

GLOCESTER HOME RULE CHARTER

We, the people of the Town of Gloucester, in order to secure the right of self-government in all local matters, pursuant to the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter.

ARTICLE I BASIC PROVISIONS

SECTION 1. MUNICIPAL BODY

The inhabitants of the Town within the corporate limits as now established or as hereafter established in the manner provided by law shall continue to be a municipal body politic and corporate in perpetuity under the name of the "Town of Gloucester."

SECTION 2. FORM OF GOVERNMENT

The form of Town government provided by this Charter shall be the Town Council form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the Town, except those vested in and exercised by the Financial Town Meeting, shall be vested in an elected Town Council which shall enact local legislation and be responsible for the execution of the laws and the administration of the Town Government.

SECTION 3. POWERS OF THE TOWN

The Town shall have all powers of local self-government and home rule and all powers possible for a Town to have under the Constitution of this State, together with all the implied powers necessary to carry into execution all the powers granted. The Town shall have such additional powers as now or hereafter may be granted to the Town by the Constitution and laws of the State. All powers of the Town shall be exercised in the manner prescribed by this Charter and by State Law or if not so prescribed, then in such manner as shall be provided by Ordinance or Resolution of the Council.

The Town shall have and may exercise all local and municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever unless otherwise prohibited by the Constitution and General Laws of the State or by this Charter. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town shall have and may exercise all powers which, under the Constitution of the State, it would be competent for this Charter specifically to enumerate.

SECTION 4. STATE LAW

The laws of the State not inconsistent with this Charter, except those superseded by or declared inoperative by Ordinance or Resolution of the Council, shall have the force and effect of Ordinances of the Town.

SECTION 5. ORDINANCE

In the event of conflict between any Town Ordinance or Resolution and any law of the State, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution and except in regard to questions of health, education and police power, the provisions of the Town Ordinance or Resolution shall prevail and control.

SECTION 6. PROPERTY

Without limitation of the foregoing, the Town may acquire property within or without its corporate limits for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, mortgage, hold, manage and control such property as its interest may require.

SECTION 7. LEGISLATIVE POWERS

The Town shall have the power to adopt and amend local laws and Ordinances relating to its property, affairs and government. The legislative powers of the Town shall be vested in the Council, except such powers as are vested in the Financial Town Meeting.

SECTION 8. CONTRACTS WITH OTHER BODIES

The Town may enter into contracts or cooperative agreements with the Federal Government, with the State, or with any political subdivision thereof for the performance of any services and the use of any facilities.

ARTICLE II ELECTIONS

SECTION 1. DISTRICT

For Electoral purposes the Town shall consist of one district.

All Council members and other Town Officers (Town Moderator, Town Clerk, Director of Human Services and Town Sergeant) shall be elected at large. However, the Moderator and Clerk of each Voting District shall be elected by the qualified electors of that District. All elected officials shall be qualified electors and residents of the Town. *(July 1997)*

SECTION 2. CONDUCT OF ELECTIONS

Elections for all Town offices which are filled by the vote of the electors of the Town shall be held biennially on the first Tuesday after the first Monday in November in each even numbered year, provided, however, that special elections shall be scheduled as provided by law. All such Town elections shall be conducted pursuant to applicable provisions of the election laws of the State. *(July 1997)*

SECTION 3. CANVASSERS, COMPOSITION

There shall be a canvassing authority appointed by the Council, which shall provide party representation as authorized by the Constitution and laws of the State. The canvassing authority shall be known as the Board of Canvassers, and shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or Board of Canvassers of the Town. All members of said authority or Board now in office shall continue as members thereof until their successors have been appointed and qualified. All members shall be qualified electors and residents of the Town during their term of office. *(July 1997)*

ARTICLE III TOWN MEETING

SECTION 1. TIME AND PURPOSE

The electors of the Town qualified to vote upon a proposition to impose a tax or for the expenditure of money shall assemble each year in Financial Town Meeting on the first Saturday after the first Friday in May at 1:00 p.m. for the purpose of ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business appertaining to the financial affairs of the Town which legally may come before such meeting.

SECTION 2. POWERS OF ELECTORS

The electors in Financial Town Meeting shall have and exercise the powers vested in the Town to raise by a tax upon real and personal estate such sums of money as may be required to pay Town debts and to defray the necessary charges and expenses of the Town and they also may assess, levy or impose any other taxes for the support of the Town which may legally be assessed, levied or imposed and further shall establish such penalties as they deem proper for the non-payment of taxes and assessments.

SECTION 3. MODERATOR

The electors of the Town of Gloucester, shall elect a Town Moderator to serve for two (2) years and until a successor is elected and qualified. The Moderator shall be an elector of the Town, qualified to vote in Financial Town Meeting.

Whenever a vacancy shall occur in the office of Moderator, by death, removal, ceasing to be a qualified elector in the Town, submitting to the Office of the Town Clerk a resignation in writing, or by neglect or refusal to qualify, or for any other cause, the Council may fill the same by appointment until the next regular election of such office, provided that if on the date and hour set for any Annual or Special Financial Town Meeting, the office of Moderator be vacant or the Moderator be absent, the Financial Town Meeting may elect, by a majority vote of the electors present and entitled to vote on the question, a Moderator for the duration of the absence. *(July 1997)*

(1) Duties: The Moderator shall preside at all Regular and Special Financial Town Meetings and shall have authority to manage and regulate the business of each meeting and to maintain peace and order.

(2) The Town Moderator shall not hold any other Town office or any paid public employment in any position of the Town, except as otherwise provided by the Charter, with the exception of the School Department. Nor shall the Town Moderator be employed by the town in any position, other than as an elected office holder or in the School Department, for a period of one (1) year after the completion of his/her term. *(July 1997)*

SECTION 4. NOTICE

The Town Clerk shall cause the electors of the Town to be notified of every Financial Town Meeting. The Council shall provide by Ordinance for the manner of calling such meeting and all other matters relating thereto which are not otherwise prescribed by the Charter or by vote of the Financial Town Meeting.

SECTION 5. SUBJECTS REQUIRING SPECIAL NOTICE

No vote shall be taken in a Financial Town Meeting to levy a tax or to dispose of real property of the Town unless special mention has been made and notice given in the warrant issued for calling such meeting.

SECTION 6. SPECIAL MEETINGS

Whenever the Council by Resolution, or ten (10) percent of the electors of the Town qualified to vote on a proposition to impose a tax or for the expenditure of money, shall make a request in writing for the calling of a Special Financial Town Meeting and direct the same to the Town Clerk, the Clerk shall cause the electors to be duly notified of the time and place of such meeting and of the business proposed to be transacted therein.

Restriction of special meetings: No Special Financial Town Meeting shall be called without the consent of the Council if any subject proposed to be considered has been acted upon by a Town meeting within the preceding six (6) months.

SECTION 7. QUORUM

At least twenty-five (25) electors shall be necessary to constitute a quorum at any Financial Town Meeting. All questions shall be decided by a majority of the votes of the electors present entitled to vote on the question.

SECTION 8. MEETING PROCEDURES

The Moderator, on a Motion being made and seconded relative to any business properly before the meeting and having heard all qualified electors desirous of being heard, shall cause the votes of the qualified electors present to be taken. The Town Moderator shall conduct the meeting in accordance with the provisions of Roberts Rules of Order.

(1) Vote by ballot: Whenever any question shall be pending involving an expenditure of money, the incurring of liability by the Town or the disposition of Town property, the vote shall be taken by ballot if requested by at least one-fifth (1/5) of the qualified electors present.

(2) Record of proceedings: A copy of the record of proceedings of any Financial Town Meeting, duly certified by the Town Clerk, shall be evidence of any act of the electors of the Town in Financial Town Meeting assembled.

(3) Restriction of financial proposals: No proposition for the expenditure of money, other than the budget recommended by the Council, which can be amended on the floor of the Annual or Special Financial Town Meeting, shall be acted upon at the Financial Town Meeting unless it shall have been filed in writing with the Town Clerk and signed by at least two (2) percent of the number of electors who voted at the previous regular Town election not less than fifteen (15) calendar days previous to the date of such meeting. Notice of such proposition shall be included by the Town Clerk in the call for such meeting.

SECTION 9. TOWN MEETING MAY AUTHORIZE BOND ISSUES

The electors of the Town qualified to vote upon a proposition to impose a tax or for the expenditure of money may, at an Annual or Special Financial Town Meeting, authorize the borrowing of money and the issuance of bonds pursuant to the statutes now or hereafter in effect.

SECTION 10. TOWN MEETING MAY AUTHORIZE BORROWING IN ANTICIPATION OF TAXES

The electors of the Town qualified to vote upon a proposition to impose a tax or for the expenditure of money may, at an Annual or Special Financial Town Meeting, authorize the borrowing, pursuant to the statutes now or hereafter in effect, of money in each financial year in anticipation of the receipt of the proceeds of the annual tax due or to become due in said financial year upon the ratable property in Town. Tax anticipation notes shall be repaid within the taxable year for which they are borrowed.

ARTICLE IV TOWN COUNCIL

SECTION 1. NUMBER, SELECTION, TERMS

The Council shall consist of five (5) members elected from the Town at large, each to serve for a term of two (2) years, such term to begin on the first day of January next following their election. They shall serve until their successors are elected and qualified.

SECTION 2. QUALIFICATIONS

Members of the Council shall not hold any other Town office or any paid public employment in any position of the Town, except as otherwise provided by the Charter, with the exception of the School Department. Nor shall any Council person be employed by the town in any position, other than as an elected office holder or in the School Department, for a period of one (1) year after the completion of his/her term. If a member of the Council shall cease to possess any of these qualifications or shall be convicted of a felony or a crime involving moral turpitude, the office shall immediately become vacant. *(July 1997)*

SECTION 3. VACANCIES

A vacancy shall exist in the Council if a member dies, submits to the Office of Town Clerk a resignation in writing, ceases to meet the qualifications for membership, is convicted of a felony or a crime of moral turpitude or is absent from four (4) consecutive months of Council meetings, unless such absences are excused by a majority vote of the whole Council membership, with reasons therefor stated at the time and appearing in the journal of the meetings from which the Council member was excused. *(July 1997)*

Any vacancy in the membership of the Council shall be filled by the qualified candidate for Council with the next highest vote total from the last General or Special Election. If the next highest qualified candidate is unavailable, the next available qualified candidate shall be chosen until the list is exhausted. In the event of a tie the Council shall select. If no qualified candidate is available from the list, the Council shall appoint a qualified elector to fill the vacancy. The new member shall be sworn into office no later than the next Regular Council Meeting following the Council meeting at which the vacancy is declared.

SECTION 4. PRESIDING OFFICERS

At its organization meeting the Council shall elect one of its members as Council president and another as vice-president. The president shall preside at meetings of the Council. Such office shall not deprive the Council president of a vote on any question.

SECTION 5. COMPENSATION

The president of the Council and the members shall receive such annual compensation as approved by the electors at the Annual Financial Town Meetings, provided that no change in compensation shall take effect until after the next biennial election and installation of Council members.

SECTION 6. QUORUM

Three (3) members of the Council shall constitute a quorum, unless otherwise provided by law, for the transaction of business, but a smaller number may adjourn from time to time. At least forty-eight (48) hours' notice of the holding of an adjourned meeting shall be given all members who were not present at the meeting from which the adjournment was taken.

SECTION 7. JUDGE OF QUALIFICATIONS

The Council shall be the judge of the qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require

the production of evidence. A member charged with conduct constituting grounds for forfeiture of the office shall be entitled to a public hearing on demand, and notice of such hearing shall be published by the Council at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

SECTION 8. MEETINGS

The first meeting of the newly elected Council for induction into office and organization shall be held on the first day of January following its election or the first business day thereafter. The Council shall meet regularly at such time and at such place as may be prescribed by its rules but not less frequently than once each month. A special meeting of the Council shall be called by the Town Clerk at the request of the Council president or a majority of the members of the Council. Notice of a special meeting shall be delivered to each member at the member's place of residence by the Town Clerk or by the Clerk's designee at least forty-eight (48) hours previous to the time of such meeting. The Council may meet upon shorter notice by an affirmative vote of a majority of the members of the Council which shall be entered in the record of proceedings. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that which has been stated in the notice. All meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard, except that this provision shall not be deemed to prevent the holding of executive sessions, provided that all votes are taken in public. Nothing contained herein shall prevent the Council from holding an emergency meeting, upon an affirmative vote of the majority of its members when said meeting is deemed necessary where the public welfare so requires. Nothing contained herein shall be used to circumvent the spirit and requirements of this Charter.

SECTION 9. POWERS AND DUTIES

The Council shall be the policy-determining body and administrative body of the Town. All powers of the Town, excepting such as may belong to the Financial Town meeting or to other agencies as provided in the Charter and by law, shall be vested in the Council. Without limitation of the foregoing grant or of other powers given to it by this Charter, the Council shall have the power:

- (1) To determine its own rules and order of business and keep a journal of its proceedings which shall be open to public inspection in the office of the Town Clerk;
- (2) To judge the eligibility of its own members subject to review by the courts on questions of fact and law;
- (3) To enact, amend or repeal Rules, Ordinances and Resolutions for the government of the Town which have to do with the preservation of the public peace, health, safety, welfare and comfort of the inhabitants and the protection of persons and property, and other municipal functions. The Council may provide reasonable penalties in accordance with the law for the violation of any Ordinances;
- (4) To create, change and abolish Departments, Offices and Agencies other than those established by this Charter and distribute the work among them, and assign additional functions or duties to Departments, Offices and Agencies established by or under this Charter, but may not discontinue or assign to any other Department, Office or Agency, any function or duty assigned by this Charter to a particular Department, Office or Agency;
- (5) To inquire into the conduct of any Office or Officer, Department or Agency of the Town under its control.
- (6) To fill all vacancies in all Elective or Council Appointive Offices, Boards and Commissions for the remainder of the respective terms thereof, except as specifically provided otherwise in this Charter;

- (7) To establish the compensation that may be paid appointive officers and employees, including Board and Commission members of the Town, and stipulate the amount in each instance, except where specifically provided otherwise in this Charter;
- (8) To provide by Ordinance for a personnel classification system and personnel classification board in conformity with provisions of this Charter and applicable general and special laws;
- (9) To act as a Board of Personnel Review in receiving, considering and disposing of appeals from dismissals, suspensions, demotions, transfers and layoffs of appointive offices and employees of the Town;
- (10) To provide rules and regulations with respect to vacations of Town officials and employees, except those of the School Department and employment contracts;
- (11) To have Special Financial Town Meetings called, but this provision shall not be deemed to preclude the right of electors qualified to vote at a Financial Town Meeting to have Town meetings called by request in accordance with state law;
- (12) To propose a budget to be acted upon at the Annual Financial Town Meeting;
- (13) To take any action necessary to give effect to the vote of the Financial Town Meeting approving a municipal budget for the ensuing fiscal year. Such to include, but not be limited to the administration of the expenditure of the budget through its employees or by contract with private parties.
- (14) To take any action necessary to give effect to any vote of the Financial Town Meeting authorizing the issuance of bonds for any purpose and to complete all the details of the bond transaction, and to give effect to any vote of the Financial Town Meeting in accordance with the general and special laws of the state;
- (15) To transfer the unexpended balance from the funds of any appropriation to another, should the need arise and a surplus be available and specifically identified.
- (16) To review any special assessment upon request of a property owner and order correction or confirmation of same;
- (17) To enact and amend, as prescribed by statute, the Zoning Ordinance;
- (18) To grant, suspend or revoke licenses in accordance with law;
- (19) To provide for the audit at any time of the accounts of the Town or any of its departments and to provide for an annual audit as hereinafter prescribed;
- (20) To enact and amend Ordinances relating to the Town's property, affairs and government not inconsistent with the State Constitution and laws;
- (21) To issue subpoenas to compel witnesses to testify and produce records as prescribed by law;
- (22) To appoint sub-committees of the Council which may investigate and report on any matters referred to them and make a recommendation thereon, but no sub-committee shall have any executive or legislative powers and all matters shall be determined by the Council.
- (23) To require a bond in such amount and with such surety as the Council may specify from all persons entrusted with the collection, custody or disbursements of any of the Town monies and may require such bond from such other officials and employees as it may deem advisable and all as required by law. The premium on such bonds shall be paid by the Town unless provided otherwise.

(24) To adopt a Zoning Ordinance consistent with the Comprehensive Plan adopted pursuant to the Rhode Island Comprehensive Planning and Land Use Act of the General Laws of the State of Rhode Island.

SECTION 10. PROCEDURES

(1) Ordinances - The Council may act by Rule, Ordinance or Resolution, but in addition to the cases in which an Ordinance is required by any specific provision of this Charter or any applicable law, any action creating or abolishing any department, office or agency of the Town government or any action taken under the provisions shall be by Ordinance only.

(2) Passage of Ordinance

Introduction - Every proposed Ordinance shall be filed with the Town Clerk by a member of the Council not later than four (4) business days previous to the day of the meeting at which it is to be introduced. The Town Clerk shall forthwith provide each member of the Council with a copy thereof and shall post one copy of such Ordinance in some place accessible to the public in the Town Hall.

Every Ordinance, other than an emergency Ordinance, shall be read the first time by title and explained by its proponent at the meeting at which it is introduced and then referred to a subsequent regular or special meeting for action. A Public Hearing shall be mandatory on all ordinances, enactments and amendments, and no action shall be taken on the Ordinance until the conclusion of the hearing.

The affirmative vote of three (3) Council members present shall be necessary for the passage of any Ordinance or amendment of any Ordinance. The vote upon any Ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of any two (2) members.

(3) Publication of Ordinance - After passage there shall be published within ten (10) days in a newspaper with general circulation in the Town, a notice describing the Ordinance in brief and general terms and within the same period the entire Ordinance shall be made available for public inspection in the office of the Town Clerk.

(4) Effective Date of Ordinance - Every Ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after such publication following passage.

(5) Emergency Ordinances - In an emergency affecting the public peace, health, safety, comfort and welfare of the inhabitants of the Town and for protection of persons and property, the Council, by an affirmative vote of three (3) members, may adopt on the day of its introduction, without previous filing with the Town Clerk, an Ordinance containing a declaration of emergency which shall take effect upon its passage. The nature of the emergency shall be specifically stated in the Ordinance and such declaration shall be conclusive as to the existence of such emergency. Such emergency Ordinances(s) shall be temporary and for the period of the emergency only and may authorize Departments, Offices and Agencies of the Town Government to act outside and beyond the usual requirement of Ordinances, Resolutions, Rules and Regulations.

(6) Ordinance Enacting Clause - The enacting clause of all Ordinances shall be: "The Council of the Town of Glocester, County of Providence, State of Rhode Island hereby ordains:"

(7) Authentication and Publication of Ordinances and Resolutions - Upon its final passage each Ordinance or Resolution shall be authenticated by the signature of the Town Clerk and shall be recorded in a book kept for that purpose. Within ten (10) days after final passage, each Ordinance shall be published at least once in such a manner as the Council may prescribe by Ordinance.

(8) Inspection of Proposed Ordinances and Resolutions by the Public - After the introduction of any Ordinance or Resolution in the Council, the Town Clerk shall keep available a copy of such

proposed Ordinance or Resolution, together with all amendments thereto, which copy shall be a public record.

(9) Codification - The Council, within one (1) year of the effective date of this Charter, and at least every ten (10) years thereafter, shall cause to be prepared and published a codification of the Ordinances of the Town.

SECTION 11. PROBATE COURT

1. APPOINTMENT

There shall be a Probate Court for the Town, powers and duties of which shall be exercised and performed by a Judge of Probate, who shall be appointed by the Council by Resolution to serve for a term of office concurrent with that of the Council or until a successor is appointed and qualified. The Judge of Probate shall be a member in good standing of the Rhode Island Bar with five (5) years experience as a practicing attorney.

2. VACANCIES

In the event the Judge of Probate is a party to or interested in any proceeding before the Probate Court, or is absent or unable to perform the Judge's duties, or there is a vacancy in such office, the duties shall temporarily be performed by the Town Solicitor, and the fact of such interest, absence or vacancy shall be recorded in the records of said Court.

3. COMPENSATION

The Probate Judge shall receive such compensation as shall be set by the Council.

ARTICLE V TOWN SOLICITOR

SECTION 1. APPOINTMENT

There shall be a Town Solicitor who shall be appointed by the Council to serve at its pleasure.

SECTION 2. QUALIFICATIONS

The Town Solicitor shall be a member in good standing of the Rhode Island Bar with five (5) years experience as a practicing attorney. The Town Solicitor shall not hold any other office in the Town Government, except that of Acting Judge of Probate when so necessary.

SECTION 3. COMPENSATION

The Town Solicitor shall receive such compensation as shall be set by the Council.

SECTION 4. DUTIES

(1) The Town Solicitor shall appear for and protect the rights of the Town in all actions, suits or proceedings, civil or criminal, in law or equity, brought by or against it or for or against any of its Departments, Officers, or Agencies, and shall perform such other duties appropriate to the office as the Council may require.

(2) The Town Solicitor shall act as Probate Judge as herein provided.

SECTION 5. OPINION A PUBLIC RECORD

Written legal opinions furnished to the Council and all Departments, Offices and Agencies of the Town shall be filed with the Town Clerk and become a public record unless making them public would defeat their lawful purpose.

SECTION 6. SPECIAL POWERS

This section shall not be deemed to abridge such special powers as are now and hereafter conferred upon Town Solicitors by State law.

ARTICLE VI SCHOOL DEPARTMENT

SECTION 1. NUMBER, SELECTION, TERMS

There shall be a School Committee which shall consist of six (6) members, elected from the Town at large, to serve four (4) year terms, or until their successors are elected and qualified. The terms of the School Committee shall be arranged in such manner that three (3) members will be elected every two years.

SECTION 2. QUALIFICATIONS

Members of the School Committee, as defined in this Charter, shall, at the time of their election and during their term of office, be residents for at least (6) months next preceding the election and qualified electors of the Town of Gloucester. No member of the School Committee shall be eligible to accept any other paid appointed School Department office during their term on the School Committee or for a period of one (1) year thereafter. *(July 1997)*

SECTION 3. VACANCIES

A vacancy shall exist in the School Committee if a member dies, submits in the Office of the Town Clerk a resignation in writing, ceases to meet the qualifications for membership, is convicted of a felony or a crime of moral turpitude, or is absent from four (4) consecutive months of School Committee meetings, unless such absences are excused by a majority vote of the whole School Committee, with reasons therefor stated at the time and appearing in the journal of the meetings from which the School Committee member was excused. *(July 1997)*

Any vacancy in the membership of the School Committee shall be filled by the qualified candidate for School Committee with the next highest vote total from the last General or Special Election. If the next highest qualified candidate is unavailable then the next available qualified candidate shall be chosen until the list is exhausted. In the event of a tie the School Committee shall select. If no qualified candidate is available from the list, the Town Council shall appoint a qualified elector to fill the vacancy. The new candidate shall be sworn into office no later than the next Regular School Committee meeting following the School Committee meeting at which the vacancy is declared.

SECTION 4. COMPENSATION

The School Committee shall annually provide to the Town Council its recommendations for compensation for its members, and the Council shall forward these recommendations to the Financial Town Meeting for the approval of the townspeople.

SECTION 5. POWERS AND DUTIES

1. The School Committee shall elect a chairperson and vice-chairperson, from its membership and shall adopt its own rules and order of business.

2. The School Committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and shall have all the powers and be subject to all the duties as prescribed by the laws of the State.

3. The School Committee shall appoint a Superintendent of Schools as its chief administrative agent and appoint a clerk to the School Committee.

4. The School Committee shall have the power to inquire into the conduct of any office, department or activity of the public schools and make investigations as to school affairs.

5. The appointment and removal of all school employees and fixing of salaries shall be made by the School Committee and upon recommendation of the Superintendent of Schools, except as may be provided otherwise by the laws of the State. Except for the purpose of inquiry, the School Committee, as far as is consistent with the laws of the State, 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 subordinate of the Superintendent or other administrative officers to whom the work is delegated.

6. The School Committee shall submit budget estimates to the Town council in the same manner provided by law as other Departments, but the budget estimates and appropriations shall be considered by the Council and in the Town's budget process in total only. The allocation of the amounts appropriated shall be determined by the School Committee.

7. The School Committee shall prepare a complete report of its finances and activities at the close of the fiscal year. Such report shall be included as a separate action in the annual report to the Council.

8. The meetings of the School Committee, except when in Executive Session, shall be open and accessible to the public. Final action shall be taken only in open meeting.

9. The School Committee shall have the power to issue subpoenas to compel witnesses to testify and produce records as prescribed by law.

10. The School Committee shall exercise such other powers and perform such other duties as prescribed by law and as are not inconsistent with this Charter.

SECTION 6. BUILDING COMMITTEE

Whenever a new school building or an addition to an existing building shall be planned, a Building Committee shall be formed consisting of seven (7) qualified electors appointed by the Town Council to be responsible for the planning and supervision of all such construction. The Building Committee shall be formed for no other purpose and shall assume its duties immediately after the appropriation or acquisition of funds for the preliminary planning of a school building or an addition, and shall continue in office during its construction and until its formal acceptance by the Town, or until discharged by vote of the Council.

SECTION 7. REGIONALIZATION

In the event and so long as the entire public school system of the Town of Glocester shall be regionalized with that of another City or Town, pursuant to the General Laws of the State of Rhode Island, now or hereafter in effect, the provisions of Sections 1-7, both inclusive, and all other provisions of this Charter relating to public schools shall be inoperative; provided, that in the event the regionalization agreement does not provide for the manner of the selection of the members of the School Committee from the Town of Glocester, members of the Glocester Regional Committee will be elected as in Article VI, Section I of the Home Rule Charter.

SECTION 8. MAINTENANCE OF SCHOOL BUILDINGS AND GROUNDS

The Public Works Department, when requested by the School Committee and with the approval of the Council, may be made responsible for the care and maintenance of school buildings and grounds, provided that the cost of such care and maintenance shall be charged against the appropriation for the schools.

ARTICLE VII DEPARTMENT OF FINANCE

SECTION 1. ORGANIZATION

There shall be a Department of Finance, the head of which shall be the Director of Finance. The appointing authority for the position of Town Treasurer shall be the Town Council. The term "Town Treasurer" and Director of Finance where referenced in this Charter shall be considered synonymous except as provided in Sections 6 and 7 in this Article. Further organization of this Department shall be as stated in this Charter and by Ordinances enacted by the Council to the end that the essential processes in the finances of the Town, namely, control and accounts, purchasing, assessment of property, collection of taxes and other revenues and payments may be properly administered.

SECTION 2. DIRECTOR OF FINANCE

The Director of Finance shall be a full-time position. The Director of Finance, subject to the provisions of this Charter and of Ordinances enacted by the Council, shall have and exercise all the powers and duties now and hereafter vested by law in Town Treasurer. The Director of Finance shall have charge of the administration of the financial affairs of the Town and shall have and exercise all the powers and duties vested in this Article of the Charter.

(1) Qualifications: The Director of Finance shall be the Chief Financial Officer of the Town and shall have such training and experience in accounting, budgeting or management, either in public or private business, to meet the required qualifications of the position.

(2) Compensation: The Director of Finance shall receive such annual compensation as may be set by a vote of the Council, and fixed by Financial Town Meeting.

(3) Powers and Duties:

a. Cooperate with the Council and the Budget Committee in compiling the expenditure and revenue estimates for the budget.

b. Receive all fees, rents, funds, money receivable by the Town from the State or Federal Government, the Courts and any Department, Office or Agency of the Town, except as otherwise provided in this Charter or by law.

c. Have custody of all public funds belonging to or under the control of the Town or any Department, Office or Agency of the Town and deposit all funds coming into the Director of Finance in such depositories as may be designated by the Council, or, if no such designation shall be made, in such depositories as may be chosen provided, however, that deposits in such depository are insured by an Agency of the United States. All interest received on deposits shall be the property of the Town and shall be accounted for and credited to the proper accounts.

d. Have custody of all investments and invested funds of the Town or in the possession of the Town in a fiduciary capacity, and have the safekeeping of all bonds and notes of the Town and the receipt and delivery of Town bonds and notes for transfer, registration or exchange.

- e. Exercise control over all expenditures by pre-auditing all bills, invoices, payrolls, or other evidences of claims or charges against the Town, and seeing that budget appropriations are not exceeded by disbursements in any Department, Office or Agency of the Town.
- f. Pay out funds by check, such payments being made only after compliance with the provisions of this section and authorization by the Council.
- g. Prescribe and maintain an accounting system for the Town and adopt and require standard accounting procedures for all Departments, Offices and Agencies of the Town, which accounts shall include the amounts of all appropriations, and the amounts paid from each, and show in reasonable detail the person to whom and the purpose for which the payments were made, the unpaid obligations against each and the unencumbered balance.
- h. Prescribe uniform forms of receipts, vouchers, bills and claims to be used by all Departments, Offices and Agencies of the Town.
- i. Prepare a monthly statement of all receipts and disbursements in such detail as the Council may require.
- j. Prepare at the close of each fiscal year a complete financial statement and report in accordance with State Law for submission to the Council and the taxpayers of the Town.
- k. Perform the work of buying for the Town pursuant to Rules and Regulations established by Ordinance according to which the Director or an officer appointed or designated by the Director shall purchase or contract for all supplies, materials and equipment required by any Department, Office or Agency of the Town; establish and enforce specifications with respect to supplies, materials and equipment; be responsible for the inspection of deliveries of supplies, materials and equipment belonging to the Town; store, if necessary, and distribute all supplies, materials and equipment required by any Department, Office and Agency; transfer to or between Departments, Offices and Agencies surplus, obsolete and unused supplies, materials and equipment, and subject to the approval of the Council, dispose of any such, by sale if possible.
- l. Whenever any Department, Office or Agency of the Town shall purchase or contract for any supplies, materials, equipment or contractual services, independently and contrary to the provisions of this Charter or the Rules and Regulations made thereunder, such order or contract shall be voidable by the Town.
- m. The Town shall be allowed to enter into lease/purchase agreements as contractual obligations, to appropriate annually a sum sufficient to pay both principal and interest, subject to Council approval, and maintain a perpetual inventory of Town property.
- n. Maintain a current inventory of Town assets.

SECTION 3. WORK PROGRAMS: ALLOTMENTS

From the beginning of the fiscal year and after the Annual Financial Town Meeting, the head of each Office, Department, and Agency shall submit to the Council a work program for the year not inconsistent with appropriations made by the Financial Town Meeting which shall show the requested allotments of appropriations by quarterly periods for the entire fiscal year. The Council shall review the requested allotments and may revise, alter, or change such allotments, other than the allotments of the School Department, in a manner not inconsistent with appropriations made by the Financial Town Meeting before approving the same. The aggregate of such allotments shall not exceed the total appropriations available to said Office, Department or Agency for the fiscal year. Allotments and revised allotments of appropriations submitted by the School Committee shall be automatically approved by the Council or treated as approved,

if the aggregate thereof does not exceed the total appropriation available to the School Department for the fiscal year.

SECTION 4. BUDGET CONTROL

If at any time during the fiscal year the Director of Finance shall ascertain that the remaining unexpended balance of appropriations for the fiscal year will be insufficient to cover the proposed work programs, the Director shall make that fact known to the Council for it to reconsider the work programs and allotments of the several Offices, Departments and Agencies and revise the allotments, other than the allotments of the School Department, so as to forestall the making of expenditures in excess of appropriations. If at any time during the fiscal year, the Director of Finance shall ascertain that the remaining unexpended balance of appropriations of the School Department for the fiscal year will be insufficient to cover proposed work programs for the School Department, the Director shall advise the School Department to reconsider its work programs and allotments and to revise its allotments so as to forestall the making by it of expenditures in excess of appropriations.

(1) On a quarterly basis, the Budget Board shall meet with the Director of Finance to review the actual expenditures, receipts and projections for the balance of the fiscal year. A report of its findings and recommendations shall be submitted to the Council not later than thirty (30) days following the close of the fiscal quarter.

SECTION 5. COMPETITIVE BIDDING

Before the Town makes any purchase of or contracts for supplies, materials or equipment, ample opportunity shall be given for competitive bidding under such Rules and Regulations as the Council shall prescribe by Ordinance.

SECTION 6. DEPUTY TOWN TREASURER

There shall be a Deputy Town Treasurer appointed by the Council from within the staff of the Department of Finance upon recommendation of the Director of Finance. The Deputy Treasurer shall have all the powers and perform all the duties which are granted to the office of Town Treasurer by Resolution, Ordinance or Law in the Treasurer's absence, with the exception of administrative responsibilities. In no event shall the Deputy Treasurer have the power to sign the bonds, notes or other evidence of indebtedness of the Town except at the direction of the Council.

SECTION 7. VACANCY

If a vacancy shall occur in the Office of Director of Finance, the Deputy Town Treasurer shall assume the duties of a Town Treasurer as prescribed by Resolution, Ordinance and Law. The Council shall appoint an interim Director of Finance from within the Finance Department. The interim Director of Finance shall assume the powers and duties of that office until such time as the Council shall appoint a successor.

SECTION 8. TAX ASSESSOR

There shall be within the Department of Finance a full-time Tax Assessor who shall be appointed by the Council. The Tax Assessor shall be responsible for the fixing of an assessed evaluation for purposes of taxation on all taxable real estate and personal property and for the preparation of an assessment roll and a tax roll for the Town in the manner provided by Law and Ordinance.

1. Qualifications: The Tax Assessor shall have knowledge of and experience in the appraisal of real and personal property, and shall hold a certificate as a residential appraiser, or the equivalent, or acquire such certificate within one (1) year of appointment. The Tax Assessor shall hold no other paid public Town office or employment in the service of the Town of Gloucester.

2. Compensation: The Tax Assessor shall receive such compensation as may be fixed from time to time by the Council.

3. Powers and Duties: The powers and duties of the Tax Assessor shall include but not be limited to:

1. Apply to or apportion upon the assessed valuation of real estate and personal property the amount of tax ordered to be levied or imposed thereon;

2. Make and prepare all regular and special assessment rolls and a tax roll for the Town in the manner provided by law;

3. Establish a uniform and equitable system for assessing all classes and kinds of property;

4. Prepare tax maps and land value maps;

5. Give such notices of assessments and taxes and to perform such other duties as may be required by Law and Ordinance;

6. Subject to the approval of the Director of Finance, employ from time to time within the limits of available appropriations such clerical assistants as may be necessary.

7. Cooperate with the Board of Canvassers and Registration in the preparation of the lists of electors as may be necessary;

SECTION 9. BOARD OF ASSESSMENT REVIEW

(1) Memberships: There shall be a Board of Assessment Review consisting of three (3) members, qualified electors of the Town appointed by the Council for a term of six (6) years.

(2) Vacancies shall be filled by the Council for the unexpired term.

(3) Duties: 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.

(4) Correction in Assessment: If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the Board shall have the authority to order a correction. Such determination shall be certified by the Board to the 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 Assessor, who shall then transmit the findings of the Board to the Council, which may cancel in whole or in part the tax based on such valuation in order to effect a correction.

(5) Procedure: The Council shall provide by Ordinance for the organization and procedure of the Board of Assessment Review and for the manner of receiving, considering, and disposing of appeals.

(6) Right of Appeal: The taking of an appeal to the Board of Assessment Review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the Assessor.

SECTION 10. TAX COLLECTOR

There may be within the Department of Finance the Office of Tax Collector, who shall be appointed by the Council. The Council may also appoint a Deputy Tax Collector, who in the absence of the Tax

Collector, shall have all the powers and perform all the duties which are granted to the Office of Tax Collector.

1. POWERS AND DUTIES

The powers and duties of the Tax Collector shall include but not be limited to:

- a. Collect and receive all taxes and special assessments for the collection of which the Town is responsible, and shall have all the rights, powers and duties prescribed by the laws of the State and by Ordinance.
- b. Conduct tax sales in accordance with the Resolutions of the Financial Town Meeting.

ARTICLE VIII FINANCIAL PROCEDURES

SECTION 1. FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and end on the last day of the following June. The fiscal year shall also constitute the budget and account year.

SECTION 2. BUDGET BOARD

There shall be a Budget board of seven (7) members, six (6) of whom shall be appointed by the Council and shall at the time of their appointment and during the term of service be qualified electors of the Town. The Director of Finance shall be a voting member of the Budget Board. The members appointed by the Council shall serve for three (3) years for staggered terms. Of the initial members, two (2) will serve a term of one (1) year; two (2) will serve a term of two (2) years; and two (2) will serve a term of three (3) years. Vacancies shall be filled by the Council to serve out the remaining term of the member whose departure created the vacancy. Members shall be eligible for reappointment. The Board may choose a chairperson and vice-chairperson from its membership and prescribe its own procedures.

1. DUTIES

The Budget Board shall:

- a. Receive and examine all requests for capital and operating expenditures submitted by the Departments, Commissions, Offices and Agencies of Town government, including the School Department.
- b. Hold such hearings as may be necessary to provide the opportunity for all Department Heads, Town Officials and Agencies submitting estimates to appear before the Board to explain and justify their requests. The Board shall provide opportunity for any citizen who desires to do so to address the Board on any pertinent matter consistent with the procedural rules established by the Board.
- c. Submit to the Council no later than the third Thursday in March its recommendations regarding all requests for appropriations which have been submitted for its review together with revenue estimates and the projected tax levy required to support the budget recommendation. For budgeting purposes, anticipated revenues shall include: State, Federal and Department revenues in detail, surplus revenues and the amount to be raised by taxes.

SECTION 3. BUDGET SCHEDULE AND PROCEDURES

1. All estimates for capital and operating expenditures by Departments, Commissions, Offices and Agencies of Town government for the ensuing fiscal year shall be submitted to the Budget Board no later than January 2nd in each year.
2. The Council shall review the recommendations of the Budget Board and make such changes in the various expenditure requests as it sees fit, provided, however, that the Council shall not have the authority to change any item in the School Department expenditure request except the overall total amount. The budget proposal as presented by the Budget Board will include separate listings and totals of the capital and operating appropriations requested respectively; comparisons with budget and projected expenditures for the current fiscal year, budgeted and projected revenues for the same; a projected tax rate for the Town taking into consideration changes in the tax base, a detailed listing of funds anticipated from the State and Federal government and other sources; a report of findings and recommendations as the Budget Board may provide.
3. The Council shall hold a Public Hearing on its preliminary recommended budget prior to its adoption, which hearing must be at least twenty-one (21) days prior to the Annual Financial Town Meeting. Sufficient copies of the budget shall be made available by the Town Clerk for the use of all Offices, Departments and Agencies and for the use of interested persons.
4. The Council shall adopt a recommended budget for presentation to the Financial Town Meeting, not later than fifteen (15) days preceding its date. No revenue from any source other than the tax levy shall be included in the budget as recommended by the Council unless the facts clearly warrant the expectation that such amount will be realized as cash during the fiscal year.
5. A copy of the budget as finally adopted by Financial Town Meeting, shall be certified by the Town Clerk and filed in the Office of the Director of Finance. Sufficient copies thereof shall be made available by the Town Clerk for the use of all Offices, Departments and Agencies and for the use of interested persons.

SECTION 4. ANNUAL AUDIT

Within three (3) months after the beginning of each fiscal year, in accordance with State Law, the Council by Resolution shall arrange for an independent audit of the books, accounts, and other evidences of financial transactions of the Town and of the School Department 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 the State and having no personal interest in the financial transactions of the Town. Such examinations shall conform with generally accepted auditing standards and shall include all procedures necessary for the auditors to express an informed opinion of the financial practices and accounts. A copy of the audit report shall be filed with the Town Clerk and shall be public record.

SECTION 5. BORROWING IN ANTICIPATION OF TAXES

Borrowing in anticipation of taxes shall require the approval of the Financial Town Meeting in accordance with existing State law; and as outlined in ARTICLE III, Section 10.

SECTION 6. FAILURE TO APPROVE A BUDGET

- a. In the event that no budget shall have been approved at a Financial Town meeting by the start of the fiscal year, the Departments, Commissions, Offices and Agencies of the Town shall have the authority to continue making expenditures at the rates authorized in the budget of the previous fiscal year until such time as a new budget shall have been adopted. The spending shall be at one twelfth (1/12) of the previous year's total budget per month.

SECTION 7. CAPITAL PROGRAM

1. Each Department, including the School Department, shall prepare and submit to the Budget Board a three (3) year capital plan as part of the expenditure request by January 2nd prior to the ensuing budget year.
2. Each capital program shall include:
 - a. A clear general summary of its contents.
 - b. A list of all capital improvements which are proposed to be undertaken during the three (3) years next ensuing together with supporting information as to the necessity for the expenditure.
 - c. Cost estimates and suggested methods of financing.
 - d. The calendar quarter of the fiscal year the expenditure is expected.
 - e. The estimated annual cost for operating and maintaining the facilities to be constructed or acquired.

The capital program may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

3. Public Hearing on Capital Program

The Council shall give notice by one or more methods of general circulation in the Town giving a general summary of the Capital Program and stating the time and place where copies of the Capital Programs are available for inspection by the public, and the time and place, not less than two weeks after such notice, for a Public Hearing on the Capital Program. The Council shall adopt the Capital Program with or without amendment after Public Hearing and not later than fifteen (15) days preceding the Annual Financial Town Meeting. Copies of the Capital Program as adopted shall be public record and shall be made available to the public in suitable places in Town.

SECTION 8. CAPITAL RESERVE FUND

There shall be an annual addition to the amount appropriated by the Financial Town Meeting equivalent to 2% of the amount appropriated as an operating budget approved at the meeting, as a capital reserve fund. Such appropriation, and the addition of the same to the amount to be raised by taxation, shall be made by operation of this section of the Charter, without the necessity of any vote or any other action by the Town. Such amount and any accumulations shall be held and invested by the Town Treasurer as a separate fund, and from time to time any amount from such fund may be expended upon authorization by an Annual or Special Financial Town Meeting for the purchase of improvements set forth in the Capital Program.

SECTION 9. EMERGENCY APPROPRIATION

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency Ordinance in accordance with the provisions of Article IV, Section 10, Item 5 of this Charter. To the extent that there are not available unappropriated revenues to meet such appropriations, the Council may, by such emergency Ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals thereof shall be paid not later than the last day of the fiscal year thereof next succeeding that in which the emergency appropriation was made.

SECTION 10. LAPSE OF APPROPRIATION

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of a fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned in two (2) fiscal years following the date the appropriation passed without any disbursement from or encumbrance of the appropriation.

SECTION 11. FEES SHALL BE PAID TO THE TOWN

All fees received by any office or employee of the Town shall belong to the Town and shall be paid to the Town Treasurer at such intervals as the Council may require, except otherwise provided in this Charter.

ARTICLE IX TOWN CLERK

SECTION 1. SELECTION, TERM

There shall be a Town Clerk who shall be elected at each General Election for a term of two (2) years and shall serve until a successor is elected and qualified.

The Town Clerk shall not hold any other Town office or any paid public employment in any position of the Town, except as otherwise provided by the Charter. Nor shall the Town Clerk be employed by the town in any position, other than as an elected office holder or in the School Department, for a period of one (1) year after the completion of his/her term. (*July 1997*)

SECTION 2. DEPUTY TOWN CLERK

There shall also be a Deputy Town Clerk appointed by the Town Clerk with the approval of the Council. When the Town Clerk is not available, the Deputy shall perform all the duties which are granted to the Office of the Town Clerk and perform such other duties as may be required.

SECTION 3. POWERS AND DUTIES

The Town Clerk shall be the Clerk of the Financial Town Meeting, Clerk of the Council, Clerk of the Probate Court, Clerk of the Board of Canvassers, and the Recorder of Deeds. It shall be the duty of the Town Clerk to:

1. Make a permanent record of all proceedings and certify by signature all actions of the aforesaid bodies;
2. Be custodian of the Town Seal and of the official documents and records of the Town;
3. Direct, supervise, and be responsible for the recording of deeds, mortgages, vital statistics, licenses and permits and such other records as shall by Ordinance and Law be required to be kept by the Town Clerk;
4. Issue marriage licenses, burial permits, and such other licenses and permits as are required by Ordinance and Law to be issued by the Town Clerk;
5. Perform such other duties as may be prescribed by this Charter or by Law pertaining to Town Clerks, and such other duties appropriate to the Office as the Council may require.

SECTION 4. COMPENSATION

The Town Clerk and Deputy Town Clerk shall receive such annual salaries as shall be fixed by the Financial Town Meeting. All fees collected by either the Town Clerk or Deputy Town Clerk shall be transmitted to the Town Treasurer and deposited in the general funds of the Town unless otherwise directed by the laws of the State.

ARTICLE X PUBLIC WORKS

SECTION 1. APPOINTMENT

There shall be a Department of Public Works which shall be headed by the Director of Public Works who shall be appointed by the Council to serve at its pleasure. The Director shall be responsible for the supervision and administration of the work of the Department and shall have all the powers, rights, and duties prescribed by the Laws of the State for Highway Supervisors and such other duties as the Council may require.

SECTION 2. COMPENSATION

The Director of the Department of Public Works shall receive such compensation as shall be fixed by the Council, which compensation shall be paid from the appropriation for the Department of Public Works.

SECTION 3. POWERS AND DUTIES

There shall be a Department of Public Works that shall be responsible for the functions and services of the Town relating to highways, bridges, public parking lots, solid waste disposal and public buildings and facilities, except school buildings unless otherwise herein provided. The Department shall also be responsible for such other duties of a like nature as may be assigned to it from time to time by the Council.

ARTICLE XI PUBLIC SAFETY

SECTION 1. POLICE DEPARTMENT

a. Organization: There shall be a Police Department, the head of which shall be a Chief of Police. In addition to Chief of Police there shall be such other Subordinate Officers and Patrol Officers as shall from time to time be determined by the Council. Said Chief, Subordinate Officers and Patrol Officers, subject to such probationary requirements as may hereinafter be set forth, shall constitute the permanent Police Department of the Town.

b. Qualifications: The Chief of Police shall be appointed by the Council and shall have at least five (5) years experience above the rank of Patrol Officer in any organized Police Department and have expertise in the organization, administration, management and direction of police personnel and shall possess such other qualifications as the Council may prescribe by Ordinance.

All police officers below the rank of Chief shall be appointed or promoted as the case may be by the Council upon recommendation by the Chief of Police, provided that they shall have satisfactorily passed such qualifying tests as the State may require concerning standards and training for police officers and such other qualifying tests as the Chief of Police and/or the Council may require by Ordinance. All members of the force shall, at the time of their permanent appointment, have served for a period of not less than one (1)

year in a probationary status after completion of the required training during which period they may be removed at any time by the Council upon recommendation of the Chief of Police, with or without cause.

c. Powers and Duties: 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 and the enforcement of the statutes of the State and the Ordinances of the Town. The Police Department shall also be responsible for assisting other Town Departments and Officials in the performance of their duties where required.

d. In addition to the members of the permanent police force of said Town, the Town Council, upon the recommendation of the Chief of Police, may from time to time appoint reserve police officers for occasional service and for limited terms, none of which shall exceed one (1) year. Said reserve police officers shall receive such compensation as shall from time to time be fixed by the Town Council within the limits of the appropriations currently available for such purposes. Prior to their appointment as reserve police officers, they shall have passed such qualifying tests as the Town Council shall require by ordinance: furthermore, they shall attend and successfully complete the State certified school given for reserve police officers; and furthermore they shall undergo the State psychiatric examination required for all police officers. Only those reserve police officers that have been certified as qualified shall carry firearms. Reserve police officers may be re-certified or re-appointed by the Town Council, again for the maximum of one (1) year. They may be removed by the Town Council at any time with or without cause.

There shall be no Constable appointments by the Town Council.

SECTION 2. ANIMAL CONTROL OFFICER AND APPRAISER OF DOG DAMAGE

There shall be one or more Animal Control Officers appointed by the Council, to serve at the pleasure of the Council, who shall be responsible for the supervision and enforcement of Laws and Ordinances pertaining to dogs and other animals, and who shall have such other powers and duties as are prescribed by Law or Ordinance. The Animal Control Officer(s) shall receive such compensation as the Council may fix, within the limits of the amount appropriated by the Financial Town Meeting. The Council shall appoint one or more appraisers of dog damage, one of whom may be an Animal Control Officer, who shall serve at the pleasure of the Council and who shall have such powers and duties as are prescribed by Law or Ordinance.

SECTION 3. FIRE DEPARTMENT

Authorization: In the event any of the legislatively created fire districts are no longer able to provide adequate fire and rescue protection, the Council may by Ordinance, and subject to approval at a Financial Town Meeting, create a Fire Department.

SECTION 4. CIVIL DEFENSE

There shall be a Director of Civil Preparedness appointed by the Council who shall:

- (1) Prepare a Comprehensive Plan for the utilization of Town facilities, equipment and personnel during any emergency.
- (2) Assist the Council in any declared emergency.
- (3) Be the liaison with the State Office of Civil Preparedness.
- (4) Perform any other duties or functions as the Council may direct by Ordinance or during any emergency as the Council President may direct.
- (5) Be a qualified elector of the Town.

ARTICLE XII PLANNING AND ZONING

SECTION 1. PLANNING BOARD

There shall be a Planning Board which shall act in an advisory capacity to the Council in all matters concerning the physical growth and development of the Town and affecting the health, safety and general welfare of the people. The Planning Board shall administer the Subdivision Ordinance of the Town as required by that Ordinance and perform such other duties as may be prescribed by law.

Membership, Terms of Office and Vacancies

The Planning Board shall consist of seven (7) members appointed by the Council from among the qualified electors of the Town, each for a term of five (5) years. The said terms shall be so arranged that the term of no more than two (2) nor fewer than one (1) member shall expire each year. No member shall be an elected official or employee of the Town. Any vacancy which may occur in the membership of the Board shall be filled by the Council for the remainder of the unexpired term. The Board shall elect a chairperson and such other officers as it may determine from among its membership.

SECTION 2. ZONING BOARD OF REVIEW

There shall be a Zoning Board of Review which shall have such powers and duties as are prescribed by the Laws of the State and Ordinance of the Town for such Boards. The Zoning Board of Review shall also serve as the Platting Board of Review and shall have such powers and duties as are prescribed by the Laws of the State and Ordinances of the Town for such Boards.

Membership, Terms of Office and Vacancies

The Zoning Board of Review shall consist of five (5) members appointed by the Council from among the qualified electors of the Town, each for a term of five (5) years. One member shall be appointed each year. No member shall be an elected official of the Town nor shall any member be an employee of the Town. Any vacancy which may occur in the membership of the Board shall be filled by the Council for the remainder of the unexpired term. The Council shall each year at its January meeting name two auxiliary members of said Board who shall sit as active members whenever required. The Board shall elect a chairperson and such other officers as it may determine from among its membership.

ARTICLE XIII OTHER OFFICES AND COMMISSIONS

SECTION 1. DIRECTOR OF HUMAN SERVICES

There shall be a Director of Human Services who shall be elected at each General Election for a term of two (2) years and serve until a successor is elected and qualified. Should a vacancy occur in the Office, the Council shall fill the same until the next General Election following the vacancy.

The Director of Human Services shall administer all welfare statutes of the State or Federal government, the administration of which is delegated to the Town, and shall have all powers and duties relating to the poor, needy, dependent and defective persons as shall by law be appropriate to the office. The Director of Human Services shall receive such compensation as shall be fixed by the Financial Town Meeting.

SECTION 2. SEALER OF WEIGHTS AND MEASURES

There shall be a Sealer of Weights and Measures appointed by the Council to serve at the pleasure of the Council. The Sealer of Weights and Measures shall have such powers and duties as are prescribed by law.

SECTION 3. BUILDING AND ZONING INSPECTOR

There shall be a Building and Zoning Inspector appointed by the Council to serve at the pleasure of the Council who shall be responsible for the supervision and enforcement of Ordinances relating to buildings, zoning, trailers, campgrounds, minimum housing and other matters which come under the Inspector's jurisdiction pursuant to statute or ordinance. The Building and Zoning Inspector shall receive such compensation as shall be fixed by the Financial Town Meeting.

SECTION 4. TOWN SERGEANT

There shall be a Town Sergeant who shall be elected at each general election for a term of two years and shall serve until a successor is elected and qualified. Should a vacancy occur in the Office of Sergeant, the Council shall fill the same until the next General Election following the vacancy. The Sergeant shall have such powers and duties as are prescribed by law and shall receive such fees as are prescribed by law and such additional compensation as may be fixed by the Council.

SECTION 5. CONSERVATION COMMISSION

There shall be a Conservation Commission established in accordance with State Law.

SECTION 6. HOUSING AUTHORITY

The Council shall appoint members of the Housing Authority herein established as provided by State Law.

SECTION 7. TREE WARDEN

There shall be a Tree Warden appointed by the Council serving at its pleasure who shall have the qualifications prescribed by State Law. The Warden shall perform the functions and duties of the office as prescribed by State Law. The Tree Warden shall have such powers and duties as prescribed by Law and shall receive such fees as are prescribed by Law.

SECTION 8. RECREATION COMMISSION

There shall be a Recreation Commission appointed by the Council to serve at its pleasure. The powers and duties shall include:

- (1) Creation of a Comprehensive Recreation Program for the Town of Gloucester which it will submit in accordance with State laws governing Town-wide Comprehensive Planning.
- (2) Responsibility, along with the Director of Public Works, under direction of the Council, for the maintenance and operation of public beaches, parks, playgrounds and the operation of all recreational buildings and activities therein.
- (3) Any additional duties as shall be required by the Council, this Charter or by Law.

SECTION 9. LAND TRUST

The Council will appoint five (5) of the seven (7) trustees of the Land Trust as provided by State Law.

SECTION 10. ADDITIONAL OFFICES AND COMMISSIONS

The Council shall create or abolish by Ordinance such other Offices and Commissions as may be required by Law or may be deemed necessary.

SECTION 11. QUALIFICATIONS

All persons appointed to the offices provided for in this Article (Article XIII, Sections 1-9) shall be qualified electors at the time of their appointment and during their term of service.

ARTICLE XIV GENERAL PROVISIONS

SECTION 1. DEFINITION

(1) "Council" The term of "Council" when used in this Charter shall refer to the Town Council of the Town of Gloucester.

(2) "Elector" The term "Elector" as used in this Charter, shall refer to any person having the qualifications required by law to vote in elections in the Town of Gloucester.

(3) "General Election" The term "General Election" shall mean an election held on the first Tuesday after the first Monday in November in even numbered years, at which time, in addition to the offices provided in this Charter, there are elected candidates to fill the offices of Senators and Representatives in the General Assembly, members of Congress, or such other offices as may be provided by law. (*July 1997*)

(4) "No Other Public Town Office" Whenever in this Charter it shall be provided that the named elected or appointed office shall hold no other public Town office or employment in the service of the Town of Gloucester. There shall be excepted therefrom the Office of notary public, Justice of the Peace, member of the National Guard, member of a reserve component of the Armed Services of the United States; volunteer firefighter, volunteer police officer, Civil Defense worker, member of a Committee or Group formed by any religious, charitable or educational organization to work alone, or with other members, to carry out projects in conjunction with other municipalities of the State, the State of Rhode Island, or with an agency of the United States.

(5) "Publish" The words "Publish" or "Published" as used in this Charter shall mean to cause to be printed, as a paid advertisement, in one or more newspapers having a general circulation in the Town of Gloucester, the notice of matter to be brought to the attention of the inhabitants of the Town.

(6) "Special Election" The term "Special Election" shall mean any election held by virtue of an act of the General Assembly, or by action of the Town Council of Gloucester, in accordance with law.

(7) "Ex-officio" The term "Ex-officio" shall mean by virtue of official position.

SECTION 2. TERM OF OFFICE

The term of office of all Offices, members of Boards, Commissions or Committees appointed with the approval of the Council, or appointed or elected by the Council, shall be concurrent with the term of the Council, unless otherwise provided in the Charter or by State Law. Every elected or appointed officer of the Town who is elected or appointed for a specific term shall continue to hold such office until a successor is elected or appointed and qualified. Any appointed Officer of a Board or Commission may be removed from the office by the Town Council for due cause following a public hearing.

SECTION 3. OPEN MEETINGS

All meetings of the Council, the School Committee, and every other Board, Committee and Commission created by this Charter or which may be hereafter created by the Council, except when in Executive or closed session sanctioned by Law, shall at all times be open and accessible to the public. No final action shall be taken on any matter, by the Council, the School Committee or by any Board, Committee or Commission meeting in Executive Session, but shall be voted in open meeting.

SECTION 4. PUBLIC RECORDS

All records and accounts of the Council and of every Board, Commission, Office and Agency of the Town shall be open to public inspection at all reasonable times during business hours, except:

- (1) the records of the Police Department and Town Solicitor, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish;
- (2) records of the Department of Public Welfare pertaining to the history of individual cases;
- (3) records in the Office of the Town Clerk pertaining to adoptions and the parentage of adopted children;
- (4) records of the School Committee pertaining to grades and matters of discipline of individual pupils;
- (5) all other records required by law to be treated as confidential. Any person inspecting public records as above provided shall be permitted to make written copies or abstracts of any of such records. It shall be the duty of any officer or employee of the Town having custody or control of any records or accounts open to public inspection as above provided, to furnish, as expeditiously as possible, to any person requesting the same, a certified copy of any such record or account, or any portion thereof, upon the payment of a reasonable charge for the preparation of the copy.

SECTION 5. MINORITY MEMBERSHIP

The members of any Board, Commission, or Agency appointed by the Council shall not be composed entirely of members of the same political party.

SECTION 6. COMPENSATION OF OFFICERS AND EMPLOYEES

The Annual Financial Town Meeting shall have the power to fix the compensation of elected officials of the Town. The Council may provide that certain appointees shall serve without compensation but shall be reimbursed for necessary expenses actually made by them. Any officer or employee who performs the duties of an officer other than his/her own, shall not be entitled to any additional compensation unless the Council shall so provide by Resolution or Ordinance.

SECTION 7. DISCLOSURE OF FINANCIAL INTEREST

Any officer or employee of the Town who has a financial interest, direct or indirect, or by reason of the ownership of stock in any corporation, in any contract with the Town or in the sale of land, material, supplies, or services to the Town, or to a contractor supplying the Town, shall make known that interest, and shall refrain from voting upon or otherwise participating in the capacity as a Town officer or employee in the making of such sale or in the making of such contract. Any officer or employee of the Town who willfully conceals such a financial interest, or willfully violates the provisions of this section shall forfeit his or her office or position. Violation of this section with the knowledge of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Council.

SECTION 8. PROHIBITIONS

(1) No person shall be appointed to or removed from or in any way favored or discriminated against, with respect to any Town position or appointive Town office, because of race, color, age, handicap, gender, political or religious affiliations or opinions.

(2) No officer or employee of the Town shall collect any fees or perquisites for personal use, but such fees or perquisites, collectible under law, shall be paid into the treasury of the Town.

(3) No officer or employee of the Town shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of public work.

(4) No officer or employee of the Town shall use, or permit to be used, Town property for private purposes; and no officer or employee of the Town shall use public facilities for the purpose of conducting private business.

SECTION 9. NON-INTERFERENCE BY COUNCIL

The Council or its members shall deal with Town officers and employees solely through the procedures and rules adopted as a result of the Personnel Policy ordered to be established in this Charter. No Council member shall give orders to any such officer or employee, either publicly or privately, as a matter of individual action.

SECTION 10. SEPARABILITY

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

SECTION 11. AMENDING OF THE CHARTER

This Charter may be amended or a new Charter adopted by the electors of the Town in the manner provided by the Constitution of the State. The Council shall every fifth (5th) year after the adoption of the charter, or more often if it is deemed necessary, appoint a Study Committee of nine (9) members to review this Charter. Said Committee shall within six (6) months of its appointment submit to the Council a report with its recommendations for amendment(s), addition(s), or deletion(s).

SECTION 12. TOWN EMPLOYEES

Whereas it is important and necessary to preserve the integrity of the government of the Town of Gloucester by ensuring that Town employees be at all times beyond suspicion of any violation of the public trust:

(1) Any employee of the Town of Gloucester who is indicted for any crime involving public funds, public property or moral turpitude may be immediately suspended without pay and benefits until such time as the employee is found not guilty or the charges are dismissed.

(2) Any employee of the Town of Gloucester who is charged by way of criminal information or by a warrant and summons for any crime involving public funds, public property or moral turpitude may be immediately suspended until such time as the employee shall be found not guilty or the charges are dismissed.

SECTION 13. PERSONNEL SYSTEM AND POLICIES

The Council shall within one (1) year of the adoption of this Charter develop and create by Ordinance a Personnel System and Policies for the Town of Gloucester.

SECTION 14. VACANCIES

Unless otherwise provided for in this Charter, an office shall become vacant upon the incumbent's death, resignation and acceptance thereof, removal from office in any manner authorized by law or forfeiture of office. An incumbent office holder shall forfeit the office of the office holder:

- (1) Lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law.
- (2) Violates any express provision of this Charter.
- (3) Is convicted of a felony or a crime of moral turpitude and exhausts all appeals from said conviction.

SECTION 15. INITIATIVE AND REFERENDUM

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

Any proposed Ordinance may be submitted to the Council by a petition signed by qualified electors of the Town equal in number to at least ten (10) percent of the number of persons registered to vote at the time of the last Regular General Election. Whenever the Council receives a certified initiative petition from the Town Clerk, it shall proceed at once to consider the proposed Ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than sixty (60) days following receipt of the petition from the Town Clerk. If the Council shall fail to pass an Ordinance thus proposed by initiative petition, or shall pass it in substantially altered form, the said Ordinance as originally proposed by the petitioners shall be submitted to the electors for their approval or rejection, at the next special or general election after thirty (30) days from the date the Council takes its final vote thereon. *(July 1997)*

ARTICLE XV SUCCESSION IN GOVERNMENT

SECTION 1. CONTINUATION OF LAWS AND ORDINANCES

All Town Ordinances, Resolutions, Orders, and Regulations which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter, or of Ordinances, Resolutions, Orders and Regulations adopted pursuant thereto. To the extent that the Constitution and laws of the State permit, all general laws or special acts relating to or affecting the Town or its agencies, officers, or employees which are in effect when this Charter becomes effective, are superseded to the extent they are inconsistent with or interfere with the effective operation of this Charter, or of Ordinances, Resolutions, Orders, and Regulations adopted pursuant thereto. The Council shall proceed to enact or adopt as promptly as possible any Ordinances, Rules, Resolutions and Orders which are necessary to implement the provisions of this Charter.

SECTION 2. CONTINUATION OF THE TAX OBLIGATION

All taxes which have been levied or assessed but not collected at the time this Charter becomes effective shall be collected, with any penalties thereon, by the Town government hereby established in accordance with law.

SECTION 3. CONTINUATION OF GOVERNMENT

All Committees, Commissions, Boards, Departments and Offices of the Town shall continue to perform the duties until reappointed or reelected or until successors to the respective positions are appointed or elected in the manner provided by this Charter.

SECTION 4. CONTINUATION OF ADMINISTRATIVE PERSONNEL

All persons holding an office or position in the administrative table of organization of the Town or any person serving as a member of any Board, Commission, or Committee at the time this Charter takes effect shall retain such office or position and continue in the performance of duties for the term originally designated at the time of the appointment or election, or until provision shall have been made, in accordance with this Charter, for the performance of such duties by a person or body thereunto authorized or the discontinuance of such office, unless as otherwise established in this Charter.

SECTION 5. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any Office, Department or Agency or any part thereof, the powers and duties of which are assigned in whole or in part thereof to another Office, Department or Agency by this Charter, shall be transferred and delivered forthwith to the Office, Department or Agency to which such powers and duties are so assigned.

SECTION 6. CONTINUATION OF CONTRACTS AND OBLIGATIONS

All leases, contracts, franchises and obligations entered into by the Town or for its benefit prior to this Charter taking effect, shall continue in full force and effect.

SECTION 7. PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, 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 contained in said Charter.

SECTION 8. TRANSFER OF ACCOUNTS AND APPROPRIATIONS

The Council shall have the authority to restructure the accounts and redistribute the appropriations for the fiscal year in which the Charter shall take effect for the operation of the Town government under the provisions of this Charter.

SECTION 9. ORDINANCE TO IMPLEMENT CHARTER

The Town Council shall proceed to enact, adopt, or amend as promptly as possible all Ordinances, Resolutions, and Rules which may be necessary to implement the provisions of this Charter.

SECTION 10. EFFECTIVE DATE

This Charter shall become effective on January 1, 1991; amended July 1, 1997.