

THE HOME RULE CHARTER OF NEW SHOREHAM
as adopted by the voters of New Shoreham on November 2, 2010
Effective January 3, 2011

Home Rule Charter, ## 101-1211

Preamble

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HOME RULE CHARTER OF NEW SHOREHAM

PREAMBLE

We, the people of the Town of New Shoreham, commonly known as Block Island, in the State of Rhode Island and Providence Plantations, in conformity with the spirit and letter of the Charter granted to our Town in 1672, and mindful as was the General Assembly which granted that Charter of the uniqueness of New Shoreham as an Island community isolated by the sea surrounding it, in order to secure the peace, safety, welfare and best interests of the Town through the exercise of the right of self-government in all local matters not repugnant to the Constitution and Laws of the State of Rhode Island, which right was conferred upon the Town originally by the Charter of 1672, do ordain and establish this Home Rule Charter pursuant to the provisions of Article XIII of the Constitution of 1986 of the State of Rhode Island and Providence Plantations, for the better future governance of ourselves and our posterity.

ARTICLE I. BASIC PROVISIONS

101. Inhabitants Incorporation as Town with Powers and Duties of a Town.

The inhabitants of the Town of New Shoreham, within the corporate limits as now or hereafter established by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of New Shoreham," otherwise Block Island, and shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations that have been conferred upon, and are incumbent upon said Town as a municipal corporation, by the Charter of 1672, the Constitution

and the general laws of the state, and by all special acts pertaining to said Town insofar as they are not altered by this Charter or its amendments. The enumeration of particular powers by this Charter shall not be deemed to be exclusive; and in addition to the enumerated or implied powers the Town shall have all powers under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this Charter.

102. Form and Powers of Government.

The town government established by this Charter shall be a Council-Manager form of government. Pursuant to the provisions of this Charter and subject only to the limitations imposed by the Constitution of the State and by this Charter, all powers of the Town, except those vested in the financial town meeting, shall be vested in an elected Town Council, which shall determine policies and enact local legislation, and in a Town Manager employed by the Town Council who shall be responsible to the Town Council for the execution of its policies and laws and for the administration of town government.

103. Intergovernmental Relations.

The Town of New Shoreham may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, or with another town or towns, special district or other political entity or entities in the State of Rhode Island.

ARTICLE II. ELECTIONS

201. Election Laws and Conditions of Elections.

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

202. Canvassing Authority.

There shall be a bi-partisan canvassing authority appointed by the Town Council as provided by the Constitution and laws of the State. Said canvassing authority shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority of the Town.

ARTICLE III. FINANCIAL TOWN MEETING

301. Date and Purpose of Financial Town Meeting.

The electors of the Town of New Shoreham shall assemble annually in financial town meeting on the first Monday in May of each year, at such time and place as may be set in the warrant therefore, for the purposes of imposing a tax, providing for the expenditure of such sums of money as may be necessary to pay the Town's debts and interest thereon, for the support of

town services for the ensuing fiscal year, and for all other lawful purposes, and transacting such other business as may lawfully come before such meeting. The Town Council may, by ordinance, change the date for the convening of the annual financial town meetings in the Town to such alternative date as the Council may deem expedient.

302. Town Moderator and Assistant Town Moderator.

The electors of the Town shall elect, biennially, at the general election, a Town Moderator and an Assistant Town Moderator, each to serve for a two year term or until his or her successor is elected and qualified. The Town Moderator, or in his or her absence, the Assistant Town Moderator, shall preside at all financial town meetings, regular or special, which shall be called.

303. General Provisions.

The calling, warning, conduct, and business to come before all financial town meetings, regular and special, shall be prepared, voted on, and ordered posted by the Town Council in accordance with applicable provisions of state law, general or special and town ordinance.

ARTICLE IV. TOWN COUNCIL

401. Number, Selection, Term.

The Town Council shall consist of a First Warden, a Second Warden, and three Town Councillors, all to be elected at large from the Town, on the first Tuesday after the first Monday in November of each even numbered year, each to serve for a two year term or until his or her successor is elected and qualified. The names of all persons who have qualified to appear on the ballot for the offices of First Warden, Second Warden and Town Councillor, respectively, shall be arranged on the ballot so that each said name is opposite the title of the office for which said candidate qualified, and under the column heading of his or her party, if any. Each elector shall cast his or her vote for one candidate for the office of First Warden, for one candidate for the office of Second Warden, and for no more than three candidates for the office of Town Councillor. The candidate for First Warden receiving the highest number of votes, the candidate for Second Warden receiving the highest number of votes, and the three candidates for Town Councillor receiving the highest numbers of votes shall severally be declared elected.

402. Qualifications and Eligibility.

Members of the Town Council shall be qualified electors and residents of the Town of New Shoreham, and shall not be eligible for appointment to the Block Island Land Trust, School Committee, or any board or commission of the Town appointed by Town Council, provided however, that the Town Council may make exceptions to this prohibition in individual cases as it deems best for the welfare of the Town. No Council Member shall hold any other paid employment in the service of the Town, nor be eligible to accept any such employment for a period of one year following the expiration of the term for which he or she was elected. The office of any Town Council member who ceases to meet the foregoing qualifications shall be deemed to have become vacant; and may be declared vacant by the Council if he or she shall have been absent from six consecutive regularly scheduled meetings of the Council.

403. Vacancies.

Vacancies in the membership of the Town Council, from whatever cause, shall be filled by the remaining members of the Council within forty-five days of the occurrence of such vacancy, provided however, that the Second Warden shall automatically succeed to the office of First Warden in the event of any vacancy in the said office. In the event of a vacancy in the office of Second Warden, such vacancy shall be filled by vote of the remaining members of the Council from among the three Councillors elected pursuant to Section 401 of this Article, and in the event of a vacancy in the office of one of the Councillors, such vacancy shall be filled by a qualified elector of the Town chosen by vote of the remaining members of the Council.

404. Meetings, Presiding Officer.

The first meeting of a newly elected Town Council shall be held on the first Monday in December following the certification of the election of a majority of its members by the Board of Canvassers. The First Warden shall preside if the election of a First Warden has been certified by the Board of Canvassers, and if no such certification has been received, the Second Warden shall preside. The First Warden shall be the presiding officer of the Council, and in his or her absence or disability, the Second Warden shall preside. The First Warden shall be vested with all responsibilities assigned under state law to council presidents and/or highest elected town officials. The Town Council shall determine the time and place of its regular meetings, but it must meet at least once each month.

405. Rules of Procedure.

The Town Council shall adopt rules and regulations regarding the conduct of its meetings. A quorum for Council meetings shall be three members. In the event neither the First nor Second Warden is present, the others shall elect a temporary chairperson.

406. Special Meetings.

The First Warden or a majority of the Town Council may call a special meeting thereof in conformity with the provisions of the State open meetings law relating to the calling of such meetings, provided that individual notice in writing is given to all Council members and to the Town Manager no less than twenty-four hours before the time set for such meeting.

407. Compensation.

The compensation of the members of the Town Council shall be set by the Council and changed from time to time as the Council may deem appropriate, provided that any change in said compensation must be approved no less than six months prior to the next general election, to take effect following such general election.

408. Powers and Duties.

All powers of the Town shall be vested in the Town Council except as otherwise provided by this Charter or by the Constitution and laws of the State. The Town Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law, provided however, that the administration and management of the government of the Town shall be the responsibility of the Town Manager. Except for the purpose of inquiries and investigations as provided for in Subsection E of this Section, the Town Council or its

members shall deal with town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Town Council nor its members shall give orders to any such officer or employee either publicly or privately. Throughout this Charter, the term “advice and consent” of the Town Council shall mean the vote and approval thereof. Among its powers and duties the Council shall:

- A. Serve as the policy making body of the Town;
- B. Employ a Town Manager as provided in Section 502 of Article V;
- C. Consider for confirmation all recommendations for employment by the Town Manager for which Council confirmation is required; the hiring of all department heads, including those within the Department of Public Works, shall require advice and consent of the Town Council;
- D. Create, change and abolish town offices, departments and agencies not established by this Charter or by the Constitution and laws of the State;
- E. Make investigations into the affairs of the Town and the conduct of any town department, office or agency when it deems such investigation necessary, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence;
- F. Cause to be prepared and periodically revised a codification of the ordinances of the Town, and provide for the publication of the same, together with the text of the Charter of New Shoreham of 1672, the text of the Home Rule Charter of the Town and all amendments thereto, and all special acts which pertain to the Town;
- G. Authorize that all contracts for goods or services to be supplied to the Town in excess of a dollar limit set by the Town Council, shall come before the Town Council before posting the bids; approve for signature any such contract prior to award;
- H. Cause to be prepared all grant applications for the Town for Town Council approval and signature. Acceptances of grants to the Town shall come before the Town Council for approval and signature;
- I. Authorize, as required, capital expenditures, grants, and expenditures over a certain dollar amount, as set by ordinance, after financial town meeting, and to oversee implementation of budget proposals;
- J. Have the power to fill any vacancy in an elected or appointed office, board, or commission, unless otherwise provided;
- K. Have the authority to establish criteria and specific guidelines for removal from office of any town official or employee for criminal acts, ethics violations, or any illegal activities;
- L. Adopt by ordinance and review annually in consultation with the Town Manager, such personnel policies, and provide such rules, regulations and administrative arrangements for the implementation thereof, as it may deem appropriate, for the better governance of the Town and management of its affairs;
- M. Take all actions and assume all responsibilities incumbent upon it to take or assume under the terms and provisions of this Charter.
- N. The Town Council shall establish procedures that will promote access to information concerning vacancies that occur or are scheduled to occur on boards, commissions or committees to electors and Town residents, so that nominations (including self-nominations) may be submitted in time to be considered by the Town Council when an

appointment is made to fill said vacancies.

409. Ordinances.

All ordinances of the Town shall be enacted by the Council in accordance with the following procedures:

- A. Any member of the Town Council or the Town Council as a whole may propose a new ordinance or amendment. The proposal shall be reviewed by the Council and thereafter submitted to the Town Solicitor for an opinion as to form and legality. Upon receipt of the review by the Solicitor, the proposed amendment or new ordinance shall be placed on the agenda for the next Town Council meeting. At that meeting, the Town Council shall vote to hold a public hearing on the proposed new ordinance or amendment. The vote shall include the date, time and place for the public hearing, not less than three weeks from the date of posting, and shall include directions to the Town Clerk to post a copy of the proposal in the Town Hall and at least two other places within the Town normally used for such postings, and to provide for any advertising required by law. In the event any such public hearing shall be continued to a later date, no further posting shall be required. In the event the proposal is amended at or after the public hearing, any legal requirements as to further public notification shall be followed. No action shall be taken by the Council on any ordinance prior to conduct of a public hearing thereon prescribed in this subsection. A copy of the ordinance shall be posted by the Town Clerk immediately following an affirmative vote of the Council following the public hearing, in the Town Hall and at least two other places within the Town normally used for such postings, indicating the date of enactment thereof, said posting to remain in place for not less than ten days. Unless otherwise provided for by state law or in its terms, every ordinance shall take effect seven days following the date of passage.

- B. In the event of an emergency wherein the Town Council must enact an appropriate ordinance or ordinances, the Council may suspend the provisions of subsection A. of this Section by unanimous vote of the Council. Only action by ordinance clearly essential to deal with the emergency shall be taken under such suspension. An emergency shall be defined as a situation wherein the public health, safety and/or general welfare of the Town is imminently imperiled by an unusual or unforeseen circumstance.

ARTICLE V. TOWN MANAGER

501. Town Manager, Responsibilities Generally.

The Town Manager shall be responsible to the Town Council for the execution of its policies and laws and for the administration of the town government.

502. Employment, Residence.

The Town Manager shall be chosen by the Town Council solely on the basis of his or her executive and administrative qualifications from among persons who hold at least a bachelors degree from an accredited college or university, or the equivalent experience, and with special reference to his or her actual experience in, or knowledge of, accepted practice in respect to the

duties of the office as hereunder set forth. At the time of his or her employment, the Town Manager need not be a resident of the Town or State, but must become a qualified elector and resident of the Town within a reasonable period of time after employment. The Town Council may enter into such agreement regarding compensation and benefits for the Town Manager as it may deem appropriate, provided that no such agreement shall limit the discretion of the Town Council to remove the Town Manager.

503. Absences.

The Town Manager, with Town Council approval, may designate by letter filed with the Town Clerk a qualified administrative officer of the Town, to perform his or her duties during temporary absence or disability. In the event of failure of the Town Manager to make such designation, the Town Council may designate a qualified administrative officer of the Town to perform the duties of the Town Manager until he or she shall return or the disability shall cease.

504. Removal.

The Town Manager may be removed at any time by a majority vote of all the members of the Town Council according to the following procedure. At least thirty days before such removal shall become effective, the Town Council shall by a majority vote of all of its members adopt a preliminary resolution of removal, stating the reasons therefore. The Town Manager may reply in writing, and may request an opportunity to be heard at a meeting of the Town Council. Such request must be made within ten days following the date of the preliminary resolution. Such meeting shall be held by the Town Council no later than ten days following the date of the request. After full consideration of the Town Manager's written reply, if any, and of the results of the meeting, if one is requested, the Town Council may adopt a final resolution of removal by a majority vote of all of its members. By the preliminary resolution, the Town Council may suspend the Town Manager from duty, but in any case he or she shall be paid full salary for the period commencing with the date of the preliminary resolution and for two calendar months following the adoption of the final resolution.

505. Vacancy.

Whenever the office of Town Manager shall be declared vacant by the Town Council, an interim Town Manager shall be chosen by a majority vote of the Town Council. He or she shall have all the duties and powers of the Town Manager but shall not serve longer than six months, provided however, that the Council may further extend such period of service by no more than three additional months. Any such interim Manager may be summarily removed by a majority vote of the Town Council without charges or a hearing. Nothing shall prevent an interim Town Manager from applying to be employed as Town Manager.

506. Powers and Duties.

The powers and duties of the Town Manager shall include the following:

- A. Carry out the policy directives of the Town Council;
- B. Employment with the advice and consent of the Council of all heads of town departments

and agencies, not including the School Department, and all other officers of the Town provided for in this Charter, or established by ordinance, whose appointment, employment or election is not otherwise provided for. The Town Manager shall have the authority to remove, with the approval of the Town Council, any department or agency head or officer of the Town employed pursuant to the provisions of this Subsection;

- C. Employment and removal of all other employees of the Town not covered under the provisions of subsection B. of this Section, or at his or her discretion, assign the power of employment and removal of designated employees or classes of employees to department heads or other officers or officials of the Town who hold office pursuant to the terms of subsection B. of this Section;
- D. Preparation of the operating and capital budgets of the Town pursuant to the procedures and schedule set forth in Section 605 of Article VI;
- E. Assignment and reassignment of duties to officers, officials, departments and agencies subject to the provisions of state law and of this Charter, and approval of the Town Council;
- F. Responsibility to see that the laws of the State and ordinances of the Town are faithfully executed;
- G. Coordination of the activities and programs of all departments and agencies of the Town;
- H. Preparation and submission to the Town Council, as of the end of the fiscal year, of a complete report on the finances and administrative activities of the Town for the preceding year;
- I. Performance of such other duties as may be prescribed by this Charter or required of the Town Manager by the Town Council.

507. Manager as Department Head.

With the consent of the Town Council, the Town Manager may serve as the head of the Department of Public Works, and may employ one person as the head of two or more town departments or agencies, provided however, that the Manager or any other person holding two or more such positions shall be entitled to receive only the salary of one office.

ARTICLE VI. FINANCIAL PROVISIONS

601. Department of Finance.

There shall be a Department of Finance which shall, under the direction of the Town Manager, conduct the financial business and transactions of the Town, including budget preparation and administration, tax assessment and collection, disbursements, purchasing, and such related functions as may from time to time be assigned to the department by the Town Manager with the approval of the Council. The department shall have such internal organization

and personnel as the Town Manager shall prescribe with the approval of the Council.

602. Finance Director.

There shall be a Finance Director who shall be the head of the Department of Finance, employed by the Town Manager with the advice and consent of the Town Council from among persons qualified by professional training and/or prior experience in financial management, budgeting and related subjects. At any time that the office of Finance Director is vacant, the Town Manager with the approval of the Town Council, may assign said duties and responsibilities to another town employee(s), or employ an interim Finance Director.

603. Duties of Treasurer and Tax Collector.

The titles, positions, duties and responsibilities of the Town Treasurer and of the Tax Collector as set forth in state law shall either be assumed by the Finance Director or delegated to personnel under his or her supervision. In the absence of a Finance Director, the duties of the Treasurer and Tax Collector may be delegated by the Town Manager.

604. Purchasing Procedures.

The Town Manager shall cause to be prepared and presented to the Town Council rules and regulations, and revisions thereof as required from time to time, to govern the making of purchases of both capital and non-capital equipment and supplies for the Town, to insure that all such purchases are made on the best possible terms for the Town. Said rules and regulations may provide for the use of competitive bidding procedures for prescribed classes of purchases as may seem appropriate in the best interest of the Town. Upon the request of the School Committee and with the approval of the Town Council, the Department of Finance may take over purchasing for the School Department in whole or in part.

605. Budget Procedures.

It shall be the responsibility of the Town Manager, with the assistance of the Department of Finance, to prepare the annual operating and capital budgets of the Town for submission to the Town Council and to the financial town meeting and appropriate State agencies. The procedures and schedule for the preparation and consideration of the town budgets shall be the following:

- A. The fiscal year of the Town of New Shoreham shall begin on the first day of July of each year.
- B. No later than the first Monday in February of each year, estimates of proposed expenditures for the ensuing fiscal year, and all requests for inclusion in the capital budget, shall be submitted to the Town Manager by the head of each department, agency, board and commission of town government whose activities are to be supported in whole or in part by town funds during the next fiscal year, provided however, that the School Committee shall make such submissions of estimates and capital requests no later than the first Monday in March.
- C. No later than the third Monday in March of each year, the Town Manager shall submit the completed proposed town operating and capital budgets to the Town Council.

- D. The Town Council shall schedule at least one public hearing on the budget recommendations it receives from the Town Manager, to take place prior to final Council approval of the town budgets for submission to the financial town meeting, such final approval to be voted with whatever changes the Council deems appropriate no later than the third Monday in April. Notice of all budget hearings scheduled by the Council shall be publicized by the Town Clerk no less than forty-eight hours in advance, by posting the same in the Town Hall and at least two other places in the Town normally used for such postings. Copies of the budget recommendations to be considered at each such public hearing shall be posted as aforesaid, and shall also be made available to persons requesting them at the Town Hall.
- E. Disposal of tangible personal property of the Town shall be by bid or public auction at the direction of the Town Council. Disposal of real property of the Town shall be brought on for a public vote at the financial town meeting.

606. Tax Assessment.

There shall be a Board of Tax Assessors, of three members, each elected from the Town at large to serve a term of six years, with their terms so arranged that one Tax Assessor is elected at each biennial general election. Said Board of Tax Assessors shall be responsible for the discharge of all the duties and responsibilities prescribed for tax assessors by state law, or prescribed by the Town Council not in conflict with state law. The Board of Tax Assessors shall have such provision for assistance as the Town Manager may provide with the approval of the Town Council and shall function under the general administrative supervision of the Town Manager.

The Town Council may in its discretion, by ordinance, make provision for the replacement of the Board of Tax Assessors with a single Tax Assessor employed by the Town Manager with the advice and consent of the Council, from among persons having had prior professional training and/or experience in assessment, property appraisal and related matters. To accomplish the transition from the Board of Tax Assessors to a single Tax Assessor, the Council shall have the authority to provide, in said ordinance, that there shall be no election to the office of Tax Assessors at the general election next following the enactment of said ordinance, and that the terms of those members of the Board of Tax Assessors holding office as of the first Monday in December following said general election shall terminate on that date, or upon the effective date of the employment of the Tax Assessor chosen to replace the Board, whichever date is later.

There shall be a Board of Assessment Review, consisting of three members appointed by the Town Council from among persons knowledgeable on the subject of property taxation and real estate values, who have been legally domiciled in the Town for at least five years immediately prior to their appointment, each to serve for a term of three years, their terms so arranged that the term of one member shall expire each year. If a member of the board shall cease to be a legal resident of the Town during his or her term of office, the office of that member shall be deemed to have been vacated. No more than two members of the board shall be registered in the same political party.

607. Board of Sewer Commissioners

The Sewer Commission shall conduct the financial business and transactions of the Water Pollution Control Facility, including budget preparation and administration, tax assessment and collection, disbursements, purchasing, and such related functions, in accordance with applicable state law and town ordinances.

608. Board of Water Commissioners.

The Board of Water Commissioners shall conduct the financial business and transactions of the water district including budget preparation and administration, tax assessment and collection, disbursements and such related functions, in accordance with applicable state law and town ordinances.

609. Fees to be Deposited in General Fund.

All fees, penalties and payments collected by town officials or agencies in their official capacities shall be deposited in the general fund of the Town, and the compensation paid to each town official shall be in lieu of all fees, penalties and payments payable to such official in the performance of his or her duties.

ARTICLE VII. TOWN OFFICIALS AND OFFICES

701. Town Clerk.

There shall be a Town Clerk who shall be the Clerk of the Council employed by the Town Manager with the advice and consent of the Town Council, and who shall have all the duties and responsibilities of Town Clerks as provided by state law, and such other duties and responsibilities as may be prescribed by the Town Council not in conflict with state law. The office of the Town Clerk shall have such personnel, equipment and facilities as may be provided by the Town Manager subject to the approval of the Town Council. The Town Clerk may, by and with the approbation of the Town Council, appoint the Deputy Town Clerk, who shall, in the absence of the Town Clerk, discharge all of the duties and responsibilities of the Town Clerk.

702. Town Sergeant.

There shall be a Town Sergeant who shall be elected by the qualified electors of the Town, at each general election, to serve for a term of two years, or until his or her successor is elected and qualified. The Town Sergeant shall have the duties prescribed for the office of Town Sergeant by state law, and such additional duties as the Town Council may prescribe not inconsistent with state law.

703. Town Solicitor.

There shall be a Town Solicitor appointed by the Town Council to serve at the pleasure of the Council, who shall be an attorney at law in good standing who has been admitted to the practice of law in Rhode Island. The Town Council may, in its discretion, provide for the services of Town Solicitor by retaining a law firm. The Town Solicitor shall be the legal advisor of, and attorney and counsel for, the Town and all departments, officers, boards and commissions thereof unless otherwise provided by law, provided however, that nothing herein shall be deemed

to prohibit the School Committee from retaining independent counsel. The Town Council may retain or authorize the retention of special counsel for the Town or for any department, officer, board or commission for extra or unusual services.

704. Town Courts.

The Town of New Shoreham shall have the following courts which shall have the powers and jurisdictions which they have had heretofore, until the same are altered, replaced or abolished by state law, or by action of the Town Council pursuant to state law:

- A. Probate Court. The Town Council shall act as the probate court within the Town; the major part of the members elected to be a quorum for doing business, and the major part of those present at any legal meeting to decide upon any matter before them, subject to the limitations and exceptions set forth in state law. The Town Council may, in its discretion, and pursuant to state law, appoint a judge to be available to sit as judge of the probate court, or may establish a probate court separate from the Council and appoint a judge for said court to serve for a term of two years.
- B. Wardens Court. The Wardens Court of the Town of New Shoreham shall continue to have the jurisdiction and powers which it has had and exercised heretofore under state law, or which shall be conferred or altered in the future by state law.
- C. Police Court. The Town shall continue to have the authority conferred upon it by Chapter 19 of the Public Laws of 1965 to establish a Police Court in and for the Town pursuant to said act, unless or until such authority is altered or withdrawn by subsequent provisions of state law.

705. Director of Public Welfare.

There shall be a Director of Public Welfare appointed by the Town Council to serve at the pleasure of the Council to perform the duties and discharge the responsibilities conferred upon Directors of Public Welfare by state law, and to perform other duties as directed by the Town Council.

706. Other Functions.

The Town Council shall have the authority to provide for such engineering services, professional planning services, or other services and functions which may from time to time be required by the Town, in such manner as it may deem most appropriate, in consultation with the Town Manager.

ARTICLE VIII. DEPARTMENTS AND AGENCIES

801. Department of Public Works.

There shall be a Department of Public Works, the head of which shall be the Director of Public Works, who shall be employed by the Town Manager with the advice and consent of the Town Council, from among persons who have had training and/or experience in administration, engineering, construction or other professional fields which pertain to the responsibilities of the

department, and preferably from among individuals who hold a bachelors degree from an accredited college or university. The Director of Public Works shall be responsible for the efficient operation of the department and for the provision of services to the Town in relation to highways, water supply, solid waste disposal and the town landfill, harbors and town owned docks, maintenance of public buildings and properties including those under the control of the School Department at that department's discretion, parks and recreational facilities, town cemeteries, public parking facilities, street lighting, inspectoral functions, and such other public works activities as may be assigned to the department by the Town Council, including enforcement of the zoning ordinance and decisions of the Zoning Board of Review and the Historic District Commission.

- A. Sewers. At such future time as the Town Council may deem appropriate, action may be initiated by the Council by ordinance and/or by securing appropriate legislation from the General Assembly, to abolish the Board of Sewer Commissioners of the Town and to transfer the functions and responsibilities thereof to the Department of Public Works, subject to the administrative supervision of the Town Manager and the policy making authority of the Town Council. At any time prior to such transfer, the Board of Sewer Commissioners may enter into an agreement with the Town conferring operational responsibility of the sewer system upon the Director of Public Works in accordance with terms and under conditions agreed to between the Town Council and the Commissioners.
- B. Inspection Office. There shall be established within the Department of Public Works an office, over which the Director of Public Works shall have supervision, to be called the Office of Inspections. The said office shall be responsible for all building, minimum housing, plumbing, electrical and similar inspectoral functions of the Town. The Building Inspector and other inspectoral personnel shall be attached to and work out of said office.
- C. Harbormaster. There shall be a Harbormaster, appointed by the Town Council in accordance with state law, who shall report to the Director of Public Works. The duties of the Harbormaster shall be consistent with applicable ordinances and state law, enacted heretofore or in the future.
- D. Facilities Manager. There may be a Facilities Manager, appointed by the Town Manager with the consent of the Town Council, whose duties shall be the ongoing management of all buildings, equipment and other facilities owned by the Town, with special attention to maintenance and repair of said facilities. These duties may include, without limitation and as assigned by the Town Manager, the following:
 - a) Performing routine maintenance tasks on all Town buildings and equipment as required;
 - b) Maintaining an inventory for all Town buildings and equipment;
 - c) Collecting and maintaining operating manuals, parts lists, maintenance schedules and replaceables for all Town machinery and equipment;
 - d) Acquiring sufficient tools and spare parts necessary for normal preventive maintenance as well as emergency repairs;

- e) Being available for emergencies, coordinating independent contractors when necessary; and
- f) Providing the Town Manager with estimates of maintenance expenses for annual budget submission.

The Facilities Manager shall report directly to the Public Works Director.

802. Police Department.

There shall be a Police Department, the head of which shall be the Chief of Police, who shall be a police officer with at least three years experience above the rank of patrolman in any organized police department. The Chief of Police shall be employed by the Town Manager with the advice and consent of the Town Council. There shall be such other subordinate officers, patrolmen, special police officers and employees as shall be determined from time to time by the Town Manager, upon recommendation of the Chief of Police and the approval of the Town Council. The organization of the department into divisions or offices or grades shall be made by the Town Council on recommendation of the Town Manager, in consultation with the Chief of Police. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the Town and rules and regulations in accordance therewith. The Chief of Police and other members of the department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the state and the ordinances of the Town. The Chief of Police shall be in direct command of the police force and shall report to the Town Manager. Subject to the approval of the Town Manager and the Town Council, the Chief of Police shall make rules and regulations concerning the conduct of all officers and subordinates in the Police Department.

803. Fire and Rescue Department.

There shall be a Fire and Rescue Department, which shall function consistent with said department's current operating charter of incorporation, and applicable ordinances enacted by the Town Council heretofore or in the future.

804. Emergency Management Agency.

There shall be a New Shoreham Emergency Management Agency established by the Town Council, with powers and duties within the Town similar to those conferred by the Rhode Island Emergency Management Act in Chapter 15, Title 30 of the General Laws. The Agency shall have a Director, or co-directors, appointed by the Town Manager with the advice and consent of the Town Council, or the First Warden shall hold the office of Director, if the Council shall so determine. The First Warden, or in his or her absence the Second Warden, shall have powers and duties with respect to emergency management within the Town similar to those of the Governor on the state level, not inconsistent with other provisions of the law.

ARTICLE IX. BOARDS AND COMMISSIONS

901. Planning Board.

There shall be a Planning Board for the Town appointed by the Town Council, which shall have the duties and responsibilities provided for in state law and such additional duties and

responsibilities as may be prescribed by the Town Council not in conflict with state law. The Planning Board shall consist of such number of members, not less than five, as the Town Council shall determine, each to be appointed for a five year term, said terms to be so arranged that as nearly as possible an equal number of terms shall expire each year. The Town Council may provide by ordinance for the organization of the board, compensation of its members, filling of vacancies, provision of technical assistance, and such other matters in relation to the operation of the board as the Council may deem appropriate.

902. Conservation Commission.

There shall be a Conservation Commission for the Town, appointed by the Town Council, which shall have the purpose and functions of such commissions as set forth in state law, subject to the direction of the Town Council not inconsistent with state law. The Conservation Commission shall consist of not less than three nor more than seven members as the Town Council shall determine, each to serve for a term of three years, said terms to be so arranged that as nearly as possible an equal number of terms shall expire each year. The Town Council may provide by ordinance for the organization of the board, filling of vacancies, provision of technical assistance, and such other matters in relation to the operation and work of the board as the Council may deem appropriate.

903. Zoning Board of Review.

There shall be a Zoning Board of Review for the Town, appointed by the Town Council, which shall have the powers and responsibilities, and follow the procedures, as set forth in state law. The Town Council shall by ordinance make such rules and regulations relating to the operation of the board as are required of Town Councils by state law, or are not in conflict with state law. The Zoning Board of Review shall consist of five members, each to be appointed for a five year term, said terms to be so arranged that one term shall expire each year, and the Council shall also appoint such number of auxiliary members of said board of review as may be allowed by state law, who shall sit as active members when and if a member or members of said board are unable to serve at any hearing, upon request of the Chairman of said board. The Zoning Board of Review of the Town shall also serve as the Platting Board of Review, which shall hear appeals from decisions made pursuant to the platting and subdivision ordinances of the Town in the manner, following the procedures, and exercising the powers provided for such boards by state law.

904. Historic District Commission.

There shall be an Historic District Commission for the Town which shall have the responsibility under applicable state law to carry out the provisions and purposes of the historic zoning ordinances of the Town, to receive and act upon applications filed by owners of property within historic districts in the Town, and to assume and discharge such other responsibilities as may be required of it by state law or the ordinances of the Town in conformity with state law. The Historic District Commission shall consist of not less than three nor more than seven members, along with alternate members, as the Town Council shall determine, said members to be appointed by the First Warden, each to serve for a term of three years, said terms to be so arranged that as nearly as possible an equal number of terms shall expire each year.

905. Library Board.

There shall be a Library Board of Trustees appointed by the Town Council which shall have the duties and responsibilities provided for in state Law and such additional duties and responsibilities as may be prescribed by the Town Council not in conflict with state law, to exercise general administrative supervision of, and to make policy for, the library of the Town. The Library Board of Trustees shall consist of seven members, each to serve for a term of three years, said terms to be so arranged that as nearly as possible an equal number of terms shall expire each year.

906. Block Island Land Trust.

There shall be a Block Island Land Trust established pursuant to Chapter 268 of the Public Laws of 1986 and any amendments added subsequently thereto, which shall be a body politic and corporate with the authority to acquire, hold, and manage property and exercise the other powers and functions as provided by law. The Trust shall be administered by five trustees elected for staggered four year terms, such terms to be so arranged that two trustees are elected at one town election and three at the subsequent town election. Vacancies shall be filled by the Town Council until the next town election. All trustees shall be electors of the Town, shall serve without compensation, and shall hold office until their successors have been chosen.

907. Police Advisory Commission.

There may be a Police Advisory Commission of five members, appointed by the Town Council, each to serve for a term of five years, said terms to be so arranged that one term expires each year. It shall be the responsibility of the commission to advise the Town Council, Town Manager and the Chief of Police relating to matters pertaining to the Police Department, on the commission's own initiative or upon requests made of it for advice. It shall also be the responsibility of the commission, subject to applicable state law, to receive, review and make recommendations to the Town Manager and to the Town Council regarding all complaints by individual citizens regarding police activities.

908. Public Facility Review Committee.

There may be a Public Facility Review Committee, appointed by the Town Council, to review building proposals of the Town of New Shoreham. The Public Facility Review Committee shall be responsible for review of design, purpose, needs and location of all proposed public facilities of the Town of New Shoreham.

909. Sewer Commission.

There shall be a Board of Sewer Commissioners, appointed by the Town Council, which shall have the powers and responsibilities and follow the procedures, as set forth in state law, and the Town Charter and ordinances.

910. Water Commission.

There shall be a Board of Water Commissioners appointed by the Town Council, which shall have the powers and responsibilities and follow the procedures as set forth in state law and the Town Charter and ordinances.

911. General Provisions.

The Town Council shall have the power by ordinance to provide for the continuing existence under this Charter of any board or commission which was in existence at the time of the adoption of this Charter, but is not specifically provided for therein, and to create such additional boards or commissions as it may deem advisable for the welfare and good government of the Town. The Town Council shall also have the authority by ordinance to make such provisions applicable to all boards and commissions as it may deem appropriate, relating to their organization, personnel and operation, not inconsistent with the provisions of this Charter or of state law. All appointees to boards and commissions shall be electors and residents of the Town during their service thereon, provided however, that if in its judgment, the appointment of a person or persons who are not electors or residents of the Town is in the best interest of the Town, the Council may make individual exceptions in such cases.

ARTICLE X. SCHOOL DEPARTMENT

1001. School Committee.

There shall be a School Committee of five members elected at large from the Town at the general election each even numbered year, on a non-partisan ballot, said terms to be so arranged that two members of the committee shall be elected at one general election and three members at the next general election. The following provisions shall govern the election of members of the School Committee:

- A. Any qualified elector of the Town who has resided in the Town for at least thirty days may become a candidate for the School Committee at a general town election, if he or she files with the Board of Canvassers as hereinafter provided, nomination papers signed by not less than thirty-five qualified electors of the Town, which papers shall be signed by the candidate indicating his or her intention to become a candidate. The forms of such papers shall be prescribed by the Board of Canvassers and copies shall be furnished to all candidates. Such papers shall show clearly the title of the position for which the elector is a candidate, and the name and address of the elector, but no political party or other designation. The signature of each signer shall be followed by his or her address or residence. An elector may sign any number of papers of candidates for School Committee nomination. The signatures to a nomination paper need not all be subscribed to a single paper, but to each separate paper there shall be attached the affidavit of the circulator thereof stating the number of signatures thereon, that he or she is a qualified elector of the Town, that all the signatures on the paper were made in his or her presence, and that they are the genuine signatures of the persons whose names they purport to be.

- B. Nomination papers for the School Committee shall be filed with the Board of Canvassers on such date as the board may prescribe but not later than sixty days prior to a general town election. The board shall within five days check the signatures on the papers with the list of electors who will have become qualified as such on the date of the election and shall notify each candidate as to the sufficiency of his or her papers as to signatures. If

further valid signatures are needed a supplementary paper containing additional signatures may be filed up to the last day for filing papers for that election.

- C. If any candidate files a written objection to any signature or signatures on any nomination papers by four o'clock (4:00) p.m. of the day following the last day for filing papers with the board, the board shall make appropriate disposition of any such objections in the manner provided for such procedures in state election law. After the determination of objections, if any, the Board of Canvassers shall certify to the Secretary of State the names and addresses of all candidates who have filed valid nomination papers by such deadline as set by the Secretary of State, prior to the general election. Any candidate who has filed a valid nomination paper shall be permitted to withdraw prior to such deadline as the board shall set in consultation with the Secretary of State.
- D. The names of all of the candidates who filed valid nomination papers and have not withdrawn shall be placed on the general election voting machine labels or ballots, arranged in order by lot without any party or other designation, with appropriate office labels and instructions to the voters as to the number of candidates for whom they may vote. Upon tabulation of the results, the candidates receiving the highest number of votes up to the total number of School Committee positions to be filled at that election, shall be declared to have been elected.
- E. The board shall have the authority to make provisions for inclusion of the names of all candidates for the School Committee on absentee ballots, and to make such other rules and determinations relating to the election of School Committee candidates as it may deem necessary or appropriate, not inconsistent with the provisions hereof.

1002. Qualifications.

School Committee members shall be qualified electors of and residents of the Town, and shall hold no other paid employment in the School Department of the Town. If a committee member shall cease to possess any of these qualifications or shall be disqualified from continuing in office under provisions of the State Constitution or state law, his or her office shall be deemed to have become vacant.

1003. Vacancies.

Any vacancy in the membership of the School Committee shall be filled by the Town Council until the next general election, at which time the office shall be filled for the remainder of the unexpired term or for a new term as the case may be.

1004. Organization, Rules, Compensation.

The School Committee shall determine its own organization, rules of procedure and the time of its meetings. It may provide for the compensation of its members from time to time as it may deem appropriate, provided that any change in said compensation must be approved no less than six months prior to the next general election, to take effect following such general election, and provided further, that the compensation set for members of the committee shall not at any time exceed that set for Town Councillors.

1005. Powers and Duties.

The School Committee shall have responsibility for the general care and management of the schools of the Town, the selection of the superintendent, and shall have all other responsibilities, powers and duties as are currently provided by state law, or as may be provided for in the future. The School Committee shall prepare and submit its budget requests to the Town Manager in accordance with the provisions of Section 605 of Article VI.

1006. Buildings and Grounds, Purchasing.

Subject to the agreement of the Town Council, and in consultation with the Town Manager, the School Committee may request the Department of Public Works to assume the responsibility for maintenance and care of school property, provided that the costs of such maintenance and care are charged against the appropriations for the public schools; and the committee may in the same manner request that the department of finance assume responsibility for purchases of supplies and equipment for the School Department.

ARTICLE XI. MISCELLANEOUS

1101. Open Records.

All executive, legislative, regulatory and administrative bodies of the Town, as the same are defined therein, shall be subject to all State legislative provisions applicable thereto in Title 38, Chapter 2 of the General Laws, defining the public's right to access to records pertaining to the policy-making responsibilities of the government of the Town and subsequent amendments thereof.

1102. Open Meetings.

The Town Council, School Committee and all other town departments, agencies, commissions, committees, boards and councils, and all subdivisions thereof, shall conduct all business in accordance with the provisions of the open meetings legislation of the State, General Laws Title 42, Chapter 46, as amended from time to time.

1103. Ethics.

All elected and appointed officials of the Town, as the same are defined in state law, shall be subject to the ethics legislation of the State, General Laws Title 36, Chapter 14, as amended from time to time, and to the rules and regulations made by the Ethics Commission pursuant thereto.

1104. Annual Audit.

Within three months after the beginning of each fiscal year, the Town Council shall arrange for an annual independent audit of the books, accounts and other evidences of financial transactions of the Town, as of the close of the preceding fiscal year, to be conducted either by state auditors or by a certified public accountant holding a certificate from this State and having no personal interest therein. Such examinations shall conform with generally accepted auditing standards. Upon receipt of the audit report, notice of its availability shall be posted in the Town Hall and at least two other places normally used for such postings.

1105. Amendments of Charter.

The procedures for amending or revising this Charter shall be as prescribed in Article XIII of the Constitution of the State, provided however, that the Town Council shall schedule at least one public hearing on any amendment or group of amendments, or upon any proposed revision of the Charter, to be held no less than one week prior to the date of the election at which said amendment, amendments or revision are to be voted upon by the electors of the Town. The Town Clerk shall cause the text or texts of all proposed amendments or revisions to be posted in the Town Hall and at least two other places in the Town normally used for such postings no less than thirty days before the date of the election at which said amendments or revisions are to be voted upon, and shall have copies available to persons requesting them at the Town Hall. The Town Clerk shall publicize the hearing or hearings scheduled by the Town Council thereon no less than one week in advance, by posting notices of the same in the Town Hall and at least two other places in the Town normally used for such postings.

No less often than every ten years, the Town Council shall appoint a Charter Review Commission of such number of members as the Council shall deem appropriate, whose duty it shall be to review the Charter and recommend to the Council any amendments or revisions which it feels the Council should consider for presentation to the electors of the Town.

1106. Separability.

If any article, section or provision of this Charter is held invalid by a court of competent jurisdiction, the remainder of the Charter shall not be affected thereby. All provisions of this Charter shall be interpreted liberally and in the manner most favorable to the Town, and least restrictive of its powers and prerogatives.

1107. Oath of Office.

All elected, appointed and employed officials of the Town shall, before entering upon the duties of their respective offices, take the following oath of office:

I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties of the office of _____ according to the best of my abilities, and that I will support the Charter granted to New Shoreham in 1672, the Home Rule Charter of the Town, the Constitution and laws of this State, and the Constitution of the United States, so help me God. (Or: This affirmation I make and give upon the peril of the penalty of perjury.)

1108. Officials of the Town Defined.

For the purposes of this Charter, notaries public, justices of the peace, and volunteer firemen shall not be considered elected, appointed or employed officials of the town government nor town employees.

ARTICLE XII. TRANSITIONAL PROVISIONS

1201. Effective Date of Charter.

This Charter shall take effect on the first Monday in January, 2011, if the Board of Canvassers shall have certified that it was approved by the electors of the Town voting thereon, or upon the date of such certification if the same shall be made later than the first Monday in January, 2011. It shall therefore replace and extend the tradition of previous charters of the Town of New Shoreham, namely the original charter of 1672, as well as Home Rule Charters established under the provisions of Article XIII of the Constitution of 1986 of the State of Rhode Island and Providence Plantations, to wit, charters that took effect in 1989 and 2001.

1202. Election of November 2010.

This Charter shall be placed before the electors of the Town of New Shoreham at the general election to be held on the first Tuesday in November, 2010 for their approval or rejection. At said election, all town offices which had been filled by vote of the electors of the Town heretofore, shall be filled in the same manner as previously.

1203. Continuation in Office.

All elected officials of the Town who are in office at the time of the taking effect of this Charter shall continue to hold their offices until their respective terms have expired and their successors have been elected and qualified.

1204. Transfer of Appropriations.

The Town Council shall have authority to make any changes or transfers in appropriations in the budget for the fiscal year during which this charter takes effect that may be required for the operation of the town government under the provisions of this Charter.

1205. Continuation of Laws and Ordinances.

All special acts of the General Assembly applicable to the Town of New Shoreham as of the effective date of this Charter shall continue in effect except insofar as they are inconsistent with the provisions of this Charter or any ordinance of the Town enacted pursuant to powers conferred by this Charter. All ordinances, resolutions, rules and regulations of the Town in force as of the effective date of this Charter, and not inconsistent therewith, shall continue in force until amended or repealed.

1206. Continuation of Obligations.

All taxes levied or assessed by the Town prior to the effective date of this Charter, which have not been collected by the Town, shall be collected with any interest and penalties thereon, by the town government hereby established, in accordance with law. All licenses and permits issued by the Town, or any agency thereof, prior to the effective date of this Charter, shall continue in full force and effect until the termination date thereof, unless suspended or revoked for cause. All contracts, leases, franchises and other obligations, entered into by the Town, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect.

1207. Pending Actions and Proceedings.

No actions or proceedings, civil or criminal, in law or in equity, pending at the time when this Charter shall take effect, brought by or against the Town, or any office, department or agency, or officer thereof, shall be affected or abated by the adoption of this Charter or by

anything in this Charter contained.

1208. Continuation of Agencies.

All commissions, boards, departments, or offices, whether elective or appointive, shall continue in the performance of their powers, duties and functions until successors have been elected or appointed as provided by this Charter to perform their respective powers, duties and functions, or until abolished pursuant to the provisions of this Charter and their powers, duties and functions reassigned to new or existing commissions, boards, departments or officers, or are terminated.

1209. Continuation of Present Personnel.

All persons employed in the service of the Town on the effective date of this Charter shall continue in such employment until promoted, demoted or removed in accordance with the provisions of this Charter, or ordinances enacted pursuant thereto.

1210. Transfer of Records and Property.

All records, property and equipment of any office, department or agency, the powers and duties of which are assigned by or in accordance with this Charter to another office, department or agency shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. In the event of disagreement over the transfer of same, the Town Manager shall make the final decision.