sup> From Rhode Island General Law, Section 45-25-15.

7. To manage as agent of any city or municipality any housing project located in whole or in part within its boundaries;
8. To act as agent for the federal government in connection with the acquisition, construction, operation, and/or management of a housing project or any part of it;
9. To arrange with any city or municipality located in whole or in part within its boundaries or with a government for the furnishing, planning, re-planning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks, or other places or facilities or for the acquisition by the city, municipality, or a government of property, options, or property rights, or for the furnishing of property or services in connection with a project;
10. To arrange with the state, its subdivisions and agencies, and any county, city, town, or municipality of the state, to the extent that it is within the scope of each of their respective functions, (a) to cause the services customarily provided by each of them to be rendered for the benefit of the housing authority and/or the occupants of any housing projects, (b) to provide and maintain parks and sewage, water, and other facilities adjacent to or in connection with housing projects, and (c) to change the city or municipality map, to plan, re-plan, zone, or rezone any part of the city or municipality;
11. To lease or rent any of the dwelling or other accommodations or any of the lands, buildings, structures, or facilities embraced in any housing project and to establish and revise the rents or charges for the project; to enter upon any building or property in order to conduct investigations or to make surveys or soundings;
12. To purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any property real or personal or any interest therein from any person, firm, corporation, city, municipality, or government;
12. To acquire any real property, including improvements and fixtures to this property; to sell, exchange, transfer, assign, or pledge any property real or personal or any interest to this property to any person, firm, corporation, municipality, city, or government;
13. To own, hold, clear, and improve property;
14. To insure or provide for the insurance of the property or operations of the authority against risks as the authority may deem advisable;
15. To procure insurance or guaranties from the federal government of the payment of any debts or parts of debts secured by mortgages made or held by the authority on any property included in any housing project;
16. To borrow money upon its bonds, notes, debentures, or other evidences of indebtedness, and to secure them by pledges of its revenues, and (subject to the limitations imposed by this section) by mortgages upon property held or to be held by it, or in any other manner;
17. In connection with any loan, to agree to limitations upon its right to dispose of any housing project or part of a project or to undertake additional housing projects;
18. In connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this chapter;
19. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursements, in property or securities in which savings banks may legally invest funds subject to their control; to sue and be sued;
20. To have a seal and to alter that seal at pleasure; to have perpetual succession;

21. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority;
22. To make and, from time to time, amend and repeal bylaws, rules, and regulations not inconsistent with this chapter, and to carry into effect the powers and purposes of the authority;
23. To conduct examinations and investigations, and to hear testimony and take proof under oath at public or private hearings on any matter material for its information;
24. To issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority, or excused from attendance; and
25. To make available to those agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

(b) Any of the investigations or examinations provided for in this chapter may be conducted by the authority or by a committee appointed by it, consisting of one (1) or more Commissioners, or by counsel, or by an officer or employee specially authorized by the authority, to conduct it. Any Commissioner, counsel for the authority, or any person designated by it to conduct an investigation or examination has power to administer oaths, take affidavits, and issue subpoenas or commissions. An authority may exercise any or all the powers conferred upon it, either generally or with respect to any specific housing project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this state, and, for these purposes, an authority may cause one or more corporations to be formed under the laws of this state or may acquire the capital stock of any corporation or corporations. Any corporate agent, all of the stock of which is owned by the authority or its nominee or nominees, may, to the extent permitted by law exercise any of the powers conferred upon the authority. In addition to all of the other powers conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in chapters 25 and 27 of this title. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies are applicable to an authority unless stated specifically by the legislature.

**Current Members:**

Ernest Anthony – Chair  
 Carole Phillips - Resident  
 Deborah-Ann Owens  
 Valerie Topp- Vice-Chair  
 Kathleen E. Rushton

**Term Ending:**

12/31/2010  
 12/31/2013  
 12/31/2012  
 12/31/2014  
 12/31/2011

**Legal Counsel:**

J. Peter McGuirl

**Executive Director:**

Ronald J. DuPont

## **Juvenile Hearing Board**

**(5) Regular Members**  
**(2) Alternate Members**

**3-Year Term of Appointment**  
**2-Year Term of Appointment**

### **DIVISION 3. JUVENILE HEARING BOARD**

#### <sup>19</sup>Section 2-57. Establishment:

There is hereby established within the town a juvenile hearing board with the powers set forth in this article and the general laws of the state for the purpose of hearing all cases referred to such board by the juvenile division of the police department, the state police and the RI Department of Environmental Management, with respect to persons under the age of 18 who are charged with violating the criminal laws of the state or the town.

#### Section 2-58. Referral:

(a) Persons who are under the age of 18 may be referred to the juvenile hearing board, established in this article, which shall have concurrent jurisdiction with the family court if the offense is one which, if committed by an adult, would be a misdemeanor; provided, however, that this requirement shall not apply in the case of any person:

- (1) Charged with the crime of assault or battery;
- (2) Who shall have been twice previously referred to the juvenile hearing board or have once previously referred and refused or failed to abide by the sanctions imposed or make the restitution recommended; and/or
- (3) Who at the time of the commission of such juvenile offense shall be within the custody and control of the family court. The juvenile hearing board may also, with the express written consent of the chief justice of the family court, hear and dispose of offenses that constitute felony offenses or a felony offense that has been amended to a misdemeanor offense.

(b) The juvenile division of the town police department, the state police and the RI Department of Environmental Management, may offer referral to the juvenile hearing board any other juvenile offender where, in the opinion of the juvenile division, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the juvenile hearing board shall be made by the juvenile division until such person, together with his legal guardians, shall have in writing waived such person's right to a hearing in the family court with respect to the offense charged, has admitted to guilt, and shall have agreed to abide by the decision of the juvenile hearing board.

#### Section 2-59. Composition:

The membership of the juvenile hearing board shall consist of seven (7) persons, five (5) of whom shall be regular members and two (2) of whom shall be alternate members, over the age of 18 years, to be appointed by the town council, all of whom shall have been a resident for at least three (3) years within the town and none of whom shall be attorneys admitted to practice before the state supreme court. The town council shall appoint the five

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<sup>19</sup> Code of Ordinance, Article III, Division 3, Sec. 2-57 through and including 2-61, adopted November 2, 2009.

(5) regular members of the hearing board in the following manner: one member of the hearing board whose term shall expire on December 1, 2010, and thereafter until his successor is appointed and qualified, two members of the hearing board whose terms shall expire on December 1, 2012, and thereafter until their successors are appointed and qualified. During the month of November, 2011, and annually thereafter, the town council shall appoint a member of the hearing board to succeed the members whose terms will then next expire, to serve for a term of three (3) years, commencing on December 1, and thereafter until their successors are appointed and qualified. The town council shall appoint the alternate members of the hearing board whose term shall expire on November 2011. During the month of November, 2011, and annually thereafter, the town council shall appoint the alternate members of the hearing board to succeed the members whose terms will then next expire, to serve for a term of two (2) years, commencing December 1, and thereafter until their successors are appointed and qualified. In event of a vacancy occurring in the office of a member of the hearing board by death, resignation or otherwise, such vacancy shall be filled in the like manner as the original appointment, but only for the remainder of the term of the former member. No member of the juvenile board shall be entitled to receive any compensation by reason of service on the hearing board.

Section 2-60. Duties:

The juvenile board shall hear all cases referred to it by the juvenile division and shall recommend sanctions (other than incarcerations) including, but not limited to, fines (up to a maximum of \$100.00, and community service and shall direct restitution for any injuries and/or damages where appropriate, resulting from the commission of such offense). In any such proceeding, the juvenile hearing board, prior to imposing sanctions, shall request the juvenile offender and his parents or legal guardians to agree to the sanctions imposed, and the amount of restitution, the juvenile hearing board shall take into account the juvenile offender's ability to pay, and the amount of actual damage caused as a result of the commission of such offense.

Section 2-61. Meetings:

(a) The juvenile hearing board shall meet as necessary. It shall give notice of the date and time of the meetings to the juvenile division, the juvenile offender and his parents, or legal guardian, not less than seven (7) days prior to the date of the hearing. Any juvenile offender may be represented by counsel and present evidence on his behalf. A majority of the members of the juvenile hearing board shall constitute a quorum, and its proceedings shall be closed to the public. Records of the juvenile hearing board's proceedings shall be sealed and destroyed when the juvenile reaches the age of 18.

(b) The juvenile hearing board shall elect one from its members as chairman, and one as its vice-chairman. In the absence of the chairman, the vice-chairman shall be the presiding officer. A majority of the members present shall be required to take any action. The juvenile hearing board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted. The juvenile hearing board shall maintain confidentiality in all cases as to the identity of the juvenile and the disposition of the case.

**Current Members:**

**Term Ending:**

## Library Board of Trustees

### **(7) Members**

### **3-Year Term of Appointment**

Meetings are held at the Jamestown Philomenian Library on the first Tuesday of each month at 5:30 p.m.

### **Charge:**

<sup>20</sup> Whenever any city or town shall establish a free public library, or shall become possessed, as provided in this chapter, of any free public library, the...Town Council...shall proceed to elect a Board of Trustees, to consist of not less than three (3) members nor more than seven (7). As soon as possible after the election of the first board, the members thereof shall meet and be divided by lot into three (3) groups or classes, the terms of office of one group expiring in one year from the date of their election, those of another group in two (2) years, and those of the remaining group in three (3) years. With the expiration of the term of office of any member the vacancy shall be filled by the...Town Council...for the term of three (3) years. Vacancies occurring by resignation, removal, death, or otherwise, shall be filled as above for the un-expired term thereof.

<sup>21</sup> The Trustees shall take possession of the library, and shall thereafter be the legal guardians and custodians of the library. They shall provide suitable rooms for the library, arrange for the proper care of the library, choose one or more competent persons as librarians and fix their compensation, and make all needful rules and regulations for the government of the library and the use of the books. The Trustees support and enforce all policies and procedures outlined in the Trustee's Handbook.

### **Current Members:**

### **Term Ending:**

Katherine Wineberg-Vice President	12/31/2011
Craig Watson	12/31/2012
Delia Klingbeil-Treasurer	12/31/2011
Nancy Logan –Secretary	12/31/2010
Rosemary Forbes-Woodside	12/31/2012
Heidi Keller Moon- President	12/31/2010
Jeff McDonough	12/31/2011

### **Library Director:**

Judith H. Bell

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<sup>20</sup> From Rhode Island General Law, Section 29-4-5.

<sup>21</sup> From Rhode Island General Law, Section 29-4-6.

## Newport County Convention & Visitor's Bureau

**(1) Member, Jamestown**

**2-Year Term**

Meetings

**Charge:**

The General Assembly of the State of Rhode Island has enacted new legislation defining a new board structure for the Newport County Convention & Visitor's Bureau. New Board members will be appointed as follows:

- A. Three (3) members shall be appointed by the Newport City Council; two (2) of whom shall be associated with the hospitality industry.
- B. Three (3) members shall be appointed by the Middletown Town Council; two (2) of whom shall be associated with the hospitality industry.
- C. One (1) member shall be appointed by the Jamestown Town Council who shall be associated with the hospitality industry.
- D. One (1) member shall be appointed by Portsmouth Town Council who shall be associated with the hospitality industry.
- E. One (1) member shall be appointed by the Tiverton Town Council who shall be associated with the hospitality industry.
- F. One (1) member shall be appointed by the Little Compton Town Council who shall be associated with the hospitality industry.

The ten (10) members appointed by the towns shall meet to discuss and appoint five (5) members, who shall be:

1. One representative of hotels of more than one hundred (100) rooms;
2. One representative of hotels, inns, or bed and breakfasts of less than one hundred (100) rooms;
3. One representative of the restaurant industry;
4. One representative of the attractions industry; and
5. One member of the general public

All members of the bureau shall be appointed to serve terms of two (2) years. Board members of the bureau shall be eligible for reappointments.

No state legislator shall serve or be otherwise eligible for membership on the bureau.

**Current Member:**  
Jeff McDonough

**Term Ending**  
09/01/2011

## Personnel Board

### **(5) Members**

### **3-Year Term of Appointment**

Meetings are held at the Jamestown Philomenian Library on the second Thursday every other month at 7:00 p.m.

#### **Charge:**

<sup>22</sup> 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 his 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 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.

#### **Current Members:**

#### **Term Ending:**

**VACANT**

Discharged

**VACANT**

Discharged

John P. Collins

Discharged

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<sup>22</sup> From the Town Charter for the Town of Jamestown, Section 420.

## Planning Commission

### **(7) Members**

### **4-Year Term of Appointment**

Meetings are held at the Jamestown Town Hall on the first and third Wednesdays of each month at 7:30 p.m. and work sessions are held as needed.

Staff assistance is provided by the Town Planner.

### **Charge:**

<sup>23</sup> There shall be a Planning Commission which shall act in an advisory capacity to the Administrator and Town Council in all matter 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.

<sup>24</sup> 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.

<sup>25</sup> 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.

<sup>26</sup> 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 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.

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<sup>23</sup> From the Town Charter for the Town of Jamestown, Section 701.

<sup>24</sup> From the Town Charter for the Town of Jamestown, Section 702.

<sup>25</sup> From the Town Charter for the Town of Jamestown, Section 703.

<sup>26</sup> From the Town Charter for the Town of Jamestown, Section 704.

**Current Members:****Term Ending:**

Duncan Pendlebury  
Richard Lynn  
Barry S. Holland – Secretary  
Michael Swistak - Chair  
Nancy Bennett  
Susan Little  
Michael F. Smith

12/31/2011  
12/31/2013  
12/31/2010  
12/31/2011  
12/31/2011  
12/31/2013  
12/31/2013

## **Quonset Development Corporation Board of Directors**

**(1) Member**

**3-Year Term of Appointment**

Meetings are held at the Quonset EDC Office located at 30 Enterprise Dr. in North Kingstown, monthly on Monday's at 5:00 p.m.

**Charge:**

<sup>27</sup> There shall be one (1)-voting resident of the Town of Jamestown serving on the Quonset Development Corporation Board of Directors. This member is to be appointed by the Town Council of the Town of Jamestown.

This State level Board will be responsible for the development and management of the industrial park at Quonset Point.

**Current Member:**

**Term Ending:**

Sav Rebecchi

12/31/2010

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<sup>27</sup> From Rhode Island General Law, Section 42-64-7.1. The Quonset/Davisville Management Corporation is a subsidiary of the Rhode Island Economic Development Corporation as per R.I.G.L. § 42-64-7.1. The purpose, powers, and duties of this parent corporation are defined in R.I.G.L. Sections 42-64-4, 42-64-5, 42-64-6, and 42-64-7.

## Recycling Committee

**7 voting members**

**Terms Unspecified**

Meetings held as needed.

**Charge:**

The Town Council has determined that it is necessary to increase residential recycling in order to conform to rising community recycling goals mandated by the State of Rhode Island. To pursue this initiative, the Council may appoint a Recycling Committee whose charge shall be:

1. Review current residential solid waste collection disposal policies and practices;
2. Identify strategies employed by other local governments to achieve high community-wide recycling rates;
3. Present recommendations to the Town Council including suggested new ordinances or amendments, fee schedules, financing options and public education approaches.

The Committee shall consist of seven (7) members including five (5) members of the general public, the Director of Public Works and the Town Administrator.

**Current Voting Members:**

**Term Ending:**

Cheryl LaFazia  
Michael Testa  
Howard F. Tighe  
Norma B. Willis  
Teresa Lablanc

Unspecified  
Unspecified  
Unspecified  
Unspecified  
Unspecified

**Ex Officio Member:**

Bruce Keiser, Town Administrator  
Steven Goslee, Director of Public Works

## School Committee

**(5) Members**

**Elected Official**

**(1) Ex Officio Member**

Meetings are held at the Melrose School on the first and third Thursdays of each month at 7:00 p.m.

**Charge:**

<sup>28</sup> 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 the lots). Those persons receiving the greatest number of votes for an office, not exceeding the number of persons to be chosen for office, shall be declared elected to office. All members of the School Committee in office at the time of this charter is adopted shall continue to hold office until their normal terms have expired.

<sup>29</sup> 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.

<sup>30</sup> 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 un-expired 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.

<sup>31</sup> The School Committee shall determine its own rules and order of business and the time of its meetings consistent with Rhode Island General Law Title 42, Chapter 46 (Open Meetings).

<sup>32</sup> 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

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<sup>28</sup> From the Town Charter for the Town of Jamestown, Section 501.

<sup>29</sup> From the Town Charter for the Town of Jamestown, Section 502.

<sup>30</sup> From the Town Charter for the Town of Jamestown, Section 503.

<sup>31</sup> From the Town Charter for the Town of Jamestown, Section 505.

<sup>32</sup> From the Town Charter for the Town of Jamestown, Section 506.

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.

<sup>33</sup> 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.

<sup>34</sup> 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.

**Current Voting Members:**

**Term Ending:**

Dana K. Long	11/06/2012
B.J. Whitehouse	11/08/2011
Julia K. Held	11/06/2012
Catherine L. Kaiser	11/06/2012
Julie A. Kallfelz	11/08/2011

**Ex Officio Member:**

Michael G. White	Town Council Liaison
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<sup>33</sup> From the Town Charter for the Town of Jamestown, Section 507.

<sup>34</sup> From the Town Charter for the Town of Jamestown, Section 508.

## **Tax Assessment Board of Review**

### **(3) Members**

### **3-Year Term of Appointment**

Meetings are held as needed. Generally the Board meets regularly at the Town Hall following revaluations until all appeals are heard. Often this is on a weekly basis. The Board then meets once or twice a year until the next revaluation.

### **Charge:**

<sup>35</sup> There shall be a Board of Assessment Review consisting of three (3) members and one (1) alternate member who shall sit only when any one of the three (3) 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 the 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 management 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 completed jurisdiction for relief from any assessed valuation or tax.

### **Current Members:**

### **Term Ending:**

Stuart L. Rice, Jr. – Secretary – Democrat  
Anne M. Livingston – Chair – Democrat  
Barbara Hamilton Porter – Vice-Chair – Republican

05/31/2010  
05/31/2011  
05/31/2012

### **Alternate Member:**

### **Term Ending:**

Paula Samos – Alternate – Democrat

05/31/2012

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<sup>35</sup> From the Town Charter for the Town of Jamestown, Section 405. The charge of the committee is detailed further in the Code of Ordinances for the Town of Jamestown, Section 66-21.

## **Town Building and Facilities Committee**

**(7) Voting Members**

**3-Year Term of Appointment**

**(3) Ex Officio Members**

Meetings are held as needed.

### **Charge:**

<sup>36</sup> The Town Building and Facilities Committee consists of seven (7) voting members. Six (6) of the voting members shall be qualified electors and residents of the Town of Jamestown, and the seventh voting member will be the Town Planner. The Town Administrator and a Council Liaison shall also be non-voting members. Additionally there shall be one (1) non-voting alternate position which should be renewed on a yearly basis. Members serve for three (3) year terms with staggered term ending dates to ensure continuity.

The Building and Facilities Committee shall have the following duties and responsibilities:

1. Evaluate the condition and usefulness of existing municipal facilities including but not limited to the Town Hall, Town Offices, Highway Barn, and recreational buildings and areas.
2. Upon concluding such an evaluation, an assessment of the necessity of replacing, renovating, or changing the use of each facility shall be made, based on the demonstrable needs of the community and the efficient operation of Town government. Relying on such factors, there shall be a plan developed setting forth the priority of each project and outlining the nature and extent of any renovations to existing facilities, the size and location of any new facility to be erected, and the use of any replaced facility.
3. Cost estimates shall be developed as part of the determination of the extent of any renovations to existing facilities, the size and location of any new facility to be erected, and the use of any replaced facility.
4. Determination of needs for proper site location with recommendations of a building site and an alternate location.

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<sup>36</sup> Pursuant to a Vote of the Jamestown Town Council on May 29, 2001.

**Current Voting Members:****Term Ending:**

Lisa Bryer – Town Planner	Unspecified
Christopher Fabiszak	05/31/2012
Valerie Malloy	05/31/2011
Clayton Carlisle	05/31/2012
Duncan Pendlebury - Chair	05/31/2010
Michael Testa	05/31/2011
<b>VACANT</b>	<b>05/31/2011</b>
Duncan Pendlebury	05/31/2010

**Ex Officio Members:**

Bruce R. Keiser	Town Administrator
William H. Murphy	Town Council Liaison
<b>VACANT</b>	<b>Alternate</b> <b>11/1/2009</b>

## Town Charter Review Committee

**(7) Voting Members**  
**(1) Ex Officio Members**

**Unspecified Term of Appointment**

Meetings are held as needed.

### **Charge:**

<sup>37</sup> The Town Charter Review Committee consists of seven (7) voting members. All voting members shall be qualified electors and residents of the Town of Jamestown. The Town Council President shall be the ex-officio member. As an ad hoc committee, the committee members will be discharged upon the completion of their task.

The Town Charter Review Committee shall complete a charter review solely for the purpose of determining if there are any changes necessary. Any recommendations for changes to the charter will be presented to the Council for their consideration.

### **Current Voting Members:**

Susan Little  
David Long, Chair  
Jerry McIntrye  
Sav Rebecchi  
Michael Schnack  
Robert A. Ullrich  
Daniel H. Wright

### **Term Ending:**

Discharged  
Discharged  
Discharged  
Discharged  
Discharged  
Discharged  
Discharged

### **Ex Officio Members:**

Julio J. DiGiando, Town Council President

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<sup>37</sup> Pursuant to a Vote of the Jamestown Town Council on October 14, 2009.

## <sup>38</sup>Traffic Commission

**(7) Members**

**3-Year Term of Appointment**

**(2) Ex Officio Member**

Meetings are held only when matters have been referred to the Committee. They then meet at 7:00 p.m. at the Police Station.

### **Charge:**

<sup>39</sup> The Traffic Commission will investigate parking and traffic issues including but not limited to, stop signs, speeding, parking and other related issues in the Town of Jamestown and make recommendations to the Town Council.

<sup>40</sup> There are to be seven (5) members that will consist of Town staff or their designee as follows:

- Town Administrator
- Town Planner
- Public Works Director
- Town Engineer
- Chief of Police

### <sup>41</sup>**Current Members:**

### **Term Ending:**

Bruce Keiser - Town Administrator  
Lisa Bryer – Town Planner  
Steven Goslee – Public Works Director  
Michael Gray – Town Engineer  
Thomas P. Tighe – Chief of Police

Unspecified  
Unspecified  
Unspecified  
Unspecified  
Unspecified

### **Citizen-at-Large:**

<sup>42</sup>Daniel E. Lilly, Jr.

December 31, 2009

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<sup>38</sup> Pursuant to a Vote of the Jamestown Town Council on July 11, 2005, Parking Committee discharged and new committee formed. The Traffic Commission was charged with the responsibility of reviewing and addressing issues relating to all matters pertaining to traffic, including but not limited to, stop signs, speeding, parking and other related issues.

<sup>39</sup> Pursuant to a Vote of the Jamestown Town Council on June 11, 2001. The Parking Committee was originally formed early in 1998 and was charged with investigating parking issues only, not traffic.

<sup>40</sup> Pursuant to a Vote of the Jamestown Town Council on March 24, 2003.

<sup>41</sup> At a meeting of the Town Council on February 17, 2009, the Council voted to restructure the committee.

<sup>42</sup> At the request of the Town Administrator, June 23, 2009.

## Tree Preservation and Protection Committee

**(7) Voting Members**

**3-Year Term of Appointment**

**(4) Ex Officio Members**

Meetings are held at the Jamestown Town Hall on the third Tuesday of each month at 7:00 p.m.

### **Charge:**

1. <sup>43</sup> There shall be created in this article a Tree Committee. The Tree Committee shall be responsible for assisting the Tree Warden in the management of the tree preservation ordinance. The Committee shall be composed of at least ten (10) members, six (6) of whom shall be appointed by the Town Council for three-year staggered terms, commencing in January of each year.
2. The Tree Committee shall adopt rules of procedure for the conduct of meetings, hearings, votes required, and attendance requirements for members.
3. The Committee shall, to the extent practicable, include<sup>44</sup>:
  - a. Seven (7) voting members as follows:
    - i. Planning Board representative, or a citizen with training in the environment fields such as botany, landscape architecture, horticulture, or arboriculture.
    - ii. Conservation Commission representative, or a citizen with training in the environment fields such as botany, landscape architecture, horticulture, or arboriculture.
    - iii. Business community representative.
    - iv. Four (4) citizens, residents of the Town, giving consideration to geographic diversity.
  - b. Ex officio members are as follows:
    - i. Town Planner.
    - ii. Public Works representative.
    - iii. Zoning enforcement official.
    - iv. Town Tree Warden
4. All members of the Tree Committee shall serve without pay or compensation. Within two (2) months of the annual appointment of new full-term members, the Committee shall select from its members a chair, a vice-chair, and a secretary who shall serve annual terms.
5. The Tree Committee shall:
  - a. Meet monthly.
  - b. Promote the conservation, planting, health, and growth of trees.
  - c. Assist the Tree Warden in making proposals to the Town Council for any legislation, plans, policies, and programs complementary to the intent and purpose of this article.

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<sup>43</sup> From the Code of Ordinances of the Town of Jamestown, Section 22-116.

<sup>44</sup> Pursuant to a vote of the Jamestown Town Council on March 8, 2004, the Tree Warden was made a non-voting, ex-officio member to satisfy the Town Charter that limits committees to seven (7) voting members.

- d. Help the Tree Warden coordinate efforts with town departments, the planning and zoning boards, state agencies, and private individuals and organizations to promote the planting of new trees and to protect and preserve the existing trees.
- e. Coordinate efforts by individual citizens, businesses, neighborhood or charitable organizations, and other groups wishing to donate moneys, volunteer work, or information to protect and preserve the existing trees.
- f. Assist the Tree Warden in the adoption of such administrative guidelines, including rules, fees, regulations, and permitting procedures as are deemed necessary to carry out the intent and enforcement of this article. Such rules, regulations, and permits shall include, but not be limited to, the planting, maintenance, removal, fertilization, pruning, application of chemicals (e.g. herbicides, pesticides, fungicides), or any act which will, in any other way, affect the public or protected trees and shall be adhered to by any and all persons. The Tree Committee shall maintain its own records.
- g. Support the Tree Warden in the standards set forth by the American Association of Nurserymen, unless otherwise stated in this article.
- h. Advise the Tree Warden in developing a five-year planting and maintenance program, which shall be revised annually and submitted to the Town Administrator for the incorporation into the annual town budget for funding. Fees will be reviewed at this time.
- i. Establish an ongoing education program regarding the aesthetic, social, and environmental value of trees, as well as care of trees, including the island's Master Tree Management Plan.
- j. Help the Tree Warden to establish and maintain records of historic and significant trees of Conanicut Island, which shall be made a part of the inventory of existing trees in the Master Tree Management Plan.
- k. Assist the Tree Warden in issuing permits.

**Current Voting Members:**

**Term Ending:**

John P. Collins	12/31/2010
Nancy Bennett - Planning Commission Rep	Unspecified
James Rugh – Chair	12/31/2012
Anthony Antine – Vice Chairperson- Secretary	12/31/2012
Patrick Driscoll - Conservation Commission Rep	Unspecified
Emmet Turley	12/31/2011
Richard Lynn	12/31/2011

**Ex Officio Members:**

Lisa Bryer	Town Planner
Steve Goslee	Public Works Representative
Fred Brown	Zoning Enforcement Official
Stephen Saracino	Tree Warden

## Water Resource Protection Committee

### **(7) Members**

### **3-Year Term of Appointment**

Meetings are held as needed at the Police Station usually on Wednesdays at 4:00 p.m.

### **Charge:**

<sup>45</sup> The Town Council has established a Committee of seven (7) persons consisting of the Finance Director (or nominee), the Town Planner, a Member of the Conservation Commission, and four (4) members of the Community, to aid and assist the Council.

Accordingly, the Committee is hereby charged as follows:

1. To identify and catalogue those properties which contribute to the protection or preservation of the municipal water supply/system, including but not necessarily limited to:
  - a. Areas suitable for municipal wells, or which may otherwise increase system capacity;
  - b. Areas within the so-called “watershed” or which protect the “watershed”;
  - c. Areas suitable for potential expansion of municipal water system, such as Carr’s Creek and surrounding areas;
  - d. Areas which, if developed, might jeopardize the municipal water system.
2. Identify and catalogue properties which contribute to the protection or preservation of the quantity and quality of private water supplies, including but not necessarily limited to areas which, if developed, might jeopardize the quantity and/or quality of existing water supplies.
3. To prioritize among the aforesaid properties those most critical for acquisition and provide the Town Council with a prioritized list at least annually.
4. Subject to the approval of the Town Council, to engage experts, including appraisers, in connection with said properties.
5. Subject to the approval of the Town Council, to enter into negotiations for the acquisition of said property or properties or any interest therein.
6. To present to the Town Council for approval and execution contracts for the acquisition of said properties or any interest therein.
7. To assist in the solicitation of funds from outside sources.

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<sup>45</sup> Pursuant to a vote of the Jamestown Town Council at the Annual Financial Town Meeting on March 1, 1999.

**Current Members:**

**Term Ending:**

Lisa Bryer – Town Planner	Unspecified
Bruce Keiser – Town Administrator	Unspecified
John H. Hubbard- Chair	12/31/2009
Jim Turrene	12/31/2011
<b>VACANT</b>	<b>12/31/2008</b>
Christopher Powell – Conservation Commission Liaison	Unspecified
Carol Lynn Trocki	12/31/2010

## <sup>46</sup>Wind Energy Committee

(7) Members

2-Year Term

(2) Ex Officio Members

Meetings to be announced

### **Charge:**

The Wind Energy Committee shall review and evaluate the use of wind turbines as an alternative renewable energy source local power generation. The Committee will study the potential application of wind energy technology to meet municipal demands exclusively and/or to broadly serve the residential and commercial power needs on the island. The study will examine direct and indirect costs and benefits and aesthetic and neighborhood impacts. Following completion of this assessment, the Committee shall issue a report and recommendations to the Town Council.

With approval of the Town Council, the Committee may seek federal and state grants or private funding to support the study and analysis of wind turbines on Jamestown.

The Committee shall consist of seven members who shall serve for an initial term of two years. The Town Planner and Director of Public Works shall sit as ex-officio members.

### **Current Voting Members:**

William C. Brennan

### **Term Ending**

5/31/2010

Abigail Anthony, Secretary

5/31/2010

Michael J. Larkin

5/31/2010

VACANT

5/31/2010

Clayton Carlisle

5/31/2010

William W. Smith, III

5/31/2010

Donald Wineberg, Chair

5/31/2010

### **Ex Officio Members**

Lisa Bryer, Town Planner

Steve Goslee, Director of Public Works

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<sup>46</sup> At a meeting of the Town Council on April 6, 2009 the term ending dates were extended to May 31, 2010.

## **Zoning Board of Review**

**(5) Members**

**5-Year Term of Appointment**

**(3) Alternate Members**

**1-Year**

**Term of Appointment**

Meetings are held at the Jamestown Town Hall on the fourth Tuesday of each month at 7:00 p.m.

### **Charge:**

#### **Per the Town Charter for the Town of Jamestown:**

<sup>47</sup> 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.

<sup>48</sup> 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.

<sup>49</sup> 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.

<sup>50</sup> 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.

<sup>51</sup> 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.

#### **The charge for the Zoning Board of Review is detailed further in the Jamestown Code of Ordinances as follows:**

<sup>52</sup> There is hereby created a Zoning Board of Review, hereinafter called the Zoning Board, which shall consist of five (5) members, each to hold office for the term of five (5) years; provided, however, that the original appointments shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively.

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<sup>47</sup> From the Town Charter for the Town of Jamestown, Section 705.

<sup>48</sup> From the Town Charter for the Town of Jamestown, Section 706.

<sup>49</sup> From the Town Charter for the Town of Jamestown, Section 707.

<sup>50</sup> From the Town Charter for the Town of Jamestown, Section 708.

<sup>51</sup> From the Town Charter for the Town of Jamestown, Section 710.

<sup>52</sup> From the Code of Ordinances for the Town of Jamestown, Section 82-500.

The Zoning Board shall also include <sup>53</sup>three (3) alternates to be designated as the first, second, and third alternate members, for a term of one (1) year. These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall vote if two members of the board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the Zoning Board unless they have attended all hearings concerning that matter.

The Zoning Board may engage legal, technical or clerical assistance to aid in the discharge of its duties.

Members of the Zoning Board of Review serving on the effective date of adoption of this ordinance [from which this chapter is derived] shall be exempt from provisions of this chapter [article] respecting terms of originally appointed members until the expiration of their current terms. The Town Council may remove a member for cause based on a majority vote of the Town Council membership. The Town Council may fill any vacancy in the Zoning Board for an un-expired term.

The chairperson [chair], or in his or her absence, the acting chairperson [chair], may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

<sup>54</sup> The Zoning Board of Review shall:

1. Have the following powers and duties [to]:
  - a. Hear and decide appeals in a timely fashion where it is alleged there error is in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement or interpretation of the act, or the ordinance [this chapter] hereto;
  - b. Hear and decide appeals from a party aggrieved by a decision of an [a] historic district commission, pursuant to G.L. 1956, §§ 45-24.1-7.1 and 45-24.1-7.2;
  - c. Authorize, upon application, in specific cases of hardship, variances in the application of the terms of the ordinance [this chapter], pursuant to G.L. 1956, § 45-24-41;
  - d. Authorize, upon application, in specific cases, special use permits, pursuant to G.L. 1956, § 45-24-42(A), where the zoning board is designated as a permit authority for special use permits;
  - e. Refer matters to the Planning Commission, or to other boards or agencies of the Town as the Zoning Board may deem appropriate, for findings and recommendations;
  - f. Provide for insurance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional

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<sup>53</sup> See state law for an additional alternate member of zoning board of review, G.L. 1991, § 45-24-56.

<sup>54</sup> From the Code of Ordinances for the Town of Jamestown, Section 82-501.

zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specific period of time; and

- g. Hear and decide other matters, according to the terms of the ordinance [this chapter] or other statutes, and upon which the Zoning Board may be authorized to pass under the ordinance [this chapter] or other statutes; and
2. Be required to vote as follows:
- a. Five (5) active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and take no part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue;
  - b. The concurring vote of three (3) of the five (5) members of the Zoning Board sitting at a hearing shall be necessary to reverse any order, requirement, decision, or determination of any zoning enforcement officer from whom an appeal was taken; and
  - c. The concurring vote of four (4) of the five (5) members of the Zoning Board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under the ordinance [this chapter], including variances and special-use permits.

<sup>55</sup> In using the powers listed in section 82-501, the Zoning Board, in conformance with the provisions of this ordinance [chapter] and in the proper exercise of its discretion, may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning enforcement officer.

**Current Members:**

**Term Ending:**

Richard A. Boren	12/31/2013
Thomas Ginnerty – Chair	12/31/2013
David P. Nardolillo	12/31/2011
Joseph S. Logan	12/31/2010
Don Wineberg - Vice -Chair	12/31/2010

**Current Alternates:**

**Term Ending:**

Dean Wagner – 1 <sup>st</sup> Alternate	12/31/2012
Richard G. Cribb – 2 <sup>nd</sup> Alternate	12/31/2012
Richard Allphin – 3 <sup>rd</sup> Alternate	12/31/2012

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<sup>55</sup> From the Code of Ordinances for the Town of Jamestown, Section 82-502.

## Discharged Committees

Fort Wetherill Committee

Committee discharged May 29, 2001

Highway Barn Committee

Committee discharged May 29, 2001

Street Light Committee

Committee discharged May 29, 2001

Town Charter Review Committee

Committee discharged June 26, 2003

Computer Study Committee

Committee discharged August 10, 2004

Golf Course Advisory Committee

Committee discharged August 10, 2004

Quonset Davisville Liaison Committee

Committee discharged October 25, 2004

Town Administrator Search Committee

Committee discharged December 13, 2004

Quonset/Davisville Liaison Commission

Commission discharged October 25, 2004

Quonset/Davisville Management Corporation

Committee discharged January 31, 2005

Fort Getty Master Plan Committee

Committee discharged January 19, 2010

Farmland Acquisition Committee

Committee discharged October 23, 2006

Wildlife Committee

Committee discharged January 5, 2009

Neighborhood Advisory Committee

Committee discharged January 5, 2009

Water Study Committee

Committee discharged January 5, 2009

Town Charter Review

Committee discharged January 4, 2010

Personnel Board

Committee discharged January 4, 2010

Traffic Commission

Commission restructured February 17, 2009

# **Jamestown Town Charter Excerpts**

## **Boards, Commissions, and Committees**

Following are sections of the Jamestown Town Charter pertaining to boards, commissions, and committees.

### 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**<sup>56</sup>, 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)

### **Sec. 1001. Qualifications and Duties.**

All members of Boards, Commissions and Committees shall be qualified electors and residents of the town.

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)**<sup>57</sup> and Public Records (Title 38).

(Amend. of 11-5-2002, § X)

### **Sec. 1002. Membership and Terms.**

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.

Terms of Board, Commission and Committee members that are scheduled to expire during any year shall expire in the months of December or May.

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.

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<sup>56</sup> R.I.G.L. Section 36-14 is contained in this Committee Book under the section entitled Code of Ethics.

<sup>57</sup> R.I.G.L. Section 42-46 is contained in this Committee Book under the section entitled Open Meetings Law.

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.

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 11-5-2002, § X)

# Code of Ethics

Following is Rhode Island General Law Chapter 36, Title 14 regarding the State Code of Ethics.

**§ 36-14-1 Declaration of policy.** – It is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage.

**§ 36-14-2 Definitions.** – As used in this chapter:

(1) "Any person within his or her family" means a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother or halvesister;

(2) "Business" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit or not for profit is conducted;

(3) "Business associate" means a person joined together with another person to achieve a common financial objective;

(4) "Employees of state and local government, of boards, commissions and agencies" means any full time or part time employees in the classified, nonclassified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission, or corporation;

(5) "Governmental function" means any action that is public in nature and is performed for the common good of all the people;

(6) "Open and public process" means the open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded;

(7) "Person" means an individual or a business entity;

(8) "State agency" means any department, division, agency, commission, board, office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the the Rhode Island general assembly, or an agency or committee thereof, the judiciary, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions other than in an advisory nature;

(ii) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode Island other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature;

(9) "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government;

(10) "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;

(11) A person's natural child, adopted child, or stepchild is his or her "dependent child" during a calendar year if the person provides over fifty percent (50%) of the child's support during the year;

(12) A person "represents" him or herself before a state or municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;

(13) A person "represents" another person before a state or municipal agency if he or she is authorized by that other person to act, and does in fact act, as that other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person.

**§ 36-14-3 Code of ethics.** – Sections 36-14-4 – 36-14-7 shall constitute the Rhode Island code of ethics in government.

**§ 36-14-4 Persons subject to the code of ethics.** – The following persons shall be subject to the provisions of the Rhode Island code of ethics in government:

- (1) State and municipal elected officials;
- (2) State and municipal appointed officials; and
- (3) Employees of state and local government, boards, commissions, and agencies.

**§ 36-14-5 Prohibited activities.** – (a) No person subject to this code of ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, as defined in § 36-14-7.

(b) No person subject to this code of ethics shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(c) No person subject to this code of ethics shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or employment or use any information for the purpose of pecuniary gain.

(d) No person subject to this code of ethics shall use in any way his or her public office or confidential information received through his or her holding any public office to obtain financial gain, other than that provided by law, for him or herself or any person within his

or her family, any business associate, or any business by which the person is employed or which the person represents.

(e) No person subject to this code of ethics shall:

(1) Represent him or herself before any state or municipal agency of which he or she is a member or by which he or she is employed. In cases of hardship, the ethics commission may permit such representation upon application by the official provided that he or she shall first:

(i) Advise the state or municipal agency in writing of the existence and the nature of his or her interest in the matter at issue;

(ii) Recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue; and

(iii) Follow any other recommendations the ethics commission may make to avoid any appearance of impropriety in the matter.

(2) Represent any other person before any state or municipal agency of which he or she is a member or by which he or she is employed.

(3) Act as an expert witness before any state or municipal agency of which he or she is a member or by which he or she is employed with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him or herself, or any person within his or her family, or any business associate of the person, or any business by which that person is employed or which the person represents.

(4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2), or (e)(3) of this section for a period of one year after he or she has officially severed his or her position with said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter of public record in a court of law.

(f) No business associate of any person subject to this code of ethics shall represent him or herself or any other person, or act as an expert witness before the state or municipal agency of which the person is a member or by which the person is employed unless:

(1) He or she shall first advise the state or municipal agency of the nature of his or her business relationship with the person subject to this code of ethics; and

(2) The person subject to this code of ethics shall recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue.

(g) No person subject to this code of ethics, or spouse (if not estranged), dependent child, or business associate of the person, or any business by which the person is employed or which the person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the person would be influenced thereby.

(h) No person subject to this code of ethics, or any person within his or her family or business associate of the person, or any business entity in which the person or any person within his or her family or business associate of the person has a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily

awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.

(i) No person shall give or offer to any person covered by this code of ethics, or to any candidate for public office, or to any person within his or her family or business associate of any person, or to any business by which the person is employed or which the person represents, any gift, loan, political contribution, reward, or promise of future employment based on any understanding or expectation that the vote, official action, or judgment of the person would be influenced thereby.

(j) No person shall use for any commercial purpose information copied from any statements required by this chapter or from lists compiled from the statements.

(k) No person shall knowingly and willfully make a false or frivolous complaint under this chapter.

(l) No candidate for public office, or any person within his or her family, business associate of the candidate, or any business by which the candidate is employed or which the candidate represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the candidate would be influenced thereby.

(m) No person subject to this code of ethics shall, either directly or indirectly, through any government agency, or through a business associate, or through any other person, threaten or intimidate any complainant or witness or any family member of any complainant or witness in any proceeding before the state ethics commission.

(1) In addition to any rights a complainant or witness may have under the Rhode Island Whistleblowers' Protection Act, chapter 50 of title 28 or under any other statute, a complainant or witness may bring a civil action in superior court for appropriate injunctive relief, or actual damages, or both and attorney's fees within three (3) years after the occurrence of the alleged violation of subsection (m) above.

(2) The initiation of litigation by a complainant or witness pursuant to subsection (m)(1) shall not constitute a violation of any confidentiality provisions of this chapter.

(n) No state elected official, while holding state office and for a period of one year after leaving state office, shall seek or accept employment with any other state agency, as defined in § 36-14-2(4)(a), other than employment which was held at the time of the official's election or at the time of enactment of this subsection, except as provided herein.

(2) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any state elected official to a senior policy-making, discretionary, or confidential position on the general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions herein prohibit any state elected official from seeking or accepting a senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(3) Nothing contained herein shall prohibit a state elected official from seeking or being elected for any other constitutional office.

(4) Nothing contained herein shall prohibit the Rhode Island ethics commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

(o) No person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly shall seek or accept any other employment by any state agency as defined in § 36-14-2(4)(a), while serving as such policy-making, discretionary, or confidential staff member and for a period of one year after leaving that state employment as a member of the state elected official's or the general assembly's senior policy-making, discretionary, or confidential staff.

(2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary, or confidential staff position who has a minimum of five (5) years of uninterrupted state service shall be exempt from the provisions of this section. "State service" as used herein means service in the classified, unclassified and nonclassified services of the state, but shall not include service in any state elective office.

(3) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any such senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly to any other senior policymaking, discretionary, or confidential position on any general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions hereof prohibit any senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly from seeking or accepting any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(4) Nothing contained herein shall prohibit a person holding a senior policy-making, discretionary, or confidential staff position from seeking or being elected for any constitutional office.

(5) Nothing contained herein shall prohibit the Rhode Island ethics commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

**§ 36-14-6 Statement of conflict of interest.** – Any person subject to this code of ethics who, in the discharge of his or her official duties, is or may be required to take an action, make a decision, or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to the person, or spouse (if not estranged), or any dependent child of the person, or business associate or any business by which the person is employed or which the person represents, shall, before taking any such action or refraining therefrom:

(1) Prepare a written statement sworn to under the penalties for perjury describing the matter requiring action and the nature of the potential conflict<sup>58</sup>; if he or she is a member of a legislative body and he or she does not request that he or she be excused from voting, deliberating, or taking action on the matter, the statement shall state why, despite the potential conflict, he or she is able to vote and otherwise participate fairly, objectively, and in the public interest; and

(2) Deliver a copy of the statement to the commission, and:

(i) If he or she is a member of the general assembly or of any city or town legislative body, he or she shall deliver a copy of the statement to the presiding officer of the body,

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<sup>58</sup> See the section of this Committee Book entitled Forms to view the procedure on How to Give Notice and Recuse as well as a copy of the Statement of Conflict of Interest form.

who shall cause the statement to be recorded in the journal of the body and, upon request of the member, may excuse the member from votes, deliberations, or any other action on the matter on which a potential conflict exists; or

(ii) If the person is not a legislator, his or her superior, if any, shall, if reasonably possible, assign the matter to another person who does not have a conflict of interest. If he or she has no immediate superior, he or she shall take such steps as the commission shall prescribe through rules or regulations to remove him or herself from influence over any action on the matter on which the conflict of interest exists.

**§ 36-14-7 Interest in conflict with discharge of duties.** – (a) A person subject to this code of ethics has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, if he or she has reason to believe or expect that he or she or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.

(b) A person subject to this code of ethics does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him or her or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents, as a member of a business, profession, occupation, or group, or of any significant and definable class of persons within the business, profession, occupation, or group, to no greater extent than any other similarly situated member of the business, profession, occupation, or group, or of the significant and definable class of persons within the business, profession, occupation or group.

**§ 36-14-8 Rhode Island ethics commission – Establishment – Members – Vacancies – Quorum – Compensation and quarters.** – (a) There is hereby established an independent and nonpartisan Rhode Island ethics commission composed of nine (9) members appointed by the governor. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, and the minority leader of the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the governor a list of names of at least five (5) individuals. The governor shall, within forty (40) days of July 21, 1992, appoint one individual from each of the lists so submitted and four (4) individuals without regard to the lists submitted by the legislative leaders.

(b) Members of the commission shall serve for terms of five (5) years, except that, of the members first appointed:

(1) The individual appointed from the list submitted by the majority leader of the house of representatives shall serve for one year;

(2) The individuals appointed from the lists submitted by the minority leader of the senate and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for two (2) years;

(3) The individual appointed from the list submitted by the minority leader of the house of representatives and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for three (3) years;

(4) The individual appointed from the list submitted by the president of the senate and one of the individuals appointed from the list submitted by the minority leader of the house of representatives shall serve for four (4) years; and

(5) The individual appointed from the list submitted by the speaker of the house of representatives and one of the individuals appointed from the list submitted by the minority leader of the senate shall serve for five (5) years.

(c) No member shall be appointed for more than one full five (5) year term; provided, however, that each member shall continue to serve until his or her successor is appointed and qualified; and, provided further, that if, at the time of the expiration of any member's term, that member is actively engaged in the adjudication of a complaint, he or she shall continue to serve in that capacity until the commission has completed its responsibilities with respect to that complaint.

(d) The governor shall, at the time of the initial appointments to the commission, designate one member to act as chairperson of the commission for a period of one year and another to act as vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.

(e) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment within thirty (30) days of the vacancy occurring.

(f) No individual, while a member or employee of the commission, including any legal counsel engaged by the commission, shall:

(1) Hold or campaign for any other public office;

(2) Hold office in any political party or political committee;

(3) Participate in or contribute to any political campaign;

(4) Directly or indirectly attempt to influence any decision by a governmental body, other than as the duly authorized representative of the commission on a matter within the jurisdiction of the commission;

(5) Have held elective public office or have been a candidate for elective public office for a one year period prior to appointment.

(g) The governor shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection (f) of this section. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30) days in the manner in which that position was originally filled.

(h) For any action to be taken under the terms of this chapter by the full commission, five (5) members of the commission shall constitute a quorum.

(i) Commission members shall receive one hundred dollars (\$100) per day as compensation for attendance at meetings of the commission or of any investigating committee or adjudicative panel of the commission, but not to exceed the sum of six thousand dollars (\$6,000) annually as compensation of each member.

(j) All departments and agencies of the state or of any city or town or political subdivision within this state shall furnish such advice or information documentary or otherwise, to the commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this chapter.

(k) The director of administration is hereby authorized and directed to provide suitable quarters for the commission.

(l) When commission members act in good faith within the scope of their authority and in their official capacities they shall be afforded protection against civil liability as provided in § 9-1-31.1.

**§ 36-14-9 Administrative powers of the commission.** – (a) The commission is hereby empowered to:

(1) Engage the services of an executive director and of other legal, secretarial, and investigative employees, who shall be bound by the prohibitions contained in § 36-14-8(f), and to make such other expenditures as are necessary for the effective performance of its functions;

(2) Separately retain the services of independent legal counsel who shall be bound by the prohibitions contained in § 36-14-8(f) and who shall remain independent of the executive director and other commission employees;

(3) Prescribe and publish, after notice and public hearings, rules and regulations to carry out the provisions of this chapter;

(4) Prescribe forms for statements and reports required to be filed by this chapter and furnish the forms to persons required to file statements and reports;

(5) Prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required to file statements and reports by this chapter;

(6) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(7) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to the reports and statements;

(8) Prepare and publish quarterly and annually summaries of statements and reports filed with the commission;

(9) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(10) Preserve statements and reports filed with the commission for a period of five (5) years from date of receipt;

(11) Prepare and publish special reports and technical studies to further the purposes of this chapter;

(12) Prepare and publish, prior to April 1 of each year, an annual report summarizing the activities of the commission, including, but not limited to, the:

(i) Number of disclosure statements filed;

(ii) Subjects of advisory opinions requested and issued;

(iii) Number of complaints filed, investigated and/or adjudicated;

(13) Have a seal and the members, executive director, and assistant clerks thereof shall have authority and power to administer oaths and affirmations;

(14) Educate public officials, employees, and citizens on ethical standards as embodied in the code of ethics by holding regular workshops, seminars, and the like, focusing on the specifics of the code of ethics and compliance therewith;

(15) Create publications to explain the ethical conduct expected of officials and employees.

(b) The rulemaking power conferred by subsection (a)(3) of this section shall be subject to, and shall be exercised in conformity with, §§ 42-35-2 – 42-35-7.

(c) Unless specifically prohibited, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

**§ 36-14-10 Educational powers of the commission.** – (a) The commission is hereby empowered to establish and implement an educational program for the purpose of educating public officials and employees and the general public about the ethical standards embodied in the Rhode Island code of ethics in government, which program may include the preparation and dissemination of brochures, other publications and the conduct of workshops and seminars.

(b) The educational program authorized by this section shall be established by the commission in the exercise of the rulemaking authority conferred by § 36-14-9(a)(3).

(c) The commission may, by rule or regulation, delegate to its executive director (or other designated employee) such authority as it may deem necessary for the implementation of the educational program authorized by this section.

**§ 36-14-11 Advisory powers of the commission.** – (a) The commission is hereby empowered to issue, at the request of any person covered by the Rhode Island code of ethics in government, advisory opinions on the requirements of this chapter.

(b) Any advisory opinion rendered pursuant to this section must be approved, prior to issuance, by a majority of the members of the commission.

(c) Any advisory opinion rendered by the commission, until amended or revoked by a majority vote of the commission, shall be binding on the commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion.

**§ 36-14-12 Investigative powers of the commission.** – (a) The commission is hereby empowered to investigate allegations of violations of the provisions of this chapter and, in furtherance of any investigation, the commission shall have the power to:

- (1) Compel the attendance of witnesses and require the production of evidence; and
- (2) Take oral or written evidence under oath or affirmation.

(b) Any person, including any member of the commission, may file with the commission a complaint alleging a violation of this chapter. Any complaint filed with the commission shall be a statement in writing under oath which shall include the name of the person alleged to have committed the violation and which shall set forth in detail the specific act or acts complained of. The commission shall, within seventy-two (72) hours of the filing of any complaint, cause a copy of that complaint to be served, by certified mail, return receipt requested, upon any person alleged in the complaint to have committed a violation of this chapter.

(c) Upon receipt of a written complaint alleging a violation of this chapter, the commission shall within one hundred eighty (180) days of receipt of the written complaint complete its investigation; provided that, the commission may, for good cause shown, grant no more than two (2) extensions of sixty (60) days each.

(1) If the commission determines that the verified complaint does not allege facts sufficient to constitute a knowing and willful violation of any of the provisions of this chapter, it shall dismiss the complaint and notify the complainant and the respondent of the dismissal. The contents and substance of any complaint so dismissed, any answer thereto, and the notice of dismissal shall be made public.

(2) If the commission determines that the verified complaint alleges facts sufficient to constitute a violation of any of the provisions of this chapter, the commission shall promptly investigate the allegations contained in the complaint, make a finding on the complaint, and any amendment thereto.

(3) If the commission finds after its preliminary investigation that probable cause does not exist to support the allegations of the complaint, the commission shall dismiss the complaint and notify the complainant and the respondent of the dismissal. The contents and substance of any complaint so dismissed, any answer thereto, and the notice of dismissal shall be made public.

(4) If the commission finds that probable cause does exist to support the allegations of the complaint, it shall prepare written findings which shall state in detail the violations complained of and the manner in which they occurred and shall fix a time for hearing on the matter; provided, however, that, before it issues any findings, the commission shall permit the respondent to submit a written statement and/or to appear in person or by counsel for the purpose of presenting arguments and/or written evidence in response to the allegations against him or her. The respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint. Upon the issuance of any findings, the commission shall notify the complainant and the respondent of its action.

(5) If the commission, during the course of its investigation, has probable cause to believe that violations of this chapter, other than those contained in the complaint, have been committed, it may, upon its own motion, amend the complaint to include the violations. The commission shall, within seventy-two (72) hours of any amendment, cause a copy of the amended complaint to be served, by certified mail, return receipt requested, upon any person alleged in the amended complaint to have committed a violation of this chapter. Any person alleged by an amended complaint to have committed a violation of this chapter shall be afforded a reasonable opportunity to respond to the allegations contained therein.

(6) Nothing in this section shall be construed to authorize the commission to make any of its investigatory records public.

(d) The commission, upon a finding pursuant to this section that there fails to exist probable cause for a violation of this chapter, shall issue an order dismissing the complaint, and if it finds the complaint to be frivolous, unreasonable, or groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars (\$5,000), all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expenses of defense.

**§ 36-14-13 Adjudicative powers of the commission.** – (a) The commission is hereby empowered to adjudicate the merits of allegations of violations of the Rhode Island code of ethics.

(1) At such a hearing the commission shall have the power to compel the attendance of witnesses, require the production of evidence, and take oral or written evidence under oath or affirmation;

(2) Each party shall have the right to be represented by legal counsel; to conduct discovery pursuant to rules, adopted by the commission in the exercise of its rulemaking authority, which shall provide for the prompt and early exchange of relevant information and otherwise protect each party from unfair surprise during the course of the proceedings; to compel attendance of witnesses; to examine and cross examine opposing witnesses; to introduce exhibits and otherwise to present any matters to the commission relevant to the complaint;

(3) Oral evidence shall be taken only on oath or affirmation;

(4) There shall be a presumption of innocence on the part of any person alleged to have violated the provisions of this chapter and the burden of proving that the person has violated the provisions of this chapter shall be upon those who allege the violation or violations;

(5) The hearing shall be open to the public;

(6) Objections to the introduction of evidence may be made and shall be noted in the record;

(7) A stenographic record shall be made of all hearings conducted under the provisions of this section;

(8) At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then proceed to determine whether there has been a knowing and willful violation of this chapter;

(9) No persons, other than members of the commission, and independent legal counsel for the limited purpose provided for herein, shall be present during the deliberations of the commission following any hearing conducted under this section. Counsel may not participate in deliberations of the commission. Counsel's sole function shall be to respond to questions of law posed by commission members. A written record shall be maintained of the questions posed to counsel and counsel's responses, which shall become part of the record of proceedings.

(b) In order for the commission to hold a hearing there must be a quorum of five (5) members. For every two (2) members who must recuse themselves from taking part in a hearing due to a conflict, the number needed for a quorum shall be reduced by one.

(c) In order for the commission to find that there has been a knowing and willful violation of this chapter it shall be necessary that a majority of those commissioners who attended all hearings, but in no case fewer than three (3) of the members of the commission shall vote in the affirmative to so find.

(d) The commission, upon a finding pursuant to this section that there has been a violation of this chapter, shall issue an order by which it may:

(1) Require that the violator cease and desist violating the provisions of this chapter;

(2) Require that the violator file any report, statement, or other information as required by this chapter;

(3) Require that the violator pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation of this chapter and the pecuniary value of any unjust enrichment realized by the violator as the result of his or her violation of this chapter;

(4) Refer the entire record of its proceedings to the attorney general; and/or

(5) Remove the violator from his or her office or position in accordance with the provisions of § 36-14-14, provided the violator is not subject to impeachment.

(e) The commission shall, in the exercise of the rulemaking authority conferred by § 36-14-9(a)(3), promulgate rules and regulations, consistent with the provisions of this section, for the conduct of adjudicative hearings before any adjudicative panel of the commission.

(f) Except in those cases referred to the attorney general pursuant to subsection (d)(4) of this section, a final decision of the commission and the record of proceedings before the commission upon which the final decision is based shall be made public by the commission within thirty (30) days after the final decision is rendered.

(g) The commission, upon a finding pursuant to this section that there has not been a violation of this chapter, shall issue an order dismissing the complaint, and if it finds the complaint to be frivolous, unreasonable, or groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars (\$5,000), all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expense of defense.

**§ 36-14-14 Removal powers of the commission.** – (a) The commission is hereby empowered to remove from office any state or municipal elected official or any state or municipal appointed official not subject to impeachment in accordance with the provisions of subsections (b) through (d) of this section.

(b) Any state or municipal elected official and any state or municipal appointed official not subject to impeachment may be removed from office if:

(1) The commission has found, after an adjudicative hearing conducted in accordance with § 36-14-13, that the official has been guilty of a serious, knowing, and willful violation of § 36-14-5(c), 36-14-5(d), or 36-14-5(g); and

(2) The commission determines that the violation was committed by the violator either with (i) fraudulent intent to secure the unjust enrichment of him or herself or another person or (ii) malicious intent to inflict pecuniary or other substantial injury upon another person.

(c) If it determines that such a violation has been committed, it shall conduct a hearing at which the executive director of the commission or his or her designee and the respondent or his or her counsel shall be permitted to pursue additional evidence and arguments relevant to (i) the presence or absence of the specific intent required by subsection (b)(2) of this section as a prerequisite to removal of an official from office, and (ii) the presence or absence of aggravating or mitigating circumstances of which the commission should be aware in rendering its final decision.

(d) The removal power conferred by this section may be exercised only by the affirmative vote of two-thirds (2/3) of the membership of the commission eligible to participate, but in no case fewer than five (5) affirmative votes.

**§ 36-14-15 Judicial review.** – Any action by the commission made pursuant to this chapter shall be subject to review pursuant to chapter 35 of title 42.

**§ 36-14-16 Financial statement to be filed.** – (a) On or before the last Friday in April of each year, every person enumerated in § 36-14-4(1) and § 36-14-4(2) shall file with the commission a financial statement complying with the requirements of this chapter.<sup>59</sup>

(b) In the case of state and municipal appointed officials on and after January 1, 1988, the appointee shall file the financial statement within thirty (30) days after the date of his or her appointment or the date he or she qualifies for the office; provided, however, that in the case of the appointment of officials that require senate confirmation, the appointee shall file the financial statement with the appropriate senate committee prior to the institution of those confirmation proceedings.

(c) Within thirty (30) days after the filing deadline, every person who is a candidate for an office as an elected officer, except those candidates for moderator and clerk of a voting district of the cities and towns, shall file the financial statement as required by this chapter. The commission shall grant an extension for good cause shown of not more than fifteen (15) days, provided a request for the extension is received prior to the filing deadline for the financial statement.

(d) Except as otherwise provided in this chapter, at least thirty (30) days before the deadline date for the filing of a financial statement by each individual required to file, the commission shall mail to the individual two (2) copies of the financial statement form. In the case of candidates other than those covered by subsection (f) of this section, the forms shall be mailed within ten (10) days after the filing deadline date. In the case of appointed officers covered by this section, the forms shall be mailed within seven (7) days after the date of the appointment.

(e) If a person has filed a financial statement as required by one subsection of this section covering the preceding calendar year, he or she is not required to file a financial statement as required by another subsection if, before the deadline for filing under the other subsection, he or she notifies the commission in writing that he or she has already filed a financial statement under the subsection specified.

(f) A person required to file a financial statement under subsection (a) of this section may request the commission to grant an extension of time of not more than sixty (60) days for filing the statement. The commission shall grant the extension of not more than sixty (60) days if the request is received prior to the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. Not more than one extension may be given to a person in one year except for good cause shown.

(g) The deadline for filing any statement required by this section is 5:00 P.M. of the last day designated in the pertinent subsection of this section for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday, the deadline for filing is extended to 5:00 P.M. of the next day which is not a Saturday or Sunday or holiday. Any statement required by any provision of this section to be filed within a specified time period shall be deemed to be timely filed if it is placed in the United States post office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that the statement was deposited with the post office or carrier.

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<sup>59</sup> See the section of this Committee Book entitled Forms to view a copy of the Financial Statement to be filed.

The person filing the statement may show by competent evidence that the actual date of posting was to the contrary.

**§ 36-14-17 Content of financial statement.** – (a) The financial statement required herein shall be on a form prescribed by the commission and shall include the account of the financial activity of the person required to file the statement by this chapter, the financial activity of his or her spouse (if not estranged), and any dependent children for the preceding calendar year.

(b) The account of financial activity referred to in subsection (a) of this section shall consist of:

(1) If he or she or any person enumerated in subsection (a) of this section or a business entity in which he or she or any person enumerated as aforesaid held a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest at any time during the calendar year for which the statement is required has done business with a state or municipal agency or a business which is subject to direct regulation greater than of a de minimus nature by a state or municipal agency, and if so, the date and nature of the business;

(2) A list of all sources of occupational income identified by employer or, if self employed, by the nature of occupation or profession, and if income was received from a state or municipal agency, the name and address of the agency and the nature of the services rendered;

(3) A listing of all real property in which a financial interest was held; however, this section shall not apply to real property used exclusively as his or her principal residence;

(4) Identification of any person, business entity, or other organization from whom the person or his or her spouse (if not estranged) or any dependent child received a gift or contribution of money or property in excess of one hundred dollars (\$100) in value or a series of gifts or contributions of money or property, the total of which exceeds one hundred dollars (\$100) in value received from the same source, and a description of each gift or contributions, except those received from persons related to the person at any time within the third degree of consanguinity or affinity and campaign contributions which were reported as required by law;

(5) Identification of the source of all income received as beneficiary of a trust and identification of each asset, if known to the beneficiary, from which income was received by the beneficiary in excess of one thousand dollars (\$1,000);

(6) A list of all boards of directors of which the person is a member and executive positions which he or she holds in any business entity, stating the name and address of each business entity;

(7) The name and address of any business entity in which he or she or any person enumerated in subsection (a) of this section held a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest in at any time during the calendar year for which the statement is required; and

(8) Identification of any person, business entity, financial institution or other organization to whom the person was indebted at any time during the calendar year for which the statement is required in an amount in excess of one thousand dollars (\$1,000) other than:

(A) Any person related to the person at any time within the third degree of consanguinity or affinity; or

- (B) Any transactions involving credit cards; or
- (C) Any indebtedness to a financial institution, licensed and regulated by any state or by the United States, which is secured solely by a mortgage of record on real property used exclusively as the principal residence of the person required to file the statement.
  - (ii) This section does not require the reporting of the amount or amounts of the indebtedness or the payment record of the loans.
- (c) The financial statement shall be sworn to under oath.

**§ 36-14-18 Disclosure of regulated business interests.** – (a) Every person who is required to file a financial statement pursuant to this chapter and who has, acquires, or divests him or herself of ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest in a business entity which is subject to direct regulation, greater than of a de minimus nature, by a state or municipal agency, or which does any business with a state or municipal agency, shall file with the commission at the times specified by this chapter, an affidavit:

- (1) Identifying him or herself and stating the capacity in which he or she serves or is about to serve which occasions the filing of the affidavit;
- (2) Identifying the business entity (or each business entity);
- (3) Identifying the regulatory agency or agencies;
- (4) Stating the nature of his or her interest in the business entity;
- (5) Describing the manner in which the business entity is subject to regulation; and
- (6) Stating whether the interest is held, or was acquired or divested, and if acquired or divested, when.

(b) The nature of an interest in a business entity shall be described in specific language.

(c) Every state or municipal official to which this section applies who holds office on January 1, 1988, and who has any interest required to be reported pursuant to this section, shall file the affidavit within ninety (90) days after January 1, 1988.

(d) If a state or municipal official to which this section applies, acquires or divests him or herself of an interest, required to be reported pursuant to this section, he or she shall file the affidavit within thirty (30) days after the date the interest was acquired or divested.

(e) In the case of appointments made after January 1, 1988, a state or municipal official who has any interest required to be reported pursuant to this section shall file the affidavit within thirty (30) days after the date of his or her appointment or the date he or she qualifies for the office.

**§ 36-14-19 Penalties.** – Any person who knowingly and willfully violates the provisions of this chapter shall, in addition to the civil penalties provided herein, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) and/or imprisonment for no longer than one year.

**§ 36-14-20 Construction.** – The provisions of this chapter shall be construed to be in addition to and not in substitution of any other provision of law not inconsistent herewith.

**§ 36-14-21 Severability.** – If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter

and the application of the provisions to other persons and circumstances shall not be affected thereby.

## **Open Meetings Law**

Following is Rhode Island General Law Chapter 42, Title 46 regarding the State Open Meetings Law.

**§ 42-46-1 Public policy.** – It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.

**§ 42-46-2 Definitions.** – As used in this chapter:

(a) "Meeting" means the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" shall expressly include, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.

(b) "Open call" means a public announcement by the chairperson of the committee that the meeting is going to be held in executive session and the chairperson must indicate which exception of § 42-46-5 is being involved.

(c) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government, and shall include all authorities defined in § 42-35-1(b). For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however that no such meeting shall be used to circumvent the requirements of this chapter.

(d) "Quorum," unless otherwise defined by applicable law, means a simple majority of the membership of a public body.

(e) "Prevailing plaintiff" shall include those persons and entities deemed "prevailing parties" pursuant to 42 U.S.C. § 1988.

**§ 42-46-3 Open meetings.** – Every meeting of all public bodies shall be open to the public unless closed pursuant to §§ 42-46-4 and 42-46-5.

**§ 42-46-4 Closed meetings.** – By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.

All votes taken in closed sessions shall be disclosed once the session is reopened; provided, however, a vote taken in a closed session need not be disclosed for the period of time during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to discussions conducted under § 42-46-5(a)

**§ 42-46-5 Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct.** – (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including but not limited to the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

(6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions.

(8) Any executive sessions of a local school committee exclusively for the purposes (a) of conducting student disciplinary hearings or (b) of reviewing other matters which relate to the privacy of students and their records, provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

(b) No meeting of members of a public body or use of electronic communication shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

Provided, further however, that discussions of a public body via electronic communication shall be permitted only to schedule a meeting.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who wilfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

**§ 42-46-6 Notice.** – (a) All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (e).

(b) Public bodies shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date. This notice shall include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature of the business to be discussed. Copies of the notice shall be maintained by the public body for a minimum of one year. Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

(c) Written public notice shall include, but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (e); provided, that in the case of school committees the required public notice shall be published in a newspaper of general circulation in the school district under the committee's jurisdiction; however, ad hoc committees, sub committees and advisory committees of school committees shall not be required to publish notice in a newspaper; however, nothing contained herein shall prevent a public body from holding an emergency meeting, upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of state pursuant to subsection (e) and, upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the issue or issues which created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter.

(d) A school committee may add agenda items not appearing in the published notice required by this section under the following conditions:

(1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (e), and is posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting;

(2) The new agenda items were unexpected and could not have been added in time for newspaper publication;

(3) Upon meeting, the public body states for the record and minutes why the agenda items could not have been added in time for newspaper publication and need to be addressed at the meeting;

(4) A formal process is available to provide timely notice of the revised agenda to any person who has requested that notice, and the school district has taken reasonable steps to make the public aware of this process; and

(5) The published notice shall include a statement that any changes in the agenda will be posted on the school district's web site and the two (2) public locations required by this section and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of the meeting.

(e) All notices required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of notices with the secretary of state shall take effect one (1) year after this subsection takes effect.

(f) If a public body fails to transmit notices in accordance with this section, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

**§ 42-46-7 Minutes.** – (a) All public bodies shall keep written minutes of all their meetings. The minutes shall include, but need not be limited to:

(1) The date, time, and place of the meeting;

(2) The members of the public body recorded as either present or absent;

(3) A record by individual members of any vote taken; and

(4) Any other information relevant to the business of the public body that any member of the public body requests be included or reflected in the minutes.

(b) A record of all votes taken at all meetings of public bodies, listing how each member voted on each issue, shall be a public record and shall be available, to the public at the office of the public body, within two (2) weeks of the date of the vote. The minutes shall be public records and unofficial minutes shall be available, to the public at the office of the public body, within thirty five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except where the disclosure would be inconsistent with §§ 42-46-4 and 42-46-5 or where the public body by majority vote extends the time period for the filing of the minutes and publicly states the reason.

(c) The minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4 and 42-46-5.

(d) All public bodies within the executive branch of the state government and all state public and quasi-public boards, agencies and corporations shall keep official and/or approved minutes of all meetings of the body and shall file a copy of the minutes of all open meetings with the secretary of state for inspection by the public within thirty-five (35) days of the meeting; provided that this subsection shall not apply to public bodies whose responsibilities are solely advisory in nature.

(e) All minutes required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of minutes with the secretary of state shall take effect one year after this subsection takes effect. If a public body fails to transmit minutes in accordance with this subsection, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

**§ 42-46-8 Remedies available to aggrieved persons or entities.** – (a) Any citizen or entity of the state who is aggrieved as a result of violations of the provisions of this chapter may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general determines that the allegations of the complaint are meritorious he or she may file a complaint on behalf of the complainant in the superior court against the public body.

(b) No complaint may be filed by the attorney general after one hundred eighty (180) days from the date of public approval of the minutes of the meeting at which the alleged violation occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred eighty (180) days from the public action of a public body revealing the alleged violation, whichever is greater.

(c) Nothing within this section shall prohibit any individual from retaining private counsel for the purpose of filing a complaint in the superior court within the time specified by this section against the public body which has allegedly violated the provisions of this chapter; provided, however, that if the individual has first filed a complaint with the attorney general pursuant to this section, and the attorney general declines to take legal action, the individual may file suit in superior court within ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.

(d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff, other than the attorney general, except where special circumstances would render such an award unjust.

The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars (\$5,000) against a public body or any of its members found to have committed a willful or knowing violation of this chapter.

(e) [Deleted by P.L. 1988, ch. 659, § 1.]

(f) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

(g) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner.

(h) The attorney general shall consider all complaints filed under this chapter to have also been filed under § 38-2-8(b) if applicable.

**§ 42-46-9 Other applicable law.** – The provisions of this chapter shall be in addition to any and all other conditions or provisions of applicable law and are not to be construed to be in amendment of or in repeal of any other applicable provision of law, except § 16-2-29, which has been expressly repealed.

**§ 42-46-10 Severability.** – If any provision of this chapter, or the application of this chapter to any particular meeting or type of meeting, is held invalid or unconstitutional, the decision shall not affect the validity of the remaining provisions or the other applications of this chapter.

**§ 42-46-11 Reported violations.** – Every year the attorney general shall prepare a report summarizing the complaints received pursuant to this chapter, which shall be

submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

**§ 42-46-12 Notice of citizen's rights under this chapter.** – The attorney general shall prepare a notice providing concise information explaining the requirements of this chapter and advising citizens of their right to file complaints for violations of this chapter. The notice shall be posted in a prominent location in each city and town hall in the state.

**§ 42-46-13 Accessibility for persons with disabilities.** – (a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

(g) The provisions of §§ 45-13-7 – 45-13-10, inclusive, shall not apply to this section.

**§ 42-46-14 Burden of proof.** – In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the meeting in dispute was properly closed pursuant to, or otherwise exempt from the terms of this chapter.

## **Forms**

The following forms are required per the Code of Ethics under Section 36-14 of the Rhode Island General Laws.

### **Statement of Conflict of Interest**

The first form is a Statement of Conflict of Interest per R.I.G.L. Section 36-14-6. Included are instructions on “How to Give Notice and Recuse.”

### **Rhode Island Ethics Commission Yearly Financial Statement**

The second form is a Rhode Island Ethics Commission Yearly Financial Statement per R.I.G.L. Section 36-14-16.